“We are the people who do not count”

Thinking the disruption of the biopolitics of abandonment

By

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Statement

I hereby state that the thesis contains no materials accepted for any other degrees in any other institutions. This thesis contains no materials previously written and/or published by another person, except where appropriate acknowledgment is made in the form of bibliographical reference.

Abstract

Starting from the observation that today the urban emerges as the main site for the production and abandonment of surplus life – a life whose capacities cannot be rendered useful and is therefore not to be fostered – in this thesis I offer a re-politicized reading of abandonment by drawing on my field-research with the largest South African shack-dwellers' movement, Abahlali baseMjondolo. Grounding this re-politicized reading in the problem of excess freedom that emerges on the horizon of governmental rationality between the political inclusion of the surplus population and their obstructive uselessness, I begin the inquiry by asking how the current order of neoliberal urbanism contains the surplus population when the establishment of the educative trusteeship of development is no longer pertinent.

Focusing on where the neoliberal urban order is contested, I approach practices of abandonment – the splintering of infrastructure and forced relocation – as coinciding with governmental technologies that render the poor unequal as political and/or economic subjects. Locating, to start, the epistemological conditions of abandonment in Michel Foucault's rendering of liberalism as the framework of biopolitics, followed by a discussion of the spatial and juridical technologies of government that materialize the power to disallow life alongside discourses that distance the surplus population from the fostered (bio)political community, the first part of the thesis concentrates on the processes of rendering unequal. Turning, then, to the disruption of this order, I present Abahlali's politics as a three-fold politics of proximity. I argue that in constructing their politics as 1) a space of speaking and listening, 2) a form of knowledge that maintains the shack-dweller as the subject and the knower of politics, and 3) a legal struggle to claim their place in the city, Abahlali disrupts the biopower that lets die.

Based on the resonance of Abahlali's political practice with Jacques Rancière's conception of politics, I offer an account of the disruption of the biopower to let die in terms of the appropriation of excess freedom as the equal capacity of everyone to expose the contingency of the order of rule to which s/he is subjected. Building on the centrality of the shack-dwellers' assertion of equality as thinking and speaking beings, as well as rights-bearing citizens, I juxtapose this account of political subjectification against the notion of everyday resistance as it is deployed in the poststructuralist literature on poor people's politics. Whereas this approach relegates struggles of marginal populations to a sub-political realm where the equality of all, as inscribed in the rights of the political community, do not apply and where, due to their precarious and abject position, the poor cannot aspire to openly challenge their unequal allotment, as the second part of the thesis shows, poor people's politics materializes in the transgression of the spatial and discursive boundaries within which their "everyday" struggles are supposed to remain; the crux of Abahlali's struggle for a place in the city is to say, do and think what surplus people are not supposed to. When, where, and in what terms they find the freedom to do so might give hints for thinking the political subject that challenges biopolitics.

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Introduction

1 The problem

Police shootings in French *banlieues*, poor black people of New Orleans left unsaved in the wake of Hurricane Katrina, hundreds of thousands of Zimbabwean shack-dwellers rendered homeless by their government's months-long shack-demolition campaign, homeless people whose survival mechanisms are legally impeded by regulations of several American metropolises, forced eviction of shantytown and backyard dwellers to peripheral Relocation Camps in Cape Town, Johannesburg and Durban… A non-exhaustive list of events and processes suggesting that in our present day the urban emerges as the main site for the production and abandonment of surplus life: a life whose capacities cannot be rendered useful and is therefore not to be fostered. In large part, this effect can be traced back to the shifting role of cities under globalized neoliberalism, a transformation that began in the last decades of the twentieth century. In aiming to ground highly mobile global capital, and departing from modernist conceptions of homogeneous spatial development carried out under the auspices of the state, cities are now forced to compete with each other and, in the process of reinventing themselves as competitive entrepreneurial localities, reconfigure urban development. Among the most obvious consequences of such reconfigurations are the increasing fragmentation of urban landscapes into developed and undeveloped areas, and the parallel isolation of their respective populations. While profitable territories are subject to continuous spatial and institutional reconstruction, with their inhabitants encouraged to join increasingly customized infrastructural networks, it is in those areas that do not carry the promise of profit that spaces of abandonment take shape. With basic services rolled back, or never rolled out in these areas, access to urban infrastructure often emerges as a question of life and death.

At the same time, since the optimal flow of economic circulation is now to be secured through its sealing off from potentially obstructive people and places, due to the consequent intensification of spatial demarcation and policing, such access is more and more restricted. Consequently, in ultimately displacing the late-modern ideal of basic protection that states sought to provide to their populations, neoliberal urban development significantly reconfigures patterns of inclusion and exclusion within the (bio-)political order. Arguably then, in materializing the abandonment of large groups of the governed, it represents a major rupture in the rationality of modern political rule that used to tie the legitimacy and strength of a state to efficiently nurturing the life of its people. In the post-colony, where abandoning or nurturing the life of the population had been tied to the objectives of the liberal empire throughout most of modernity, despite political emancipation, neoliberal urban development seems to bring more of the same. Of course, ethe life-fostering rationality of liberalism was linked to a particular construction of the political subject: the political inclusion of individuals as subjects of freedom was essential for the technologies aimed at improving their lives as members of the population. Hence, political inclusion and the regulation of collective well-being were fundamentally intertwined within the framework of liberal rule. Effectively fissuring the population by tying the provision of life-supporting infrastructure to individual capacities to partake in the seamless cycle of production and consumption, neoliberal urban governance signals a disjuncture of this connection. With the tutelage of social governance largely dismantled, the ideal of “governing through freedom” meets its limit figure in the surplus population of the urban poor. The reconfigured rationality of urban development and the spatial assemblage it molds lay bare that the freedom of the surplus population had never matched up with the ideal political subject of liberalism. Yet, considering the present crisis of democratic politics and the extent at which surplus life is currently produced and abandoned, interrogating into the mismatch that exposes the freedom of the superfluous as excess is

imperative. In an attempt to address the concerns that emerge here, the present thesis seeks to respond to the following questions: *How does neoliberal urban governance contain the excess freedom of the life not-to-be improved? How can we conceive of the political subjectivity of the abandoned? And, what are the conceptual consequences of thinking the political subjectification of the surplus people?*

2 Excess freedom and the subject of politics

In his analysis of the relationship between liberalism, development, and surplus life, Mark Duffield (2007, drawing on Cowen and Shenton [1996]), shows that, since its invention in the times of the industrial revolution, the rationale of the "development doctrine" has been to attend to the unintended consequences of liberal economic government, that is, to deal with the surplus population that consecutive cycles of capitalism has routinely thrown off. Through development, in tandem with the paradoxically patronizing liberal concept of the not-yet-autonomous subject (Mehta 1999), the actual redundancy and the potential dangerousness of the unemployed or the colonized – "the underdeveloped" – can be contained. Referring to the problem posed by the abolition of slavery for capitalist imperialism, Duffield argues that development had equally been the liberal answer not only to economically surplus populations, but to the "excess freedom" of emancipated slaves, that is, *politically surplus* lives as well. Here, excess freedom appears from the perspective of abolitionists: "when such an ambivalent freedom had been won, what do you do with such 'free' men and women" (Duffield 2007, 14)? How can the abundance of resources that were rendered accessible with the abolition of slavery be exploited against the will of a people now entitled to govern themselves? As mentioned, the answer was found in development, more specifically, an "educative trusteeship" that was meant to continuously prove that these people are, in fact, not yet ready to govern themselves. Whereas the nineteenth century model of the industrialized

world's tutelage over the "Third World" had become discredited in the latter part of the twentieth, as Cowen and Shenton (1996) show, development is still seen as the ultimate instrument of eliminating poverty by way of rendering the surplus population productive either through the state or through promoting poor communities' self-reliance.

However, in relation to the neoliberal reconfiguration of urban development, several problems emerge. To begin with, the objective of neoliberal urban development is, of course, not poverty reduction. Although, as will be discussed later, dismantling the equalizing ideal of universal infrastructure provision (which characterized both the post-war welfare regimes of the West and the centralized national development programs of post-colonial states in the South) was accompanied by the reformulation of the category of "the poor" on the level of governmental rationality, the correlate techniques of "responsibilization" and empowerment are largely overridden by the processes of economic marginalization and spatial dislocation entailed by neoliberal urbanism. Thus, the practices molding the responsible and self-reliant poor, which critical analysts of contemporary development have invaluably exposed (e.g. the "new global aid regime" in Ilcan and Lacey 2011), are not, I argue, of primary relevance when interrogating the governance of surplus life in the neoliberal city; "the revanchist city" as critical geographers refer to this anti-poor regime (Smith 1996). Consequently, taking into consideration that, for many, neoliberal urban development takes shape in the withdrawal of care, and that the urban government of the poor is thus better interpreted in terms of abandonment, requires we rethink the relationship between (neo)liberalism, development and surplus life.

What happens when the underdeveloped – who are no longer only temporarily unemployed – crowd the metropolis? What is to be done when capitalism produces massive surplus populations within the heart of the developed world, within the very motors of growth? And, what is to be done when the impoverished and oppressed racial majority is

liberated and floods the city? Outnumbering the forces of the mutilated and privatized social, walls are being drawn to shield the privileged from “the class and ethnic warfare” that cities presently give site to (Shapiro 2009a). That is, to secure against the underdeveloped within, municipalities and wealthy property owners increasingly deploy spatial demarcation and violent policing. In turn, parallel to the discursive and legal criminalization of poverty, the educative trusteeship of development that would render safe the surplus population becomes secondary, if not completely unnecessary. But how does the vigilant policing of the global city figure in light of the constant vacillation of liberal political reason between the liberty of the governed subject and “the proper conduct of government” (Hindess 1997, 265)? How does it become possible to police the urban movement and settlement of people who, although deemed useless, are free citizens and therefore as mobile as the rest? In other words, how does neoliberal urban governance contain the politically surplus when the establishment of an educative trusteeship is no longer pertinent?

As I argue in this thesis, beyond the realm of governing through freedom, the surplus people’s freedom is suspended by practices that render them unequal as political or economic subjects. While this puts spaces of abandonment in parallel to the colonies ruled through the unfreedom of liberal imperialism (Hindess 2001; Mehta 1999), the fact that these spaces are enframed by a liberal democratic polity suggests that differentiating between subjects ready for the proper practice of freedom and those whose freedom should not be practiced cannot be rationalized in the same manner, that is, through making ontological distinctions between people (Valverde 1996). Thus, especially with the mentioned demise of social tutelage, the delaying effects of the developmental conception of individuals’ capacity for freedom are complemented, if not overwritten, by the distancing effects of governing the urban milieu. Much more than physically dislocating the superfluous, in securing the global city as the ideal environment for the smooth circulation of goods and people, that is, by nurturing the space of

the market, neoliberal urban governance at the same time reconfigures the notion of the "public" in ways that effectively remove the poorest from the scope of its referents; with their economic interests deemed unfit for the market, their presence antithetical to the public interest and their dissent unworthy of appearing in public spaces, neoliberal urban governance distances the surplus population from the collective subject of the governed: from the community of equals.

The consequent condition where the urban poor are forced to eke out their survival, often by illegal means and amidst inhuman and detrimental circumstances, might call for conceiving of spaces of abandonment as inhabited by lives stripped of their political existence (Agamben 1998), or, in Hannah Arendt's (1976) terms, their rights to have rights. I suggest, however, that assessed from the points where it is challenged, the power to let die reveals a persistent governmental problematization of excess freedom, of freedom that should not be practiced. In other words, urban struggles direct attention to governmental efforts that aim to reconcile the conflict between the surplus population's economic redundancy and their political capacities as equal citizens. Thus, since they point to practices and discourses which coincide with or, in fact, enable abandonment and which work toward constructing surplus people as incapable political subjects so as to suspend their superfluous freedom, this focus, I argue, potentially allows for a re-politicized reading of abandonment.

In this thesis, I offer a re-politicized reading of abandonment through drawing on my field research with the largest South African shack-dwellers' movement, Abahlali baseMjondolo, whose struggle for a place in the city exposes how questions of equality – as thinking and speaking human beings or as rights-bearing citizens – are indeed at stake in the construction of the urban order that crystallizes the power to disallow the life of the surplus population. Approaching the governmental problem of excess freedom that appears between the political inclusion of the surplus people and their obstructive uselessness from the

perspective of Abahlali's assertions of equality as speaking beings, I will argue, has two interrelated conceptual consequences. In this work, based on the resonance of Abahlali's political practice with Jacques Rancière's writings on the conception of politics, I offer an account of the disruption of the biopower to let die in terms of the appropriation of excess freedom as the equal capacity of everyone to expose the contingency of the order of rule to which s/he is subjected. This account, in turn, suggests not only that technologies of abandonment are reversible, but that their reversal may occur through a process of political subjectification. Thus, on the one hand, urban struggles and, more generally, poor people's politics cannot be thought solely in terms of the mundane and disguised reversal of power practices devised by governmental rationalities, as the "everyday forms of resistance"-literature and governmentality scholars drawing on this literature would suggest. Whereas this approach relegates struggles of marginal populations to a sub-political realm where the equality of all inscribed as the rights of the political community do not apply and where, due to their precarious and abject position, the poor cannot aspire to openly challenge their unequal allotment, as my discussion of Abahlali's mobilization will show, the disruption of the biopolitical order of abandonment occurs precisely through the shack-dwellers' claim that they share the same order of reality where those rights are inscribed, that they are indeed part of the community of equals. On the other hand, the disruptive appropriation of excess freedom through the assertion of political equality in the face of abandonment suggests that the relation between freedom and biopolitical government has to be rethought. If we accept that technologies of molding the (neo)liberal subject of freedom are not deployed in spaces of biopolitical abandonment, then we either have to deny Abahlali's political agency or have to think freedom for political action as not fully captured by biopolitics. Through an interpretation of Abahlali's struggle for a place in the "world class city", this thesis aims towards the latter.

In lieu of the emptied out developmental mandate and complementing an increasingly violent policing, to secure the unobstructed circulation of people and goods, neoliberal governance of the South African city suspends the excess mobility of superfluous people by pushing them into unbearable living conditions or insurmountable distances, or both, in this sequence. It does so in the interplay between a political order that supposedly contains the superfluous as stable voters of the ruling party and entries on waiting lists for "a better life," always yet to come. When the Abahlali (2006, 7) declare: "We know that we are not supposed to be living the way we do", they refute precisely these terms of their suspended inclusion. Demonstrating their identity with "the people" as the referents of the democratic order, they show that their freedom is not at all ambivalent; that their obedience is not unconditioned.

In presenting their resistance against the lethal impact of withdrawing basic infrastructure, such as shack fires ("We are being left to burn because we don't count") or forced evictions to peripheral and isolated relocation camps ("No to eviction to human dumping grounds!"), I will show that the shack-dwellers' mobilization exposes their abandonment as conditional to a set of practices and assumptions that deny them as political subjects. Their struggle against the temporality of development discourse, or the label of "service delivery protests," and the emphasis on the shack-dweller as a thinking and speaking form of existence, suggests that in order to govern the superfluous mobility of superfluous people, that is, to bind their lives to spaces of abandonment, an apparatus of distancing and delaying techniques is put to work: an apparatus that, at the same time, determines what is visible and sayable, and, moreover, what is to be considered political. Accordingly, and in line with what was stated above, I suggest we conceive of demarcation and policing as coexistent with a series of spatiotemporal and discursive techniques that serve not only to contain the excess freedom of the surplus population translated into, among others, free mobility or settlement in the city, but also to secure this order through effacing the traces of its

contingency. To underline: the excess freedom that appears as a problem on the horizon of neoliberal urban governance through the contradiction between the political inclusion of the surplus population and their obstructive uselessness does not produce the political subject. Neither is political subjectification guaranteed by the institution of liberal political rights, nor should the surplus population be understood as the new "proletarian revolutionary subject" (Žižek 2006, 268). It does, however, expose that neoliberalism, like liberalism preceding it, and rationalities of rule in general, has to secure against the contingency of the order that it instates by distancing the *demos* from itself (cf. Hindess 1997, Dean 2007). That is, the people have to be distanced – spatially and discursively – from their capacity to reveal that the order has no grounds. "Depoliticization is the oldest task of politics" (Rancière 2007, 19); or, "The government wants us to think we are useless and nothing so that we won't speak. They want us to feel inferior. So they use the word slum, and eliminate" (Abahlali June 21, 2007). It is precisely in the context of such efforts that a re-politicized reading of abandonment gains significance.

3 Outline of thesis

To outline the stages of such a reading, below I summarize the chapters of the dissertation. With the aim to conceptually ground the account of political subjectification deployed in this thesis, in *Chapter 1* I give an interpretation of (neo)liberal governmentality as a rationality of rule that replicates the ancient dynamics between politics and philosophy and thus the attempt to distance the *demos* from itself. In tracing how this practice of distancing comes to coincide with the abandonment of surplus people, I first give a survey of the notion of surplus life, and then locate the epistemological condition of possibility of abandonment within liberal political reason. Laying out the problem of surplus people's excess freedom as a recurrent problem of political reason, I continue by reviewing the literature on biopolitical

governance and its potential disruption from the perspective of respective conceptualizations of freedom – whether or not the different conceptual approaches can account for the questions derived from the problem of excess freedom. As I then point out, available renderings of the biopolitical subject's freedom do not allow for thinking political subjectification in the face of the current production and abandonment of surplus life, as it is either interpreted as the product and, at the same time, the means of conducting the (neo-)liberal self-governing subject's conduct (as in the governmentality literature), or as effectively non-existent due to the total rule of sovereign power over people reduced to mere biological existence (as in the literature following Giorgio Agamben's approach to biopolitics). Thus moving on to accounts of liberal rule as the government of unfreedom, I turn to an apparent contradiction within liberal political reason; that between its credo of universal equality and the authoritarian practices of rule in which it is routinely implicated beyond the realms governed through freedom. Pushing these accounts somewhat further by emphasizing the significance of the necessity to construct difference in order to govern through unfreedom (Sider 1987), I conclude that the apparent contradiction of liberal political reason manifests the presumption of equality as a condition of domination. Arriving therefore at an understanding of liberal government through unfreedom as contingent upon practices to render the object of rule unequal, I suggest that technologies of abandonment – functional to the neoliberal government of the surplus population through unfreedom – are reversible. In other words, due to the contingency of rule that practices to render the governed unequal serve to mask, we can conceive of power relations that drive the government through unfreedom as reversible in Foucault's (1982) sense, that is, as coexistent with the capacity to act otherwise.

Whereas this conception allows for thinking abandonment without positing the totality of biopower, it does not yet allow for thinking the disruption of the order of abandonment as political. Therefore, via a discussion of their shared roots in Kantian aesthetics, I move from

Foucault's freedom towards Rancière's conception of politics, and argue that it is the assertion of equality that renders the reversal of power relations political: politics occurs when those who reverse the relations of their conduct, and thus disrupt the order that defines what one should think, say and do, claim to be part the community of equals and so expose the order of inequality as unjustified. Consequently, by way of Rancière's dual concept of the police and politics, with the latter being the collective staging of an encounter between the hierarchical order of the police and the basic equality of every speaking being, I return to the notion of excess freedom, now conceptualized as the "improper property" of the people to disrupt any given sensible order. As a brief discussion of Rancière's account of political philosophy demonstrates, philosophical attempts to construct the ideal polity have always centered on containing this excess freedom.

The major change that modernity brought about in this effort was that political philosophy took the shape of social science and thus ultimately equated the people with the calculable sum of its parts, that is, the population. Hence, depoliticization succeeded. Whereas Rancière never excludes the possibility of politics, his account of the current era of postdemocracy suggests that with the traces of the miscount effaced through the all-inclusive count of the sociological parts of the population, the *dissensus* between the logic of hierarchy and that of equality cannot be enacted, in which case, the part that has no part cannot emerge and, consequently, politics is impeded. Nevertheless, posing the tangible segmentation of the neoliberal urban order to what he interprets as the homogeneous visible regime of the postdemocratic consensus (Rancière 1999), I debate whether we can assume a seamless sensible order of the all-inclusive consensual order. As ongoing urban struggles indicate, the global city's distribution of places and livelihoods still coincides with a distribution of political capacities too, and therefore, I suggest to think about this order as the *biopolitics of dispersal* – an order that reconciles the conflict between the surplus population's economic

redundancy and their rights as equal citizens with a set of distancing and delaying techniques so as to separate these people from their inscribed equality.

In aiming to elaborate how the biopolitics of dispersal operates, *Chapter 2* starts by discussing the spatial and economic rationalities that impede poor people's access to the prime realm of urban circulation in the South African context, from the reproduction of apartheid spatial planning through the marginal localization of low-cost housing development to the principles of cost recovery in service-provision and the deployment of the "slum-eradication"-discourse, which constructs the "world-class" city as the "shack-free"-city. Placing these shifts into the context of global trends of urban restructuring that produce the phenomenon of "splintering urbanism" in the Global South as well as the North, thereby configuring an urban topography where less valuable places are left unserved and eventually devolve into spaces of abandonment, I argue that the relationship between those who govern and the governed who inhabit these spaces cannot be fruitfully conceptualized within the framework of the governmentality literature. These spaces reveal strategies of rule that do not translate into productive technologies of shaping the responsible and self-reliant poor; instead, they should be understood as the crystallization of the power to let die, as particular responses to the absolute redundancy of surplus life and thus as signaling a major reversal of the biopolitical rationality that was supposed to secure the legitimacy of rule through nurturing the population. In addition, the lack of the productive technologies of power further suggests the absence of the developmental tutelage: the surplus population in this scheme is not contained through the establishment of the liberal educative trusteeship. How, then, is the excess freedom of the surplus population – an excess freedom that on the perspective of the neoliberal urban rationality appears as the free movement of poor people which, in turn, was one of the major achievements of political liberation – contained in this order?

As I suggest in the second section, if we approach this problematic from the perspective of those who struggle for a place in the city, that is, those whose mobility – the essential asset of the neoliberal imperative of circulation – is deemed detrimental, this spatial order of dispersal is revealed as a segmented order of different spatio-temporalities, which are, in turn, paralleled by different possibilities for public appearance and presumptions about political literacy. In other words, technologies of biopolitical abandonment, which materialize as the withdrawal of care, can be read as an assemblage of distancing and delaying technologies that are in mutual interaction with technologies that render the surplus people unequal as political subjects.

Continuing the analysis of technologies that render redundant parts of the population unequal, *Chapter 3* turns to the juridical practices that parallel the splintered reconfiguration of the global city's topography. Beginning with more general lines of transformation, the first section looks at how the deployment of juridico-legal technologies has changed under neoliberalism as opposed to liberal governmentalities of the previous era. Here, relying on critical geographers' work, I point out that, on the one hand, departing from the naturalist market-conception of liberalism, neoliberal governance is much more active in enhancing the productive capacities of urban areas than the previous governmental paradigm. Resulting in the proliferation of norms and regulations, it relies heavily on legal intervention, so as to nurture the ideal milieu of market circulation. On the other, effectively reinforcing the segmentary spatial order discussed in the preceding chapter, it fosters a disciplinary framework of spatial regulation through prohibiting activities related to homelessness and extreme poverty. Thus, through aiming to eliminate the vision of poverty from the prime areas of the world class city, it works toward the materialization of the homogeneous regime of consensus. This latter aspect is furthered through the depoliticization of the city-space: the so-called bubble laws of American cities, for example, serve to guarantee that people are

protected with a virtual shield of a defined size, within which they are not supposed to be approached or addressed by demonstrators or political activists. In the spirit of the circulatory imperative of neoliberalism, both aspects of this homogenizing process (i.e. the criminalization of poverty and political agitation) are framed in terms of seamless movement of the (proper neoliberal) urban dweller. Together, the juridico-legal means of creating the ideal milieu for the market and the smooth homogeneity of urban spaces thus reinforce the depoliticizing effects of the biopolitical order of dispersal.

Turning to the more specific context of the South African city, the second section sets out to trace how the restriction of free movement re-entered legislation shortly after the fall of apartheid, and what the political conditions were that allowed for this return of the forced mobility of surplus people. Drawing on Michael Neocosmos' (2011) work, I argue that these conditions were defined by the post-apartheid state's apotheosis of transitional justice and its liberal institutions, resulting in the identification of equality with the integration of all racial groups in the liberal multiculturalism of the "rainbow nation", the identification of the political subject with the victim of the apartheid whose wrongs are institutionally reconciled, and the reconfiguration of violence as anti-democratic and apolitical. Furthering the effect of these processes that tie the meaning of the political to the liberal state and depoliticize the economic inequalities that gave the developmental mandate to the first post-apartheid government, on the level of urban government spatial regulation works toward dividing the neoliberal subject of right and the emancipated poor people. The spatial containment of the surplus people's superfluous mobility is thus fortified by gradually removing them from the scope of the collective referent of legal norms – the public – that, in turn, is increasingly tailored to the needs of the market and the neoliberal subject of interest. In the latter part of the section, I illustrate this process through three phenomena: the regulation of street trade,

the eThekwini Municipality's Slums Act, and the depoliticizing deployment of the legal charge of "public violence".

Having thus outlined the biopolitical order of dispersal and the ways it aims to contain the excess freedom of superfluous people, in *Part II* I turn to presenting an account of how this order is disrupted. As this account is based primarily on my field research with Abahlali baseMjondolo, *Chapter 4* starts with an introduction to the history and the structure of the movement. Starting with the discussion of their political subjectification from the vantage point of their first, spontaneous, protest, I focus on the subjectifying role of feeling betrayed. Whereas the shack-dwellers' mobilization dates back to learning that the local municipality breached its promise to give a piece of land to the community of the Kennedy Road settlement for housing development, through the experiences of the following days (including the municipality's rejection of communicating with the shack-dwellers' and the arrest of protestors), their feeling of betrayal in this particular case was soon re-articulated and thus generalized as the experience of politicians' contempt for the life of those who live in shantytowns. Analyzing the statements of this early period, I show how the emancipatory process here consists in the shack-dwellers' recognizing themselves as equal parties to the promise of the better life – a promise that defined the mandate of the post-apartheid governments. This recognition is articulated as the assertion of equality: equality as speaking and thinking beings, who know that their allotment is not justified and are willing to declare this knowledge to an order that treats them as dumb and invisible. It is on these grounds that they contest presumptions about their political illiteracy and the terms of their inclusion into the post-apartheid political order. Hence their "decelebration" of the official Freedom Day and their "No land, no house, no vote!"-campaign, which are discussed in the second section.

Moving on to an interpretation of Abahlali's "living politics" that targets the distancing and delaying effects of the "world class" city's sensible order, I present the driving

principle of this *politics of proximity*, that is, the imperative to stay discursively, spatially and temporally close to shack-dwellers' experiences and sufferings. Offering an interpretation of the movement's intellectual practice along similar lines, I then discuss how Abahlali counter the hierarchical distribution of supposed intellectual capacities that characterizes the NGO or academic attitude toward shack-dwellers by declaring themselves the professors of their own suffering. Complementing the equation between the object and the subject of knowledge that this declaration entails, so as to keep knowledge production about their lives within their very environment and at the same time eliminate the "distance of explanation" that formal education normally reproduces (Rancière 1991), the movement names the informal settlements as the University of Abahlali baseMjondolo. As the last section shows, the same reason drives Abahlali's pedagogical practice that intends to keep a direct and active relation between academic education – to which some of the movement's members gained access – and the ongoing education in the University of Abahlali, in other words, life in the shantytown.

Completing the discussion of Abahlali's politics of proximity in its final aspect, that is, proximity in its literal, physical sense of claiming a place within or close to the city, in *Chapter 5* I explore the movement's legal resistance against the forced mobility of surplus life and the possible role of litigation in emancipatory politics in more general terms. Starting with the latter, in the first section I address the apparent conceptual problem that positing the framework of liberal rights as emancipatory entails for a Foucauldian theoretical perspective, from which rights appear as the products and the instruments of liberal governance and its aim to construct the self-governing subject. Pointing to the unidirectional and often totalizing accounts of governmentality in the second section, and drawing attention to the possibility of alternative readings of Foucault's law as strategically reversible (Golder and Fitzpatrick 2009), I next re-interpret this reversibility through Rancière's notion of literariness, that is, the

sensible materiality and availability of a community's freedom and equality inscribed in rights declarations. This interpretation, which turns on the consideration that the governed can resignify the name of the collective referent of rights, I argue, allows for thinking litigation as the appropriation of excess freedom, without falling back on an essentialist notion of freedom. In aiming to show how this occurs in Abahlali's struggle, in the latter part of the chapter I argue that instead of having merely an abstract quality that is irrelevant on the margins of the realm governed through freedom, legal texts allow the shack-dwellers to assert their equality through proving that they share the sensible order in which those texts are supposed to be valid. Indeed, as it is illustrated by the example of resisting forced evictions through referencing the rights of illegal occupiers, the emancipatory potential of the law – in providing the shack-dwellers with the determination and the courage to stand up against their evictors – emerges exactly where they assume the status of the rights-bearing citizens in the realm where these rights were not supposed to apply.

The sensible availability of equality as inscribed in legal texts, beyond enabling the shack-dwellers to mobilize an "obligation to hear" their declaration that they know they belong to the community whose equality is enshrined in the constitution (Rancière 2007, 86), their litigation against the Slums Act leads, on the one hand, to the shack-dwellers' re-articulation of the wrong that determines their allotment. On the other hand, it disrupts the distribution of spaces deployed by this order not only when the shack-dwellers succeed in preserving their place in the city, but also when they demonstratively "invade" the places of law, as in the case of the Constitutional Court hearing of the Slums Act. Despite the temporary and fragile nature of their legal victories – that Abahlali seem to remain aware of – on these occasions technologies of citizenship are practiced upwards, giving materiality to the surplus people's excess freedom to be otherwise.

4 Methods

Considering the central position of my field research with Abahlali in the present attempt to offer a re-politicized reading of abandonment, a discussion of methods is due here. Whereas ethnography is usually not regarded as a staple in the IR-scholar's toolkit (or of those working within the biopolitics/governmentality literature), in recent decades, partly by way of feminist scholarship within the discipline (see e.g. Cohn 1987, 2006; Enloe 2000, 2001; Moon 1997; Tickner 2006), there has occurred a move towards ethnographic methods; a move that Wanda Vrasti (2008) refers to as the "ethnographic turn" in IR. Thus, drawing also on the methodological strand of political ethnography developing within the overlaps of political science, sociology and anthropology (cf. Auyero 2006; Baiocchi and Connor 2008; Joseph, Mahler and Auyero 2007), it has become more common to study political activism from a close-up perspective, with the aim to understand the meanings and conceptions of politics deployed by actors within both institutionalized and less formal organizations, and so to interpret "the lived experience of the political" (Baiocchi and Connor 2008, 141). As Vrasti (2008, 300) rightly notes, instead of merely diversifying existing methods of data-collection, enriching available styles of presenting research, or "giving voice" to abject groups presumably lacking one, "the radical promise of ethnography" lies in allowing us to think and write politics differently, to move beyond IR's all too frequent discursive practice of policing what politics, democracy or community can be. Whether or not IR's experimentations with ethnography have lived up to this promise, or should even aspire to do so is not of concern here (but cf. Jackson 2008, Rancatore 2010, Vrasti 2008; 2010). Rather, in my own striving towards that promise, by positioning the field research within the formation of this project, below I would like to point to the continuities between the methodological approach in this thesis and the idea of knowledge entailed by Abahlali's intellectual practice on the one hand, and Rancière's (1991) conception of equality as a presupposition on the other.

Among the most important points that need to be addressed here is the relationship of what we would traditionally refer to as the subject and object of research. When I became interested in Abahlali baseMjondolo in the process of planning a project about possible forms of resistance to biopolitics, it was the movement that determined the course of the study based on their own knowledge about social scientific research as well as their experience of presumptions of inequality that are frequently associated with the researcher-research object relationship. In line with the above mentioned idea of the University of Abahlali (see *Chapter 4*), that is, the movement's rendering of the shantytown as a place of knowledge production, so as to maintain the practice of theorizing shack-dwellers' life in proximity to its actual terrain, in a note to potential researchers (and NGOs, activists or churches) linked to the contact form on their website, Abahlali (22 May 2007) outline the conditions they set to those wishing to work with them. Among these is a requirement for researchers to engage directly with the movement with their enquiries and spend time in the shantytown before writing about the movement. Beyond the fact that some members have themselves learned about research methods (cf. Abahlali and Rural Network 2009, 64–65; Lindela Figlan, interview, 30 June 2009), the principle of sharing and discussing research outputs with the movement and the consequent interaction between discourses also suggest the impossibility to draw distinctions between ways of knowing – and this is, I believe, precisely the goal of "living learning".

Abahlali's effort to equalize the "formal" academy and the University of Abahlali baseMjondolo translated into conceptualizing the biopolitics of abandonment and its disruption through Rancière's (1991) adaptation of Joseph Jacotot's egalitarian pedagogy and the presumption of equality upon which it is based (see *Chapter 4*). More specifically, beyond the respect for Abahlali's request to carry out research through engaging in a discussion with them where they live, the decision to approach technologies of abandonment from the

movement's perspective,[1] and thus to interpret practices that disallow life as coexistent with a distribution of visibility, speech and assumptions about intellectual capacities resulted largely from the parallels between an understanding of Abahlali's politics gained throughout the field research and my reading of Rancière's work on the aesthetic character of politics. These parallels were then reinforced not only because the empirical research and the theoretical inquiry proceeded contemporaneously, but also because some Abahlali members were themselves aware of Rancière's work. In turn, the methodological approach that was molded by all these processes and circumstances, and wishes to work against reproducing the "distance of explanation" entails that instead of tracing hidden motives and unconscious acts within the operation and discourse of the movement, the starting assumption for discussing Abahlali's politics is, simply put, that they know what they do, and they do what they say (Rancière 1991; cf. *Introduction to Part II*). Therefore, in line with the move of the collaborative approach in ethnography from "reading over the shoulders of natives" to "reading alongside" the people the ethnographer works with (Lassiter 2005, 3–14), the framework for my research was adapted to Abahlali's interpretation of their spatial and infrastructural marginalization as coinciding with the denial of their equality as thinking, speaking, political beings. Hence, the most important question pursued in the following chapters is not so much whether or not political subjectification occurs in the face of biopolitical abandonment, but what we can learn from the fact that it does.

[1] While this approach certainly has continuities with Foucault's (2003, 30) call for "an ascending analysis of power", in adopting the presumption of equality as its methodological principle, it goes further than what such an analysis would imply.

Part I The biopolitics of dispersal

Chapter 1 Surplus life and the politics of excess freedom

1.1 Surplus life

1.1.1 Producing and abandoning surplus life

"NO to evictions to human dumping grounds!" – a slogan rejecting shack-dwellers' forced relocation to peripheral sites of low-cost housing development or isolated "transit camps" – used to welcome visitors of Abahlali baseMjondolo's website for several months in 2008. Encountering this slogan at an initial stage of my research, to me it rhymed with theoretical discussions about lives that can be disallowed, killed with impunity, discarded unnoticeably. Indeed, being rendered as waste, and thus relegated to equivalent places, emerged in these discussions as a crucial feature of the form of modern political power that functions as disallowing life. Therefore, inquiring into the practices that construct people as disposable, as well as the ways these practices are perceived by those subject to them, appeared to be a promising path towards a better understanding of the operation and possible disruption of the biopolitical order of our day.

In the following attempt at such an understanding, rendering people disposable is interpreted as a function of modern political reason and its technologies, more precisely, of biopower as conceptualized by Michel Foucault. Although, as I will shortly discuss, authors before or independent of Foucault have addressed the phenomenon of superfluous, wasted and disposable lives (and are thus relevant to the questions posed here), and whereas he himself never explicitly framed the subject of biopower in these terms, it is within the framework of Foucault's rendering of liberalism that we can trace the links between modern political rationalities and the abandonment of surplus life in a manner that helps us make sense of its contemporary mode and extent. Therefore, I begin this chapter with a brief survey of the

notion and the present condition of surplus life. Drawing on Foucault's genealogy of biopolitics, I then locate the epistemological condition of possibility for abandonment within liberal political reason. In moving towards thinking the disruption of the biopolitical order of abandonment, I first lay out the problem of excess freedom as a recurrent problematic of this reason, then assess whether the conceptualization of freedom available in the existing literature on biopolitical governance and its potential reversal can account for questions deriving from the problem of excess freedom. Finding that it cannot, I turn to accounts of the liberal government of unfreedom, and push them further by pointing out that the need of liberal domination to construct the difference between governor and governed manifests the problem of excess freedom and the contingency of order that it entails. Thus, I arrive at an understanding of the technologies of government through unfreedom – among them abandonment – as reversible. However, recognizing that reversing relations of unfreedom does not, in itself, allow for thinking the disruption of the order that renders the governed unequal as political subjects, I turn to Rancière's thought. Following a brief introduction into his dual concept of police and politics, and pointing to its affinities with Foucault's *dispositif*, I reinterpret excess freedom in terms of Rancière's (1999) notion of politics, that is, as the "improper property" of the people to expose any social order as contingent on the equality of every speaking being. Finally, I present neoliberal urban governance as, on the one hand, an order of police that aims to either utilize or contain the liberal subject along the axis of individual capacities to participate in the economic circulation of the global city, and, on the other, securing against its own contingency through impeding political dispute by means of distancing and delaying practices of rule. It is the interplay of these two aspects that constitutes neoliberal urban governance as a *biopolitics of dispersal*.

To begin with the surplus life to be dispersed: How do masses of people end up as rubbish? Identifying an essential link between totalitarian regimes of the twentieth century

and the preceding age of imperialism, Hannah Arendt (1976, 150) coins the notion of the "human debris" in reference to the living byproduct of capitalism that is regularly thrown off by the crises following periods of industrial growth. In her view, imperialism provided a convenient spatial solution to two kinds of surplus produced through this cycle; surplus capital and surplus people matched up perfectly in the colonization of Australia, Canada and Africa. As she illustrates with the example of native people's imperial subjection in South Africa, this match was cemented with racist ideology which, in turn, foreshadowed the Nazi mobilization of surplus people and, ultimately, the technology of the concentration camp (Canovan 1992). It is this continuity that Arendt refers to when she states: "The totalitarian attempt to make men superfluous reflects the experience of modern masses of their superfluity on an overcrowded earth" (Arendt 1976, 457).

Sharing Arendt's sensitivity to the spatial nature of the "human debris"-problematique, Zygmunt Bauman (2004, 5) explains its contemporary exacerbation with the disappearance of "no man's lands" that were available for imperial expansion and, as such, could "[play] the crucial role of dumping grounds for the human waste turned out in ever increasing volumes in the parts of the globe effected by the processes of 'modernization'". At present, when "[o]ur planet is full" (Ibid., 4), disposing of wasted life entails a desperate struggle around spaces of visibility instead. However, in spite of efforts to toss out of sight what is no longer of use – redundant consumer goods as well as people (Venn 2006) – the human waste erupts into visibility from time to time. Such was the case in the wake of Hurricane Katrina in late-August 2005, an event that revealed not only the Bush administration's "politics of disposability", but also the persistence of racist ideologies in shaping the topographies of American cities (Giroux 2006). As Bruce Braun and James McCarthy (2005, 803) similarly argue, the abandonment of certain areas of New Orleans and their poor, predominantly black inhabitants, did not begin with the decision not to provide sufficient relief to them: "Katrina

did not cause this abandonment; for a few short days it merely laid it bare". The fact that poor residents unable to leave New Orleans were left there to die, and were advised to "fend for themselves," while penalized when they did so, was all reflective of a spatial politics that worked along racial divisions:

> Indeed, the brutal neglect of the city's poor can be compiled in a long list: white flight and the spatial incarceration of the poor in at-risk neighborhoods, a river and delta engineered for the circulation of capital and commodities rather than the security and safety of residents, a levee system that was inadequate and poorly maintained, corruption and private greed among the city's white oligarchy, urban redevelopment for bourgeois consumption rather than residents' needs, a public school system literally in receivership, lack of employment for its graduates, and, as has been widely documented, a police force that was at once racist and vicious (Ibid.).

It is precisely for this reason, that is, because the power to let die always comes with a "scandalous genealogy" that one has to be aware of the intermingled processes of producing and abandoning surplus life (Sitze 2004).

As the following chapter will discuss in more detail, the dynamics of globalized capital play a major part in redrawing urban landscapes around the world, as governmental technologies materialize the distinction between lives that fit urban landscapes and those which do not in relation to those dynamics. That large cities have become major sites of producing surplus people over the past few decades is due to the increased mobility of capital, and, as *Chapter 2* will elaborate, it is the governmental aim to reconstruct these localities as ideal milieus for market competition, on the one hand, and assumptions about the governability of such a milieu, on the other, that ultimately designate the place of surplus people within or, more typically, beyond the city. Therefore, in our efforts to grasp the "death-function" of biopower at work in the context of neoliberal urban development, it is to the

shifting discourses and techniques of governing the market and its space that we must turn (Foucault 2003, 258). Thus we might see that the politics of eviction, anti-homeless laws, and other measures materializing abandonment are invariably conditional on contingent divisions introduced into the collectivity of the governed based on an assessment of their capacities to support the realization of governmental objectives, which, at present, is predominantly economic growth. Hence, we might also realize that the neoliberal imperative of nurturing the space of competition is indeed intimately connected to practices constructing difference through, among other means, racism (Venn 2009).[2]

1.1.2 Thinking abandonment with Foucault's biopolitics

Due to an emphasis on the modulations of liberal governmental rationality, setting the inquiry's perspective as I did above is also to say that the present thesis draws on Michel Foucault's (1978, 2003) conception of biopower and biopolitics, referring to the transformation that the epistemic entry of human life as biological existence implied for the nature of political rule at the dawn of modernity.[3] In other words, this work rests on a notion of biopolitics as a mode of power whose "general framework" is provided by liberal governmental reason; a mode of political conduct that is woven around modern ideas of nature and human life (Foucault 2008, 22). Thus, despite appreciating the evocative power of Giorgio Agamben's (1998) reconceptualization of Foucault's biopolitics as the originary model of Western politics which, in turn, consists in the exclusion of mere biological life from

[2] Although the problem of racism cannot be pursued here, the pivotal relationship Foucault attributes to racism and biopower must be noted. According to Foucault (2003), racism equips biopower with the power to kill through introducing a fragmentation into the mass of the governed, thus allowing the modern state to foster the life of a certain part of the population through disallowing the life of another. Importantly, such fragmentation is not necessarily formulated in terms of biological races: e.g. class struggle can also be read as racism (Cf. Foucault 2003, 79-84).

[3] While it is possible, based on Foucault's (e.g. 1978, 139) writings and lectures on biopolitics, to distinguish between biopolitics (as the disciplinary *anatomo*-politics centering on individuals' bodies) and biopower (a regulatory control of the population), his usage of the terms is not completely consistent. In this work, I do not delineate these notions strictly. Cf. Rabinow and Rose (2006) and Lazzarato (2006).

the public realm, all the while maintaining it as a constant referent of sovereign power through the structure of the ban, I believe that the analytical import of biopolitics as a concept lies precisely in its linking the historically shifting rationalities of power to evolving ideas of life, as well as our ways of knowing life.[4] Whereas Foucault's genealogies of political reason offer a perspective on the ways actual practices of governing urban life change in congruence to the modern emergence and continuous reconstruction of the economy and the social as related fields of intervention, Agamben's claim that politics was always already biopolitics, with modernity only revealing the previously hidden link between life and sovereign power, does not allow for scrutinizing the stakes at such transformations (Lemke 2005). With regard to spaces of power in particular, even though Agamben's (1998, 19–20) analysis of the concentration camp as the localization of sovereign exception is crucial for making sense of the biopolitical continuity between totalitarian and democratic regimes, as Isin and Rygiel (2007) argue, in Agamben's ahistorical formulation, the camp and the logic of exception cannot account for the variegated forms of "abjection" deployed in contemporary spaces of biopolitics. An understanding of biopolitical rationalities' productive yet potentially lethal character that, in Foucault's (1978, 136) conceptualization, is counterposed to the pre-modern sovereign right of the sword practiced in the form of "seizure" or "deduction" requires investigating the "material, experiential and diverse forms" of their application (Isin and Rygiel 2007, 184). Thus, for making sense of how abandonment takes place in the global city under neoliberalism, the paradigm of the camp as the spatialization of the sovereign ban might prove less helpful.[5]

Indeed, modern forms of abandonment originate precisely in the life-fostering objective of biopower. As Foucault (2003, 253) shows, the novelty of this form of power, emerging in the second half of the eighteenth century, lay in enabling the government of "life

[4] Cf. Dillon (2005a, 42) on Agamben's "ontologization versus [Foucault's] historicization" of modernity.
[5] Cf. Ong (2006, 22–23).

in general" on the level of an equally novel aggregate subject, the population, and through this subject's sole "mainspring of action", interest (Foucault 2007, 72). Certainly, this implied a major shift in the *problematique* of rule: the question was no longer of how and on what bases the sovereign can say no to its subject who is endowed with certain rights, but how to say yes to a massified subject that is motivated by the sum of its individual members' interests. Hence, the *économiste* criticism of the over-regulative mercantilist state, and their call to set natural economic dynamics free eventually resulted in the restraint of the sovereign's right "to take life and let live" (Foucault 2003, 241), and the prevalence of "a power to *foster* life or *disallow* it to the point of death" (Foucault 1978, 138; original emphasis). In this scheme, fostering life refers to the proper stimulation and encouragement of interests articulated within and aggregated through the population. In turn, abandonment – or at least its condition of possibility – can be traced when taking account of another aspect of the changing problem of government. The fact that the direct hold of sovereign power over the property and the lives of its subjects came to be overshadowed by the regulation of economically relevant processes through the population and for the population implies that the decision between those to be killed and those to let live is replaced by a mobile distinction between the pertinent and the non-pertinent level of regulation, introducing a perspectival divide between those to be made to live and those to be let to die. That is, instead of deciding on subjects' lives along a division "between an absolutely reserved dimension of freedom and another dimension of submission", governmental reason, evolving out of the *économiste* critique of rule, had to decide between what must and what must not be done in order to achieve the desired outcomes on the level of the governed collectivity (Foucault 2008, 11).[6] Consequently, as

[6] In his studies of liberal political rationalities, Foucault (e.g. 2008, 20–21) emphasizes the central notion of the "self-limitation of governmental reason". The term refers to the transformation of the limits of rule. Whereas for sovereign power it was law and its subjects' rights that draw the boundaries, liberal governmental reason's limitations derive from the modern construction of economic and social processes as natural. Therefore, instead of intervening into their flows, proper governmental practice must consist in "letting things follow their course; *laisser faire, passer et aller*" (Foucault 2007, 48). Through such notions as the "true price" formulated by natural

Foucault (2007, 42) illustrates on the example of scarcity, in order to cancel out scarcity on the pertinent level of the population, it has to be allowed to take effect on lower and thus non-pertinent levels of the governed domain: while securing against "scarcity in general", "it may well be that some people will die of hunger after all". Thus inscribing superfluous life into modern political reason, abandonment as a possibility emerges at the moment when, gauged by the goals to be achieved on the massified level of regulation, the contrary fate of some parts of the collective may become irrelevant.

Beyond the major impact that conceiving of governmental intervention at the aggregate level of the population had on the present condition of the political – a question to which I return at a later point in this chapter – the appearance of modern governmental reason is relevant to our discussion for a further reason. Namely, the emergence of the rationality to efficiently regulate the economy and the population brought about the appearance of a certain "political marginalism" (Foucault 2000a, 409). When the state had come to be its own finality, and people inhabiting a given territory had come to be conceived of as "working, trading, living beings", the question of political utility gained articulation (Ibid., 412).

> From the state's point of view, the individual exists insofar as what he [sic] does is able to introduce even a minimal change in the strength of the state, either in a positive or in a negative direction. It is only insofar as an individual is able to introduce this change that the state has to do with him. And sometimes what he has to do for the state is to live, to work, to produce, to consume; and sometimes what he has to do is to die (Ibid., 409).

It can thus be said that the appearance of the population and, with it, the division between the pertinent and the non-pertinent level of regulation created the space for the governmental

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economic dynamics, the market is now reconstructed as a site of *veridiction*, and the sovereign is conceived of as incapable to fully grasp this truth. This is where the principle of self-limitation appears, placing the limits of action "within governmental practice itself" (Foucault 2008, 11).

assessment of the usefulness of subjects for specific and changing objectives of rule. It is then such assessments of utility, contingent upon a particular regime's aims, themselves conditional to the larger context of a particular episteme defining the scope of political reason, that allow for the actual materialization of abandonment below the margin of usefulness. Indeed, the deployment of biopower's death-function modulates in accordance with "the changing operational dynamics of biopolitics": "if biopolitics is to promote, protect and invest life, it must engage in a continuous assay of life […that] proceeds through the epistemically driven and continuously changing interrogation of the worth and eligibility of the living across a terrain of value that is constantly changing" (Dillon 2005a, 41). Whereas for the competing powers of the mercantilist era almost the entirety of their population was seen as "essentially and fundamentally a productive force" (Foucault 2007, 69), and whereas for the thanatopolitical totalitarianism of Nazi Germany exposing the entirety of its own population to death was the only guarantee of its regeneration (Foucault 2003), for the present order of global neoliberal governance the life of a significant part of humanity seems to be completely irrelevant. Apparently, millions of people around the world are now deemed unable "to introduce even a minimal change in the strength of the state", their city, or other entities assuming sovereignty over life in general. Hence, via their absolute uselessness, we are back to the pressing issue of human dumping grounds.

1.1.3 The absolute redundancy of surplus life

The condition of lives falling behind in the biopolitical assay of utility is the state of *redundancy* (Bauman 1998). Redundancy replaces "long-term unemployment" in the era when progress equals "downsizing"; "It suggests a finality and irreversibility of the disaster. It is redolent of a one-way road to the dumping site" (Ibid., 68). In terms of the population as a mass of "working, trading, living beings" (Foucault 2000a, 412), it refers to the stabilization of a condition that was previously interpreted as a transitory anomaly. "People declared

redundant are written on the debit not the credit side of economic balance, as they cannot, neither now nor in foreseeable future, add to the wealth of society – while adding to its costs" (Bauman 1998, 69).[7]

Giving shape to contemporary forms of abandonment, the state of economic redundancy feeds into the biopolitical assay of value and utility through the "death of the social" (Rose 1996). An expressive term of the governmentality literature, the phrase refers to the neoliberal reconfiguration of social policies in response, or rather, through the late-twentieth century crisis of the welfare state in the West.[8] Whereas due to these transformations' direct relation to the evaporation of the postwar social contract the majority of the governmentality literature focuses on this part of the world, it is clear that phenomena akin to the death of the social manifested itself well beyond the realm of former social democracies. Transported by international financial institutions and development agencies, global neoliberal governance successfully dismantled – or *ab ovo* impeded – the formation of equalizing schemes of social security in the Global South as well (e.g. Lea and Stenson 2007, Duffield 2011).[9] As such, it significantly recast the relationship between two domains essential to liberal governmental reason: those of the economy and the social. Whereas the economic policies of the welfare state (and, we can add, Southern versions of developmentalism) could legitimately carry social objectives, following the crises of the

[7] In his review of the literature on the superfluousness of the poor for the contemporary notions and practices of development, Richard Ballard (2011, 4–5) defines "three factors that have changed the way capital values those on the labor market". "First, the global labor supply far exceeds capital's direct labor requirements"; second and consequently, those who are employed are bound to unfavorable terms and conditions; finally, "labor is less important to capital because there are more tempting ways for capital to make profit than slugging it out in the real economy".

[8] I refer as "governmentality literature" to the body of scholarship that emerged in English-language political thought in the early 1990s and was, in the first half of the 2000s, "upscaled" to the international/global level. This stream of literature takes up Foucault's ideas of modern political reason and his related notion of "conduct of conduct" formulated during the second half of the 1970s; the idea of governmentality as the interacting processes of the practice of rule and the reflection on the act of governing. For basic works, see e.g. Burchell, Gordon and Miller (1991), Barry, Osborne and Rose (1996), Dean (1999), Rose (1999). For analyses of governmentality/global liberal governance in world politics, see e.g. Dillon and Reid (2000; 2001), Perry and Maurer (2003), Larner and Walters (2004) and Ong and Collier (2005); for reviews and critical assessments of this latter perspective, see Merlingen (2006; 2008), Selby (2007) and Chandler (2009).

[9] Despite the evident effect that neoliberalism had on public enterprise and expenditures worldwide, the "death of the social", that is, the complete roll-back of the state is debated; see e.g. Newman and Clarke (2009).

1970s, the two types of intervention had to be decoupled (Foucault 2008). Separating the two "systems" implied reconstructing the ideal of the economic as pure from notions of justice, and profoundly redrawing the scope of the social. In turn, this intention of purification reintroduced early modern liberalism's categories of the "poor" and "poverty", while at the same time dismissing "the idea that society as a whole owes services like health and education to each of its members" (Foucault 2008, 203–204). Thus, it entrenched the imbalance and the consequent demarcation of those in need of aid and those capable of sustaining themselves, with the ideal of the latter henceforth rendered as the active and responsible individual.[10]

In fact, the materialization of this very demarcation – to be discussed in *Chapter 2* – perfectly illustrates how neoliberal governmental rationality relates to surplus life. With previously universal social services reconstructed as subject to market competition, and poor people correspondingly redefined as "flawed consumers" (Bauman 1998), this demarcation arguably enables neoliberal governmental reason to shake off the liberal fear of "governing too little" (Rose 1999, 70).[11] Outlining a second problem-axis derived from the necessary self-limitation of governmental reason, the liberal hesitation between governing too much (thus obstructing the beneficial dynamics of the economy) and governing too little (so "failing to establish the conditions of civility, order, productivity and national wellbeing which make limited government possible") complements the assay of utility (Ibid.). Whereas equalizing socio-economic measures of the previous paradigm meant to figure as a "counterweight to unrestrained economic processes" and their detrimental effects on the collectivity, neoliberal governmentality both conceptually and physically separates off redundant people from the realm of the economy and, in that, is much less concerned with the possible risks that redundancy could pose for the operation of this realm (Foucault 2008, 142). That is, while to

[10] Cf. Dean (1999) and O'Malley (1998). See also Dean (2007, 44–59) on the "crisis of governability" and the emergence of the notion of governance within public administration in reaction to this crisis; both integral elements of the neoliberal deconstruction of the socio-liberal state.

[11] See Foucault (2008, 19) for his original formulation of the problem of governmental reason as vacillating between governing too much and too little.

welfarist or developmentalist conceptions of redistributive social policies we could extend Duffield's (2007, 7) claim that "development provides a solution to the problem of governing too much or too little", I suggest that the demarcating practices of their neoliberal successor significantly decrease the risk of governing too little. Thus it is that economic redundancy translates into social abandonment.

Within the context of the neoliberal city, the interrelated technologies of spatial segregation and the criminalization of poverty demonstrate a very different resolution to the problem of insufficient government. Diverging from a classic problematic of the modern city, the "sanitation syndrome" (Swansson 1977), segmentary topographies of the global city effectively allow for leaving certain spaces unsanitary since these can be sufficiently isolated from the prime realm of urban circulation.[12] As *Chapter 2* will show, suggestive of the ways neoliberal governmentality distinguishes between its subjects, the proliferating discourse of cost-recovery effectively rationalizes this process of sanitary segmentation, especially with the realm of its deployment being defined along the borders of the fostered realm of circulation. Whereas, for instance, industrial electricity consumption is subsidized, tariff structures often reflect a scheme that charges the expenses of eventual infrastructure development on the formerly unserviced. Furthermore, demonstrating a lack of the will to know, having no relevance for the real estate market, and countering an apparently insurmountable housing backlog, property relations within informal settlements remain far beyond the governmental gaze.[13] Furthermore, as will be detailed in *Chapter 3*, the criminalization of poverty and homelessness evidently justifies an increasingly aggressive approach to urban policing and incarceration (cf. Giorgi and Pinkus 2006). The contemporary

[12] Unlike in the case of (early) modern towns where places of poverty were thought to contaminate the whole city's biological circulation (cf. Foucault 2000b and Joyce 2003). A quote from Jenny Morgan's (2008) narration to scenes from her documentary (*A place in the city*) showing the living conditions in Durban's Kennedy Road informal settlement will be illustrative of this point: "With so many thousands of people living here, you'd think the public health authorities would be doing everything to improve sanitation and safety. You'd be wrong".

[13] It is for this reason, that is, for failing to consider that many people pay rent for their shacks, that scores are rendered homeless when the owner of their home is eventually allocated a low-cost house and the shack is demolished.

bloom of the prison industry is, of course, not accidental (cf. Auyero 2011a).[14] Certainly, Neil Smith's (1996) notion of the "revanchist city" and the stream of critical geographical literature on urban reconstruction in global cities play a pivotal role in problematizing these strategies of governance.[15] However, in order to assess the possibility of politics within the revanchist city, we have to go a step further and interrogate the paradox such spaces pose: How do liberal democratic polities accommodate the illiberal practices that isolate, incarcerate and abandon surplus lives?

1.1.4 The problem of excess freedom

Zeroing in on "the enduring paradox of liberalism" (Duffield 2007, 7), this question targets a crucial problem of modern political reason. As shown above, liberal political rationality considers the practice of governance successful if it is realized through securing the maximum freedom of economic processes and people who interact with these processes. But, although throughout the greater part of Western modernity such rationalities gained articulation within representative democratic polities, integrating citizens' rights and freedoms into formulating the least intrusive form of rule, that is, "government at a distance" (Miller and Rose 1990), the concurrence of liberalism and democracy, as Duffield (Ibid.) points out, is not automatic. In line with the constant liberal vacillation between excessive and insufficient government, whether an individual or a population is made subject to government at a distance – whether it is ruled through persuasion by expertise, the formation of interests and the dispersion of behavioral norms – is conditional to an assessment of their capacity to properly practice freedom. Clearly, the populations of British colonies, among others, were not so considered, and precisely this was the justification for the despotic rule over them. As

[14] Cf. Loïc Wacquant's (e.g. 2009 and 2010) work on the US as a penal state and the phenomenon of "hyperincarceration".
[15] See, among others, Brenner and Theodore (2002a) on the *Spaces of Neoliberalism*. Cf. *Chapter 2* where some of this literature is discussed.

Cowen and Shenton (1996) show, at the same time, liberal ideas of progress and the consequent invention of development provided a temporal release to the supremacist presumptions of this justification; development, deployed through the establishment of trusteeship, was meant to improve the capacities of its subjects, to enable their proper practice of freedom. Illustrating the continuity between technologies to regulate the domestic poor and the colonized other, and demonstrating the awareness of liberal governmental reason to the disorder that too little government risks (Duffield 2007), the doctrine of development came into being in the face of the massive urbanization and poverty induced by nineteenth century capitalism. As a means to counteract the detrimental effects of industrialization, then, "development doctrine was perpetuated as the practice to deal with the surplus population of the process of development" (Cowen and Shenton 1996, x).

What we must bear in mind here, is the construction of development as a means to secure the liberal order against the hazardous capacities of its subjects. By pointing out that surplus populations are constructed as dangerous both within governmental rationalities of European cities at the height of modernity and the present practice of overseas development, Duffield (2007) crucially shows how the development-security nexus is forged. How, that is, instead of improving the lives of the "underdeveloped" and thus decreasing the difference between the global north and south, development articulates an attempt "to contain the circulatory and destabilizing effects of underdevelopment's non-insured surplus life" (Ibid., 19). Nevertheless, in terms of the political implications of this attempt, despite touching upon the problem, Duffield's conclusion does not go far enough. Discussing the process through which the surplus life of capitalism is rendered subject to development and security in parallel, he takes account of the problematization of *excess freedom*. In order to be securitized, Duffield argues, the surplus population must be conceived of as politically surplus as well. To illustrate this point, he mentions the abolition of slavery: "Emancipation created

within modernity the possibility of life with an excess of freedom" (Ibid., 12), and paraphrases a crucial question of contemporary political reason: "when such an ambivalent freedom had been won, what do you do with such 'free' men and women?" (Ibid., 14). The answer, of course, is development: a supposedly benevolent way to suspend the freedom of the politically superfluous.

To fully grasp the pivotal importance of this question, however, the nature of excess freedom at its center must be further interrogated. What exactly does it mean that "where slavery was the norm, freed slaves had an excess of freedom" (Ibid.)? Certainly, freedom means mobility and, within the context of the urban order-*problematique* of the day, as well as the "war on terror" today, by implication the threat of disorder. Nevertheless, as Duffield's very example of the Haitian independence of 1804 shows, much more is at stake in this statement.[16] Freedom – and here perhaps without noticing Duffield moves beyond the governmentality literature's usual understanding of the notion – is constructed as being in excess because it risks disrupting the order of political rule. Implying more than Duffield's interpretation seems to suggest, it is in excess because it can be enacted by those assumed to be unable to practice their freedom, thus revealing the contingency of, for instance, the norm of slavery. The problem of excess freedom encountered by the abolitionists is crucial, then, because it articulates the fear that political rights are not only practiced by those to whom they can be safely granted (cf. Rancière 2010a). In other words, the abolitionists' question manifests the problem of equality: the threat that freed slaves will eventually act like the free and equal political subjects whose rights they have been given, and will potentially question the order of colonial oppression and economic exploitation. Thus, in establishing a regime that subjects the underdeveloped to the tutelage of the developed and so institutionalizes a

[16] The series of uprisings, lasting from 1791 to 1804, that are usually referred to as the Haitian Revolution ended slavery and gained independence for the former French colony – Saint-Dominigue in its colonial name (Corbett, n.d.; cf. Chatterjee 2004, 28–29). Cf. Hallward (2010) on the prevailing relevance of the revolution and its aftermath for politics in/of Haiti.

division between those who can be governed at a distance and those whose conduct needs more direct intervention, development as a response to excess freedom attempts to reinforce the identity of the liberal political subject with the developed.[17]

Setting sight on the question of the political subject within the neoliberal order of the global city, this developmental problematization of excess freedom has to be taken note of as one that necessarily cuts across the governmental problem-axis stretching between what must and must not be done. Thus, it arguably signifies a persisting conception of the governed as the collectivity of political subjects. Nevertheless, as suggested by the phenomena somewhat schematically conveyed under "the death of the social" notion, neoliberal urban development poses the problem otherwise because it seems to have given up the idea of developmental tutelage. As *Chapter 2* shows, the kind of development that primarily aims to nurture the milieu of market competition is by nature antithetical to measures aiming to counterweight the socially detrimental effects of late-capitalist economy, that is, to programs aiming "to deal with the surplus population of the development process" (Cowen and Shenton 1996, x; cf. Giorgi and Pinkus 2006). Rather, as typified by the cult of mega-events within present conceptions of urban renewal, development goes hand in hand with the large scale displacement of poor populations (cf. Ballard 2011). Hence, in the era of neoliberal urban governance, developmental trusteeship is no longer or, at least, not primarily deployed as the means of containing the excess freedom of the surplus population. At the same time, decaying or stillborn systems of social security and the growing redundancy of work seem to render the question of "the underdeveloped within" ever harder to suppress. What does all this imply for the recurrent problem of the politically superfluous? How can we conceive of attempts to contain the excess freedom of the subject not-to-be improved?

[17] While Duffield's (2007) interpretation of freed slaves as "politically superfluous" is promising, his discussion of the persistent separation of the developed from the underdeveloped through connecting international development with security does not take this promise far enough. The short detour to the role of emergency law and Agamben's (2005) idea of the state of exception as the means to contain excess freedom, to my mind, stops short of addressing this problem (see Duffield 2007, 14–15).

1.2 The biopolitics of excess freedom

In alluding to the possible persistence of human beings' "additional capacity for a political existence" among the problems of contemporary governmental reason, such questions doubtless draw the discussion into a conceptual field of tension surrounding the relations between biopolitics and the political order, between biopolitics and the political (Foucault 1978, 143).[18] Without rehearsing the stakes of this vast literature, let us see whether it can be of help for the present effort to trace the governmental conception of excess freedom within an order for which the establishment of the developmental trusteeship over the surplus population is no longer pertinent.

1.2.1 Devoid of freedom: bare life

Whereas I previously described the biopolitics-concept used in this work as distinct from Agamben's "completion" of Foucault, the unquestionable popularity of Agamben's thought in poststructuralist-leaning subfields of international relations and anthropology, and their efforts to make sense of contemporary forms of abandonment doubtless demands consideration. Indeed, the neoliberal urban order's rendering of the surplus population, which I just referred to as the subject not-to-be improved, resonates very well with accounts that interpret referents of present-day biopolitics as bare lives. Clearly, Agamben's (1998) notion of the life that can be killed with impunity vividly expresses the human condition of redundancy and disposability. Accordingly, it features as a powerful concept when deployed in reference to people dying of heat exposure while trying to cross the Mexican-US border (Doty 2011), to irregular immigrants in the Mediterranean (Miggiano 2009) and the Pacific region (Rajaram 2003), to the urban poor under globalized neoliberalism in general (Giorgi

[18] Foucault's (1978, 143) most quoted quasi-definition of biopolitics is this: "For millennia, man remained what he was for Aristotle: a living animal with the additional capacity for a political existence; modern man is an animal whose politics places his existence as a living being in question".

and Pinkus 2006), to HIV/AIDS infected people denied treatment in post-apartheid South Africa (Sitze 2004), to homeless people in the United States (Feldman 2006), to inhabitants of refugee camps established for immigrants escaping the xenophobic violence that flurried up during the fall of 2008 South African cities (Desai 2008) – and the list could be continued.

In completion to the condition of disposability, especially within international relations literature, authors frequently draw on Agamben's (1998, 2005) concept of the state of exception and the Camp as the space of its materialization for making sense of biopolitical practices of border security and humanitarian aid. Engaging with technologies of power that manifest transformed notions of sovereignty, and pointing to instances where sovereign violence is routinely applied on lives reduced to biological existence, these accounts also tend to take up conceptual questions of the relationship between sovereign power and biopolitics, thus pushing Foucault's original formulation further (cf. Dillon 1995). Such efforts disclose invaluable reflections on the depoliticizing operation of famine relief camps constituted as spaces of exception that administer lives to be saved (Edkins 2000), resistant practices of asylum seekers challenging sovereign power's production of bare lives in detention camps (Edkins and Pin-Fat 2005, 7), and the operation of the war on terror through the transformation of security politics (van Munster 2004; cf. Butler 2004, Duffield and Waddell 2006), to mention only the most characteristic phenomena. Doubtless, in tracing the relations of "sovereign biopower" (Coleman and Grove 2009), these interpretations are correct to identify the logics of exception at work within post-9/11security discourse and corresponding "spaces of confinement" (Peteet 2011; cf. Neal 2005; 2006). However, in conceptualizing the object of sovereign biopower as bare life captured within the structure of the ban, they also show some limitations.

Most importantly for the present discussion, the form of human life reduced to its mere biological existence and exposed to the constant threat of "unsanctionable killing" that

Agamben's (1998, 82) understanding of the *homo sacer* refers to does not give justice to subjects inhabiting these spaces. As, among others, Andrew Neal (2005) and, more extensively, Richard Bailey (2009, 113) have argued, people "refused to abandon their politics" even in Nazi concentration camps, the ultimate loci of exception whose generalized logics define the current paradigm of politics according to Agamben. That is, despite the success of biopolitical violence in pushing some human beings into the state of thoughtless vegetation that characterizes Agamben's (1998, 184) *Muselmann* – "the most extreme figure of the camp inhabitant" – the possibility of the political disruption of the biopolitical order should not be ruled out, even within the boundaries of the *lager*. As Bailey's (2009) case study shows, collective political action indeed emerges within the radically demobilizing conditions of captivity in Australian detention camps, and does so in ways other than through assuming bare life, that is, through transforming the bare life of the biopolitical body into a site on which to constitute the "form-of-life" exhausted in bare life, which, for Agamben (Ibid.), seems to be the sole path out of biopolitics.[19]

Consequently, when thinking political subjectification in the face of the intensified abandonment of surplus life, we must look beyond the powerful but limited practices of individual resistance that the concept of the bare life allows for; practices that, for instance, Edkins and Pin-Fat (2005) present as potential modes of challenging sovereign biopower, especially when considering contexts to which the logics of the camp does not apply (cf. above and Isin and Rygiel 2007). While lip-sewing (Edkins and Pin-Fat 2005) or refugee poetry (cf. Rajaram 2004) might indeed be disruptive of the order of the camp, for thinking

[19] According to Bailey (2009, 115), "it is precisely this state of bare life that detainees seem so desperate to avoid". Cf. Agamben (1998, 187–188), where he argues that, among other examples of bare lives such as the *Führer* or the comatose Karen Quinlan, the *Muselmann* is one of the figures on which a post-biopolitical politics must be based: "It is on the basis of these uncertain and nameless terrains, these difficult zones of indistinction, that the ways and the forms of a new politics must be thought. […] This biopolitical body that is bare life must itself instead be transformed into the site for the constitution and installation of a form of life that is wholly exhausted in bare life and a *bios* that is only its own *zoē*". This is also the point on which Edkins and Pin-Fat (2005) base their account of one of the two possible modes of challenging sovereign power: the assumption of bare life.

the political subject, bare life and sovereign violence to which it is permanently exposed may not be the best points of departure (cf. Zevnik 2009). As Edkins and Pin-Fat's (2005, 12) own conceptualization of sovereign power as a "relation of violence" suggests, these notions are not amenable to approaching the question of political subjectification from a perspective defined by the governmental problematization of freedom.

In accordance with their notion of sovereign power that is grounded in Foucault's (1982) distinction between a *relationship of power* and a *relationship of violence*, Edkins and Pin-Fat define bare life as "a life without power relations" (2005, 9).[20] That is, they present the form of domination active in the detention camp as distinct from power relations that, according to Foucault, are conditioned on the existence of their subjects' freedom to shift the dynamics of power, on the capacity to reverse its direction.[21] Certainly, such a distinction is most of the time justified in reference to technologies that govern life in the detention camp. Clearly, however, when looking "beyond the wire" with an understanding of contemporary biopolitical rationalities as attempts either to instrumentalize or to contain their subjects' freedom, Edkins and Pin-Fat's approach is not one we can draw on.[22] Despite the present work's emphatic awareness that biopolitics entails lethal technologies of abandonment, to render biopolitics as a limitless form of sovereign power over bare lives completely devoid of freedom does not seem to be a fruitful conceptual strategy for approaching neoliberal urban governance and its possible disruption.

[20] Cf. Foucault (2000c) for a similar distinction between power relations and *states of domination*, and the discussion further below.

[21] See section 2.2.3 below. For now, it is sufficient to quote a passage from Foucault (1982, 789) that Edkins and Pin-Fat (2005) also cite in support of their argument: "A relationship of violence acts upon a body or upon things; it forces, it bends, it breaks on the wheel, it destroys, or it closes the door on all possibilities. Its opposite pole can only be passivity, and if it comes up against any resistance, it has no other option but to try to minimize it. On the other hand, a power relationship can only be articulated on the basis of two elements which are each indispensable if it is really to be a power relationship: that 'the other' (the one over whom power is exercised) be thoroughly recognized and maintained to the very end as a person who acts; and that, faced with a relationship of power, a whole field of responses, reactions, results, and possible inventions may open up".

[22] Quoting from former refugee Mehmet al Assad's (2002) poem *Asylum*, the main title of Edkins and Pin-Fat's (2005) article is "Through the wire". Cf. Rajaram (2004) discussing refugee poetry including that of al Assad.

1.2.2 Governing life through (un)freedom

Proceeding through a similar line of argumentation, Sergei Prozorov (2007, 10) challenges the conflation of biopolitics and sovereign power based on a reinterpretation of Foucault's notion of freedom as "an ontological condition of human being". In line with Mika Ojakangas' (2005) account of biopower and, consequently, with his criticism of Agamben, Prozorov (2007, 106) argues against Agamben's rendering of biopolitics as the inclusive exclusion of *zoē* from the realm of *bios*: "The very idea of isolating in the human being something like a 'bare life' is […] entirely alien to the immanentist orientation of biopolitics".[23] Accordingly, he presents biopolitics as an essentially productive power "mobilizing, fostering and, ultimately, creating life" (Ibid.); a mode of power to which, in turn, he counterposes a concept of resistance that takes shape in the "refusal of care". Grounded in a notion of "concrete" or "properly negative freedom", in Prozorov's (Ibid., 111) view, to challenge the biopolitical order and its suffocating *agape*, one has to assume an "attitude of indifference no longer to the threat of power, but to its loving embrace". That is, to evade "the production of the *power over life*", the resistant subject has "to affirm the radical freedom of human being that precedes governmental care and does not require governmental love to sustain its life" (Ibid.; original emphasis).

As it will be clear from the discussion below, there are many points of affinity between the conception of excess freedom advanced here and Prozorov's mobilization of Foucault's notion of freedom for conceptualizing resistance to biopolitics. Nevertheless, an obvious difference sets these two efforts apart. If one of the distinctive features of the biopolitical order structured by neoliberal urban governance is that it radically tightens the boundaries of governmental care and thus abandons large numbers of the governed, then the refusal of care cannot figure as a logical strategy of resistance (cf. Reid 2010). Likewise,

[23] Cf. Dillon (2005a) and Margaroni (2005) for responses to Ojakangas' (2005) intervention.

inclusion into the biopolitical order or exclusion from it has to be a more complex question than, following Ojakangas', Prozorov (Ibid., 106) depicts it to be: "unlike the sovereign order of power, which logically must seek to exclude its subjects from the domain of power, […] 'the modern biopolitical order does not exclude anything, not even in [the] form of 'inclusive exclusion'". In fact, as was pointed out above, delineating subjects to be governed through their freedom and those whose conduct requires more direct control is integral to the life-fostering order of biopolitics. In turn, when the latter category is no longer to be contained through development (a concept certainly bearing the touch of *agape*), then exclusion, although not in reference to a sovereign practice, might not be a completely irrelevant notion. Thus, although similarly to his assessment of the Agambenian conflation of sovereignty and biopolitics, I share Prozorov's (Ibid., 31–32) criticism of the governmentality literature considering its reductive understanding of freedom as the product and the instrument of biopolitical rationalities of power, I suggest that he, in fact, shares another lack of this stream of scholarship. Namely, that of marginalizing the liberal problematization of excess freedom, of failing to consider that liberal governmentality entails a mobile and contingent but constant distinction between those amenable to the proper practice of freedom and those that cannot be let free as political subjects. That is, in sidelining the problem of exclusion as heterogeneous to biopolitics, Prozorov (2007, 29), just like the governmentality literature, remains unable to fully answer his own question: "How is it that there is so little liberty in liberalism?"

Certainly, as indicated above, for all their achievements in expanding Foucault's conception of liberalism as a particular form of political reason that centers on the problem of governing through freedom, the work conducted within the realm of governmentality literature is an essential resource for the present thesis. It is indeed necessary to distinguish the productive technology of liberal rule from the deductive practice of sovereign power – the Foucauldian notion of the conduct of conduct is doubtless more instructive than the sovereign

ban when examining contemporary rationalities of power. Just like the notion of the population as the collective object of modern techniques of political regulation, the claim that liberal governmental reason constructs the human being as both the subject and the object of knowledge and power is central to the discussion that follows. Of particular importance is the idea that democratic rights are pivotal for the "social fabrication" of citizens upon which liberal governance is premised (Cruikshank 1999; cf. Rose 1996). That is, the concept of democratic relations as relations of a productive mode of power that works through individual citizens' capacities, which, in turn, thrive best when their freedom is guaranteed, remains crucial for pondering the condition of politics within the biopolitical order (Miller and Rose 1990).

Nevertheless, as was previously made clear, realizing the betterment of life through shaping the interests of the free and self-governing citizen is not all there is to liberalism and the biopolitical order it outlines. In order to understand how the abandonment of surplus life is related to the governmental problematization of freedom, we also have to assess the operation of liberal political reason at its limits, at points where it diverges from the technology of "governing through freedom" (Dean 1999). In fact, as Barry Hindess (2001, 94–95) argues, "the government of unfreedom" has always been essential for sustaining the order of liberty: "Liberal political reason has been as much concerned with paternalistic rule over minors and adults judged to be incompetent as with the government of autonomous individuals" (cf. Dean 2007). Importantly, this claim does not refer to the hypocrisy of liberal political philosophy, that is, to the discrepancy between the theory and the practice of liberalism, but to a direct consequence of the way it constructs and makes use of freedom. Most palpably manifest in contemporary liberal theorists' accounts of imperial rule, the government of unfreedom is "integral to its political vision" (Mehta 1999, 9).

Central to the compatibility between the defense of individual liberty and authoritarian forms of rule is, of course, a developmental understanding of human existence, which liberalism endorsed through its encounters with modern human sciences (Cowen and Shenton 1996, Hindess 2001, Mehta 1999). Qualifying the state of universal equality that derives from human nature and grants "an assured political identity" to all by the simple fact of being born, liberal political philosophy outlines a number of conditions for achieving the full capacities of a political subject, such as "a sense of justice" or the ability of reasoning: "behind the capacities ascribed to all human beings exists a thicker set of social credentials that constitute the real basis of political inclusion" (Mehta 1999, 49–50). Whether the improvement of life is to be realized through the liberties of the autonomous political subject, or has to be teased out through first improving the subject itself, then, is contingent upon a judgment derived from such conditions. Whereas this problematic primarily emerged in the context of colonized subjects (as in John Stuart Mill's [1859, 23] justification of despotism over "barbarians"), as Tania Murray Li (2007, 14) notes, it grounded the exclusion of "defective populations" such as children, paupers, women, or the permanently ill from the practice of politics in the colonial metropolis as well. Hence, liberalism grounds a political order that implies variegated forms of inclusion into both politics and the active betterment of life, the pattern of which is tied to subjects' capacities for a proper practice of liberal citizenship. Clearly outlining the limits of liberal democratic governance, this suggests a sustained problematization of the subject that is not (yet) capable of self-government, and correspondingly it becomes possible to delineate, as Hindess (2001) does, several modes of governing people who fall beyond those limits. Depending on what is identified to be lacking from the governed subject in question, or whether this lack is perceived to be remediable, some cases are considered hopeless and are eliminated or left to their own devices, others are "improved" through authoritarian rule and discipline, while yet others are supported through "the liberal ethos of

welfare" till their circumstances allow for the realization of the capacities of liberal subjects (Hindess 2001, 101).

To be sure, this point takes us back to the notion of development as the predominant technology for dealing with the surplus population. What the liberal problematization of ruling over the colonized allows us to add to the earlier discussion, however, is the necessity to construct difference (Sider 1987). That is, the consideration that beyond the realm it judges governable through freedom, in order to suspend freedom through despotism and/or development, liberal governmentality has to first establish the condition of unfreedom through deeming individuals or populations lacking in capacity or character: "if colonizers and the colonized were essentially the same, successful trusteeship would eliminate the distinction that justified colonial rule" (Li 2007, 14).

Discussing the formulation of self-help programs for the poor in the nineteenth and early twentieth century, Barbara Cruikshank (1999) cites a characteristic case of such difference-construction processes. Citing Helen Bosanquet and her efforts to grapple with the poor who resist home visitors' guidance, Cruikshank recounts these programs' success in establishing social peace turned on molding and letting flourish poor individuals' self-interest. However diligently the home visitors worked and whatever space was provided for the poor's interests to strive, nevertheless, as Bosanquet was forced to realize, there inevitably remained a "Residuum": an underclass that seemed to lack the capacity for self-interest: "[The] Residuum that gathers in our large towns [are] the people whom we cannot help because they are without a standard to maintain" (Bosanquet 1906, 47). As they were consequently deemed economic "dead matter", they were to be abandoned to their fate: "the best that can be hoped for is that it [i.e. the Residuum] should gradually wear itself away" (Ibid., 195). Cruikshank's analysis concerning the establishment of self-interest as an instrument of poor people's inclusion into the order of liberal governmentality is correct. If, however, we interrogate the

problem of the Residuum further and recall that Bosanquet poses it as dwelling beyond, and even as resisting self-governing technologies, we might register the political significance of the distinction that the pioneer of social work makes between the integrable poor and this hopeless group. Declaring some as lacking "standards of life" might then be read as a trace of the governmental strategy that renders people unworthy of, or not amenable to, liberal technologies of self-government, subhuman. Justifying their abandonment, at least, this move certainly leaves the social order unquestioned.[24]

Analyzing the complex dynamics of colonial domination, Gerald Sider (1987) makes the important argument that constructing differences between ruler and ruled is both necessary and impossible. Whereas the depiction of oppressed populations as ignorant and speechless is pivotal for justifying their subversion (as the discourse of power very well illustrates from Columbus to the authors of the War on Poverty in the 1960s),[25] the manifold relations of social and economic interaction between groups suggest contradicting assumptions. For instance, whereas white colonists benefited from the skills and the products of Indian people, they denied that these were due to the natives' capacity for collective action (a capacity that they utterly feared); rather, they were attributed to "peculiarly Indian [abilities] to see, hear, smell, or know the forest […] savage attributes all, in their precise reference to the special skills of wild animals, not people" (Sider 1987, 17). Of course, the colonial domination of Indian populations is not exactly a project of liberal governmentality, although, throughout the past few centuries, it occurs on liberal governmentality's limits, securing it. However, the point here is that the authoritarian, as well as the benevolent

[24] To say the least, Bosanquet (1906, 194) is not overly optimistic about the economic integration of the surplus population: "the most which organization can do for the Residuum is to define the hopelessness of its position more sharply". Cf. Li (2007, 20) on the similarly stabilizing effect of the alternative case when supposedly developable subjects are integrated through the market economy: "It is, in part, recognition of the 'improving' effects of capitalist discipline upon sections of the population deemed to lack these habits that prevents experts from proposing the restructuring of relations of production as a solution to poverty".

[25] "When Columbus says, after apparently handing the native people swords blade first, that they 'cut themselves through ignorance,' and when the United States government, in the War on Poverty of the 1960s says that Indians and blacks are poor because they are 'culturally deprived,' they are making identical utterances: Both blame the victims for their suffering; both invoke ignorance" (Sider 1987, 7).

developmental technologies of governing surplus and alien populations seem always to imply a prior, albeit quiet, recognition of these groups' equal humanity: "The process of domination imposes a dialogue between dominators and dominated. Each must speak to the other for the political and economic transactions to occur" (Ibid., 22). To be sure, this recognition often becomes apparent only in its vehement denial, through humiliating the governed:

> One of the most remarkable facts about domination is that it is never simply political and economic, but always entails attempts to humiliate the dominated. So crucial are the insults and the slander that they must themselves be seen as an attempt to situate domination in time – to present reasons and justifications for its current existence, and to make claims against the future (Ibid., 21).[26]

All this, then, reveals strategies of both distancing and engaging governed populations, strategies that require but deny mutuality. The colonized and the poor – in the past as well as

[26] Cf. the Timorese poem that Sider (Ibid., 22) quotes: "We two might simply converse/ We two might simply talk together/ But you come with the sharp thing/ To come chase me like a deer /To come pursue me like a pig /As if I had no speech /If we two do not speak together, we do not speak together because of this. /If we two are not kin, we are not kin because of this". Consider also the temporal dimension of securing domination or marginalization. According to Sider (Ibid., 21) "domination contains within it – within each of its acts, each of its gestures, each of its symbols – claims to a temporal ordering of the world that are central to the process of domination". See also Mehta (1999, 30; original emphasis) on the temporality of the liberal empire: "…the morally, politically and rationally justified ambivalence of liberalism for the *time being* remaining imperial. This project is infinitely patient, perhaps even secretly counting on its own extended incompetence, of not getting *there* and hence permanently remaining in between. By the nineteenth century virtually every liberal justification of empire is anchored in the patience needed to serve and realize a future. And that future is invariably expressed through the notion of progress". See further Bosanquet's (1906, 168–169) argument about the Residuum's condemnable vision of time, underlining their hopelessness: "The ideal economic man, as we know, is remarkable for his foresight and self-control; in the Residuum these qualities are entirely absent. […] The true type of this class lives in the present moment only; not only is he without foresight, – he is almost without memory, in the sense that his past is so completely past that he has no more organized experience to refer to than a child. Hence his life is one incoherent jumble from beginning to end; it would be impossible to make even a connected story out of it, for every day merely repeats the mistakes, the follies and mishaps of yesterday; there is no development in it; all is aimless and drifting". Compare, finally, Bosanquet's description with Arendt's (1958, 97) account of human life and the significance of life-narrative for the political subject: "The word 'life', however, has an altogether different meaning if it is related to the world and meant to designate the time interval between birth and death. [...] The chief characteristic of this specifically human life, whose appearance and disappearance constitute worldly events, is that it is itself always full of events which ultimately can be told as a story, establish a biography; it is of this life, *bios* as distinguished from mere *we*, that Aristotle said that it 'somehow is a kind of praxis'. For action and speech, which, as we saw before, belonged close together in the Greek understanding of politics, are indeed the two activities whose end result will always be a story with enough coherence to be told, no matter how accidental or haphazard the single events and their causation may appear to be". Cf. Fassin (2007).

today, in the colony as well as the global city – have to be rendered unequal as political and/or economic subjects before they are exploited, abandoned or, in the luckier case, launched on the long path towards political equality and the improved ways of life that such framework of equality supposedly secures. In the efforts of liberal political philosophy to define the conditions for "the political effectivity" of equal human capacities (Mehta 1999, 49), and in the assertion that some subjects do not (yet) meet these conditions, we can recognize the ambivalent logics of domination, thus encountering the problem of excess freedom once again. Hence, although liberal governmentality doubtless entails the construction and the utilization of freedom to improve life in general, it also assumes the pre-existence of some sort of freedom, against which particular orders of governance have to be justified and secured. As – prefiguring the concept of political subjectification advanced below – Sider (1987, 22; original emphasis) argues, this double dynamics of recognizing and denying equality also leaves space for resisting domination:

> This attempted incorporation both defines and denies the dialogue, returning to the basic contradiction of this form of domination – *that it cannot both create and incorporate the other as an other* – thus opening a space for continuing resistance and distancing.

Whereas this insight is crucial for thinking the politics of abandonment and its disruption, based on the governmentality literature's understanding of freedom as the product and the instrument of liberal political reason, it cannot be accounted for.

1.2.3 Freedom as the equal capacity to act otherwise

Diverging both from the conception of sovereign biopower seizing bare life and of a predominantly productive power deployed through the government of freedom, the discussion above outlines "excess freedom" as a recurrent problem of biopolitical governance. In turn,

arguing that liberal governmentality is not only compatible but conditional to technologies of domination, while domination is conditional to governmental strategies that recognize and at the same time deny the equality of the governed, it suggests an approach to the relationship between power and freedom within the biopolitical order that differs from that of the previous conceptions. Thus offering a perspective on the "death-function" of biopolitics that extends the rather limited conceptual space that the notion of a bare life devoid of freedom allows for and departs from the top-down outlook on life-fostering governmental rationalities that the governmentality concept usually permits,[27] the focus on technologies of rendering unequal reveals abandonment as a potentially reversible function of biopolitics. Furthermore, in approaching liberal technologies of rule as contingent on rendering certain individuals or populations unequal political subjects, it paves the way for thinking political subjectification in the face of abandonment.[28]

Why do technologies of rendering unequal reveal abandonment as a potentially reversible function of governmental strategies? As noted before, for Foucault (1978, 95), "the strictly relational character of power relations" is due to subjects' capacity to shift their dynamics, to subjects' freedom to reverse their direction. Indeed, such freedom is the condition for a power relation to exist:

> [F]reedom may well appear as the condition for the exercise of power (at the same time its precondition, since freedom must exist for power to be exerted, and also its permanent support, since without the possibility of recalcitrance, power would be equivalent to a physical determination). The relationship between power and freedom's refusal to submit cannot, therefore, be separated (Foucault 1982, 790).

[27] See e.g. Weir, O'Malley and Shearing (1997) Kerr (1999) and McKee (2009) for a criticism of governmentality literature's "top-down" analysis, due to which it falls behind the critical potential that Foucault's thought would entail.

[28] Thus it also escapes the governmentality literature's tendency of being "anemic on the practice of politics" (Li 2007, 26).

In this conception, biopolitical government entails an act of shaping the conduct of others, structuring the possible field of their actions, but unlike violence, which is completely asymmetrical and acts directly and physically on the subverted body (Ibid.), it inevitably leaves space for the possibility for the field of actions to be restructured by the governed. That is, rationalities and technologies of subject formation can be appropriated and turned back against those who govern – hence the "strategic reversibility" of power relations (Gordon 1991, 5; cf. Foucault 1978, Cadman 2010). In other words, power relations imply the equality of subjects: their freedom "to act otherwise", to divert or reverse action upon their actions implies the equal capacity of appropriating the means of government. Such a claim, of course, is still in line with the governmentality literature's notion of freedom, for this equality can be interpreted as the function of freedom that liberal governmentality installs in its subjects:

> What begins as a norm implanted "from above", such as the universal obligations of literacy or numeracy, or the adoption of appropriate patterns of conduct in child rearing, can be 'repossessed' as a demand that citizens, consumers, survivors make of authorities in the name of their rights, their autonomy, their freedom (Rose 1999, 92).

However, conceiving of freedom as the governed subjects' equality that is implied in the interaction of rule but requires technologies to render the governed unequal in cases when the governmental vacillation between utility or non-pertinence and excessive or insufficient government tends towards more direct or even despotic intervention pushes this analysis further. On the one hand, as suggested by the politico-philosophical attempts to justify the government of unfreedom, it requires that we look at technologies of domination and abandonment as contingent on power relations in the Foucauldian sense. Strategies of rendering the governed unequal, as noted above, presuppose equality and the capacity for freedom, although, of course, not in the liberal sense of autonomous self-government. In turn, as Sider's (1987) discussion of the Indians' interactions with colonizers or the cited Timorese

poem illustrates, such strategies can be located and contested by the governed even in states of domination.[29] Arguably, then, "freedom's refusal to submit" remains at work beyond the realm governed through freedom, that is, in the absence of governmental efforts to construct subjects' freedom.[30] On the other hand, centering on the notion of excess freedom directs our attention to the fact that rationalities of domination and abandonment work to deny the political subjectivity of the governed (e.g. liberal political philosophy's efforts to justify imperial rule against its own claim about natural equality of human beings). As such, it allows for thinking the reversal of power relations as political. Both Prozorov's (2007) ontologization of "Foucauldian freedom" and Li's (2007) Gramscian account of practices that reverse "the will to improve" underline that Foucault's thought, in itself, does not suffice for such a conceptual undertaking. Offering a different avenue for expanding this framework, in what follows, I turn to Jacques Rancière's conception of freedom and equality.[31]

1.3 The politics of excess freedom – Thinking the disruption of abandonment with Rancière

At its clearest perhaps in Gilles Deleuze's (1988) account of Foucault's thought, in particular, his reconstruction of Foucault's notion of the *dispositif* (Deleuze 1992), the relational and thus reversible conception of power is continuous with the subject of Foucault's archeological studies or, in Deleuze's terminology, with the study of *strata*, that is, historical formations of a particular era, made up from the visible and the sayable.[32] This analysis

[29] This is also why, in terms other than the bare life, lip-sewing might be interpreted as disruptive of biopolitics.
[30] This point, then, signals a slight departure from Foucault's (2000c, 283) distinction between power relations and states of domination: "[O]ne sometimes encounters what may be called situations or states of domination in which the power relations, instead of being mobile, allowing the various participants to adopt strategies modifying them, remain blocked, frozen. When an individual or social group succeeds in blocking a field of power relations, immobilizing them and preventing any reversibility of movement by economic, political, or military means, one is faced with what may be called a state of domination. In such a state, it is certain that practices of freedom do not exist or exist only unilaterally or are extremely constrained and limited".
[31] Rancière's thought has not (yet) been widely taken up in IR, but there are some important works drawing on his concept of politics and aesthetics: see Shapiro (2006; 2009a; 2009b), Nyers (2003), Moulin and Nyers (2007) and several essays in Rajaram and Grundy-Warr (2007).
[32] See, for instance, one of Deleuze's (1992, 166) definition of the apparatus/*dispositif*: "An apparatus comprises truths of enunciation, truths of light and visibility, truths of power, truths of subjectivation".

emphasizes that for Foucault (2000d) "what is given" is to be understood – and criticized – by way of tracing the conditions of possible experiences and articulations that shape "what we think, say, and do". What Deleuze (1988, 60) calls Foucault's unique neo-Kantianism, that is, his approach to visibilities and statements as "*a priori* conditions under which all ideas are formulated and behavior displayed", constitutes one element of the "critical ontology of ourselves" (Foucault 2000d, 316). Centering on the "third agency" that puts the visible and the sayable in relation (Deleuze 1988, 68), that is, on power, the second element of Foucault's (2000d, 315–316) ontology of the present is genealogy, which seeks to "separate out, from the contingency that has made us what we are, the possibility of no longer being, doing, or thinking what we are, do, or think". Thus, through the aim to give impetus to the "undefined work of freedom," is Foucault's (Ibid., 316) critical project affirmative of the reversibility of power relations, of the freedom to act otherwise.[33]

Arguably, Rancière's concept of politics is defined in terms very similar to Foucault's critical project. Indeed, as Rancière notes on several occasions (e.g. 2004a, 50), there are affinities between his methodology and Foucault's archeology, between his idea of the *distribution of the sensible* and Foucault's *episteme*. In Tanke's (2011, 77) summary, the fundamental commonality between these notions – and, by implication, between Foucault's and Rancière's work – is "the attempt to subject conditions of possibility to historical analysis". In turn, this commonality is due to the Kantian roots they share, as Rancière's (2004b, 13) clarification of his claim that politics is aesthetic at its core underlines: "aesthetics can be understood in a Kantian sense – re-examined perhaps by Foucault – as the system of *a priori* forms determining what presents itself to sense experience". Aesthetics, then, much like Foucault's episteme or, in fact, his *dispositif* is, in Rancière's (Ibid.) interpretation, equivalent to the distribution of the sensible, an ordering of what can be seen and what can be said. In

[33] Again, as Prozorov (2007) also argues, this freedom is irreducible to the one posited by the governmentality literature as the product and, at the same time, the instrument of governmental rationality.

parallel, Rancière's idea of politics centers on what conditions power relations' reversibility according to Foucault, that is, the contingency of the sensible order. Freedom, as we will shortly see, is essential to this process, just as much as it was to Foucault's relationality of power. For Rancière (1999), it is what enables a dispute (*dissensus*) that exposes the contingent nature of any given social order.

Nevertheless, Rancière's (e.g. 2010b) dissatisfaction with the Foucauldian notion of power relations signals crucial differences between the two thinkers. For Rancière (1999), the (omni)presence of power relations does not automatically refer to the presence of politics. Although he does not dispute the relevance of Foucault's formulation of biopolitics "as a means by which power produces effects through the individualization of bodies and the socialization of populations", and largely endorses Foucault's extension of the notion of the *police*, he distinguishes such concerns from the question of politics (Rancière 2010b, 93). For this distinction is central to Rancière's (1999, 32) concept of politics and the given sensible order against which it runs up, it is worth quoting him at length:

> [The] concept [of power] once allowed a certain well-meaning militancy to contend that "everything is political" since power relationships are everywhere. […] The concept of power allows one to retort with an "everything is policing" to an "everything is political", but this is pretty poor as a logical conclusion. If everything is political, then nothing is. So while it is important to show, as Michel Foucault has done magnificently, that the police order extends well beyond its specialized institutions and techniques, it is equally important to say that nothing is political in itself merely because power relationships are at work in it. For a thing to be political, it

must give rise to a meeting [*la rencontre*] of police logic and egalitarian logic that is never set up in advance.[34]

In Rancière's crucial binary of the police and politics, then, we find the two thinkers' analogous appropriation of Kantian aesthetics on the one hand, and their main disagreement concerning the processes that unsettle the contingent aesthetic order, on the other. Detaching it from the reference to the early modern regulation of life and wealth (cf. Foucault 2007), while maintaining the sense of extensive ordering, Rancière conceptualizes the *police* as the hierarchical ordering of sensibilities and capacities, and, correspondingly, of societal groups. Defined as a "communal distribution of the sensible", the police order is a partition of experiences and articulations disclosing that which is common, with at the same time determining how the common is to be shared between the specific parts of the community (Rancière 2004b, 89).

> The police is, essentially, the law, generally implicit, that defines a party's share or lack of it. But to define this, you first must define the configuration of the perceptible [*la configuration du sensible*] in which one or the other is inscribed. The police is thus first an order of bodies that defines the allocation of ways of doing, ways of being, and ways of saying, and sees that those bodies are assigned by name to a particular place and task; it is an order of the visible and the sayable that sees that a particular activity is visible and another is not, that this speech is understood as discourse and the other as noise (Rancière 1999, 29).

Very much in line with what Foucault (2000d) defines as the goal of a critical ontology of ourselves and the aesthetic conception of order that this ontology concerns, for

[34] Cf. Cruikshank (1999, 55–58) on a Foucauldian/feminist criticism of Arendt's public/private distinction – on the grounds that both are the product of governmental technologies and thus delineating them is misleading – and Rancière's (1999, 32) argument against this line of criticism: "The domestic household has been turned into a political space not through the simple fact that power relationships are at work in it but because it was the subject of argument in dispute over the capacity of women in the community".

Rancière, politics is "to *resist the givenness of place*" (Dikeç 2007, 17; original emphasis).[35] However, in consequence to Rancière's (2010b, 93) emphasis on the police order as a partition of the common, that is, of the mode and extent of a particular group's participation in the shared concerns of the community, the political refusal of one's place and function within a given order is always a collective act: "The question of politics begins when the status of the subject able and ready to concern itself with the community becomes an issue". Instead of Foucault's (2000d) individual who, through the meticulous ethics of the care of the self liberates herself from the effects of power and knowledge that delimit what she can be, think or do, and thus emerges as the subject of freedom, the subject of politics for Rancière is necessarily collective (cf. May 2010).[36] It is the group of those who have no part in the police order's distribution of communal places and functions.

What does it mean that the subject of politics is the collective of those who have no part in the police order? To recall a definition quoted earlier, Rancière (1999) understands politics as the encounter between the police logic and an egalitarian logic. The police order is inevitably hierarchical, since it consists of an account of the community's parts underlying the distribution of spaces, times and capacities that at the same time defines who has a say in common matters and whose utterances are regarded irrelevant or inscrutable. Politics is equivalent to the disruption of this order because it occurs through the emergence of a subject who demonstrates that it too speaks, that, contrary to the sensible distribution which denies it such capacities, it is in fact capable of participating in the political life of the community.

[35] "Political activity is whatever shifts a body from a place assigned to it or changes a place's destination" (Rancière 1999, 30). Cf. Robson (2005, 5) and Rancière and Panagia (2000, 121) for definitions of the central concern of Rancière's politics in such spatial terms.

[36] Nevertheless, see Prozorov's (2007) argument that once the opposition between collective and individual is displaced, Foucault's freedom can indeed be understood as a collective experience. Incidentally, this point affirms my previous argument that Foucault's notion of freedom implies the presumption of equality: "As a potentiality, freedom is not only available to *all* without any possibility for discrimination, but it is also available to all *equally*: in asserting one's freedom one is always already *wholly free*, irrespectively of the positive degree of autonomy that one thereby achieves. In such a sense, a practice of freedom functions as an affirmation of human universality and is therefore unthinkable in terms of a narcissistic individualism" (Ibid., 11). Cf. Foucault (2000c, 286), where he points out that freedom for the ancient Greeks refers primarily to the condition of "non-slavery"; "[f]reedom is thus inherently political".

Instead of referring to the mere rejection of being excluded, this process is disruptive of the order because it demonstrates that a particular group has attributes other than it is supposed to have according to the police order – consider, for instance, the movement of nineteenth century workers who contested the distribution of times and capacities when, instead of regeneration after a long day of physical labor, they spent their nights engaged in political thought or poetry writing and other artistic activities, to which, supposedly, they were indifferent or ignorant (Rancière 1989). Thus, politics refers to the act of exposing the "sheer contingency" of the social order because it consists of a demonstration of equality (Rancière 1999, 16), of a supposedly non-political form of life enacting the basic equality of "any speaking being with any other speaking being (Ibid., 30).[37] In turn, as Rancière (Ibid.) shows in the example of the ancient Greek city, the basic equality of everyone gives rise to politics because it demonstrates the political capacities of a collective that, in principle, is not qualified to rule, through the appropriation of freedom that is granted to all, equally.

The basic miscount – the inevitable incompleteness of the police account of the parts of the community – that enables politics is rooted precisely in the fact that despite lacking any sort of qualification (virtue, wealth or "wisdom"), the people, that is, the *demos* is allowed to be free just like those who possess one of the "proper" qualifications. This also means that freedom is the "improper property" of people: it does not belong to the *demos* the way wealth belongs to the *oligoï* (the rich): freedom is of those who have qualifications to rule as well as of those who do not. Consequently, since freedom as the common virtue can be appropriated by the people who have no qualifications to rule and, in turn, it enables them to identify with the whole of the community, the count defining the police order will inevitably be wrong:

[37] According to Rancière (1999, 23) every political order is conditioned on an account of speech "by which a sonorous emission is understood as speech, capable of enunciating what is just, whereas some other emission is merely perceived as a noise signaling pleasure and pain, consent or revolt". In turn, the "sheer contingency of every social order" lies in the fact that for such an account to be operative, the basic equality of every speaking being is required: "There is order in society because some people command and others obey, but in order to obey an order at least two things are required: you must understand the order and you must understand that you must obey it. And to do that, you must already be the equal of the person who is ordering you" (Ibid., 16).

"the people are always more or less than the people" (Rancière 1999, 10). Hence, again, the meaning of the "part that has no part": in appropriating freedom that is common to all and in identifying with the entire community, the people necessarily disrupt the count that aims to equate the whole with the sum of its parts, each having specific roles and qualifications. As it is impossible to equate them to any "real" part of the community, but as they themselves identify with the whole of that, the people expose the basic miscount and through the disruption that this exposure causes in the order of roles and capacities, they emerge as the political subject of the uncounted. Thus, we might say that the freedom to disrupt a given order and its conditioning of what one is and what one can do or think – a capacity that is entailed in every sensible order made up of visibilities, statements and power relations – gives rise to the political subject when it takes shape as the improper property of the people.

1.3.1 The political rationality of depoliticization

Hence, through the improper property of the people, we circle back to what I call the problem of excess freedom, and which, as we can derive from Ranciére's (1999, 2007) thought, is the very cause of the paradoxical relationship of politics and political philosophy. That is, the basic equality of every speaking being, enacted through the equal capacity of all to expose the contingency of any social order, is the very "scandal" in which political philosophy originates (Rancière 1999, 62). Based on his re-examination of the politico-philosophical tradition and of Plato's thought in particular, Rancière arrives at the conclusion that the "confusion of politics and the police" that political philosophy realizes, attempts exactly to contain, or better, to distance those without (specific) qualifications to rule from their equal capacities for politics, by way of defining the good political order and everyone's place and function within (Ibid., 29). In turn, this function, that is, the aim "to rid itself of politics" (Ibid., xii), is the guarantee for political philosophy's existence: "For political philosophy to exist, the order of political identities must be linked to some construction of city

'parts', to a count whose complexities may mask a fundamental miscount": the miscount that is demonstrated with the emergence of the part that has no part in the construction (Ibid., 6). To efface the contingency of the order, "the threatening power of language" that unmasks the equality of everyone has to be contained (Chambers 2010, 59; cf. Rancière 2004c, 30–53).[38] No wonder, then, that Plato banishes sophists and poets from the city – "[d]epoliticization is the oldest task of politics" (Rancière 2007, 19).

Political philosophy depoliticizes, then, because, in constructing the ideal polity, it "[eliminates] the difference between politics and the police", and thus works towards effacing the sheer contingency of the social order (Rancière 1999, 63; cf. Chambers 2011). That is, it reduces politics to the soci(ologic)al and, ultimately, to the spatial: to mask the basic equality of everyone, the ideal political order – in its Aristotelian version – attaches political capacities not only to social standing but also to location. In the face of the challenge that the presence of the poor yet free people mean to the order of the polis, beyond the distribution of functions and corresponding times and capacities, the political has to engage in its own spatial reduction:

> It then falls to the art of politics [as in Aristotle] to enact another coincidence between political, social, and territorial space: the coincidence of distances. […] The art of politics must regulate the intermittency of the *demos* by imposing intervals which place its strength at a distance from its turbulence, at a distance from itself (Rancière 1999, 15).

A perfect illustration for such ideas of distancing is Aristotle's preference for rural democracy and, in particular, his notion of *prosodos*: "that surplus which makes presenting oneself,

[38] Cf. the discussion on Rancière's idea of the "excess of words" below.

makes getting started, a possibility" (Ibid., 16).[39] In political philosophy's formulation of the order against the disorder of politics, spatial distancing and the social ordering of functions and times thus add up to the "politics of dispersal" (Rancière 2007, 19).[40]

Explicating the paradoxical relation between politics and philosophy in these terms, Rancière (1999, 65) goes on to analyze the tradition of political philosophy, and defines its "three great figures[:] *archipolitics*, *parapolitics*, and *metapolitics*". With Plato as its main character, archipolitics consist in substituting the anarchy of democracy with an order that is true to the *arkhê* of the community; hence the significance of the myth of the three metals (cf. Rancière 2004c). In a sense filling the gaps of the archipolitical project (Bosteels 2010), parapolitics – with its model being Aristotle – recognizes the political conflict at the heart of the order, but aims at pacifying it by incorporating its agents (cf. Rancière 1999, 11). Finally, metapolitics refers to the Marxist attempt to separate, through the notion of ideology, politics and "the hard truth of social reality" (Rancière 2004b, 87). To be sure, as Rancière's discussion of Tocqueville (under archipolitics), Hobbes (under parapolitics), and the more recent trend of the "return to the political" aiming to "heal Marxist metapolitics" with a restoration of Aristotle demonstrates, these figures of political philosophy are repeatedly reinvigorated (cf. Rancière 2007). Despite their persistent significance for liberal and neoliberal governmental rationalities through their modern incarnations, however, to account for contemporary attempts at containing the excess freedom of the subject not-to-be improved, I now turn to a specific feature of the contemporary order: the transformation of political philosophy into social science (Rancière 1999).

[39] This usage of *prosodos* refers to the assumption that due to their distance from the center, farmers presumably lack the money or the time to waste on attending the assembly: on doing politics, that is. And, although hard work on the lands could, in principle, gain the *aporoi* (the have-nots) the wealth of the *euporoi* (the haves), and thus the "proper" virtue of political presence, this is not an outcome Aristotle considered, "for he was convinced that profit is the only real passion of the masses" (Ibid., 18).

[40] It is important to emphasize, as Chambers (2011) does in his criticism of Todd May's (e.g. 2008) anarchist rendering of Rancière's thought, that the elimination of politics is the "program of political philosophy" (Rancière 1999, 63), and not of the police order, although, the two, perhaps, cannot be as neatly delineated as Chambers suggests – political philosophy takes part in the police order's conditioning of what can be done, said, or thought.

The essence of the postdemocratic consensus regime that defines the contemporary political order according to Rancière (1999, 104), is the "homogeneous regime of the visible", constituted by "the media conjunction of whatever is visible and the endless count of opinions", which, in turn, realizes "the end of forms of visibility of the collective space, the end of the visibility of the gap between politics and sociology" (Ibid., 118). Conflated with the "science of opinion", postdemocratic political philosophy finally realizes the total count (Ibid., 105). "Social science has been the final form taken by the strained relationship between philosophy and politics and by the philosophical project of achieving politics by doing away with it" (Ibid., 92). With the consensus regime's equation of the community with the sum of its parts and, thus, the people (as the equally speaking political subject) with the population, the basic miscount enacted as politics verges on complete elimination.

Drawing on two of Rancière's predecessors – Arendt and Foucault – we can better assess the significance of this process, which we might refer to as the *literalization of the count*. Linking it to the discussion above, we might now begin to see how biopolitical rationalities fit into the tradition of political philosophy and the programmatic elimination of politics. Crucial among the characteristics pointing into this direction is precisely the role of modern social sciences. Biopower is, after all, that which brought "life and its mechanisms into the realm of explicit calculation and made knowledge-power an agent of transformation of human life" (Foucault 1978, 143). Parallel to Arendt's (1958) observations about the anti-political effects of economics as a science, Foucault's account proves that the emergence of disciplines such as demography, epidemiology and, most importantly perhaps, statistics, were essential in making thinkable the pertinent level of governmental action.[41] Indeed, as Ian Hacking (1990, 2) shows, it is almost impossible to underestimate the significance of

[41] "The laws of statistics are valid only where large numbers or long periods are involved, and acts or events can statistically appear only as deviations or fluctuations. […] The application of the law of large numbers and long periods to politics or history implies nothing less than the willful obliteration of their very subject matter, and it is a hopeless to search for meaning in history when everything that is not everyday behavior or automatic trends has been ruled out as immaterial" (Arendt 1958, 42–43).

statistical knowledge for the modern construction of the subject/object of politics. When, through "the avalanche of printed numbers", society became statistical, the notion of normal people gained shape (Hacking 1990, 2). Moreover, the fetishistic wave of data collection characterizing the first half of the nineteenth century allowed for extensive knowledge acquisition of phenomena related to the life of the population, for intervening in its processes and categorizing them. "Enumeration demands *kinds* of things or people to count. Counting is hungry for categories […][B]ureaucrats […] designed easily countable classifications, into which everybody had to fall – and henceforth did" (Hacking 1982, 280; original emphasis).

Thus, the will to statistical knowledge brought about the literalization of the count: the sum of its parts finally became equal to the people. "Such a people, present in the form of its statistical reduction, is a people transformed into an object of knowledge and prediction that sends appearance and its politics packing" (Rancière 1999, 105).[42] Equated with the population, the people are no longer able to enact the scandal of democracy deriving from the equality of every speaking being; the miscount dissolves into the homogeneity of public opinion. When everyone "is included in advance, every individual is the nucleus and image of a community of opinions that are equal to parties", there is no representable barrier left (Rancière 1999, 116).[43] Unlike in previous ages, which unabashedly divided those worthy of

[42] In counterposing the prevalence of social science to politics understood as staging a scene of appearance, Rancière declaredly shares Arendt's conception of the nature of political action: "The basis of agreement [with Arendt] is that politics is a matter of appearance (*apparence*), a matter of constituting a common stage or acting out common scenes rather than governing common interests" (Rancière and Hallward 2003, 202). On the other hand, much of his conceptualization of politics can be read as a criticism of Arendt's theorization of the Greek distinction between the private and the public realms: "I wrote the 'Ten Theses on Politics' [Rancière 2010c] primarily as a critique of the Arendtian idea of a specific political sphere and a political way of life. The 'Theses' aimed at demonstrating that her definition of politics was a vicious circle: it identifies politics with a specific way of life." (Rancière 2003, 3). Relatedly, as discussed above, for Rancière, the people are the subject of politics as equal speaking beings; "the people" is the empty name that is filled by the part that has no part when it emerges through enacting the basic miscount of politics. For Arendt (1990, 75), conversely, due to the political compassion capturing the French Revolution, obscuring its reference to those who did not participate in the government, "*le peuple*" in modernity became identical with "the low people", that is, the masses. When Agamben (1998, 176–178) discovers the "fundamental biopolitical fracture" in the "diffuse and constant semantic ambiguity" of the Western concept of the people, that is, in the "dialectical oscillation" between "the People" as "a unitary political body" and "the people" as "the members of the lower classes", he adopts Arendt's interpretation. See below and Rancière (2010a).

[43] Cf. Arendt (1958, 41) on "the victory of equality in the modern world".

political life from the dumb rest, and thus allowed for the uncounted to "make themselves count by showing up the process of division", the consensus regime that wages war on "exclusion" through a totalizing account of socio-political identities and categories, impedes the polemical enactment thereof (Ibid.).

Reinforcing the idea that liberalism enables a life-fostering political rationality governing the populations' life towards it betterment through the vehicle of interests, in Ranciére's understanding, postdemocracy refers precisely to this all-encompassing incorporation of the parts of the community. Drawing a parallel to the difference between the totalizing account of the consensus regime and earlier ages' tangible division of people with or without the proper qualities to rule, he argues:

> In contemporary euphemism […] there are only *parts* of the society – social majorities and minorities, socioprofessional categories, interest groups, communities, and so on. There are only parts that can be converted into partners. But under the policed forms of contractual society and of government by consultation […], the fundamental proposition remains the same: there is no part of those who have no part (Rancière 1999, 14; original emphasis).[44]

However, we must ask, who are the part that has no part if the count is now total? The essence of the consensus regime is precisely that it eliminates the miscount between the community's parts and the people, and thus impedes the enactment of everyone's basic equality. When individuals are always already included into the order through their interests and identities, and so their sum equals to the population without residue, we can no longer talk about excess

[44] The "fundamental proposition" mentioned here refers to the actual equivalence of the free but non-qualified people with the poor. On the one hand Rancière (1999) commends Aristotle's observation that the order of the city comprises only two parts: the rich and the poor. However, as he refuses to fix the meaning of the people and to conceive of the poor as a category that exists prior to politics, he refuses to identify politics with class struggle. Thus, he concludes: "Just as the people are not really the people but actually the poor, the poor themselves are not really the poor. They are merely the reign of a lack of position, the effectivity of the initial disjunction that bears the empty name of freedom, the improper property, the entitlement to dispute" (Ibid., 13–14).

freedom: freedom has been reduced to the instrument of governmentality. Exclusion within the order of consensus cannot be enacted, since the axis along which it has previously materialized was dissolved into "a continuum of positions […] mimicking basic school grading" (Ibid., 116). Indeed, complementing the seamless homogeneity created by the mutually reinforcing dynamics of the all-encompassing euphemism of interests and the homogenizing science of opinions, postdemocratic governmental rationalities still draw on the developmental continuum of liberal political thought. Together with the depoliticizing effect of the absolutized count, liberal notions of progress and development lend temporality to the continuum of positions.[45] Sustaining an ever-rejuvenating industry engaged in creating the proper type of interest, attitude or identity, despite or, in fact, due to its securitization and responsibilization (e.g. Duffield 2007), the apparatus of development is well and alive (cf. Ilcan and Lacey 2011); and so are its distancing and delaying practices.

Yet, considering Rancière's (1999) account of the re-incorporation of marginal groups, an earlier point has to be restated. In explicating the consensual dissolution of exclusion, he mentions an "invisible, unsubjectifiable line", beyond which one is only "countable in the aggregate of the assisted [*des assistés*]": of the unemployed, the poor, or those lacking identities or "social ties" (Ibid., 116; translation modified). That is, in line with his claim that the count is now all-encompassing, Rancière here gives an account of the consensual government of the poor in terms akin to those of the governmentality literature. Similarly to those assessing the neoliberal construction of "the poor" after the death of the social (Rose 1996), he speaks of programs that attempt to construct the identities and social bonds of those not yet ready to navigate the postdemocratic circulation. This account, however, does not completely fit the contemporary condition of absolute redundancy characterizing surplus life

[45] This remains true in spite of the ambivalent temporality that "the end of the promise" implies (Rancière 2007). In effect, the consensual "politics exercised altogether in the present" in synchronicity "with the rhythms of the world, with the buzz of things, with the circulation of energies, information and desires" replicates the imperial temporality of liberalism that Mehta (1999, 30) refers to, amounting to the cementation of inequalities "for the time being".

and the governmental technologies it implies. If my earlier depiction of neoliberal urban governmentality is correct, its techniques of abandonment cannot simply be regarded as slippages within the government of the poor: they are inscribed into the biopolitical rationality of neoliberal urbanism. Therefore, the idea of the all-inclusive consensus needs to be questioned. Especially considering that, despite the pessimistic tone of postdemocracy, Rancière himself never excludes the possibility of politics and as such, he cannot assume the absolute totality of the consensus.[46] What are we to make of the fundamental proposition of the part that has no part then?

1.3.2 Neoliberal urban governmentality – the biopolitics of dispersal

Turning to the topography of the global city, one possible response emerges relatively clearly: the divisions that neoliberal governance instates into the city space certainly splinter through the homogeneous regime of visibility. Spaces of abandonment within and on the margins of the city manifest a governmental rationality that undoubtedly draws tangible lines of demarcation into the governed realm. The imperative of market circulation at the heart of the urban redevelopment molds a particular sensible order, allocating different spatiotemporalities according to the threshold of access into fostered localities. As discussed below, abandonment is deployed precisely through the technology of distancing and delaying that these spatiotemporalities materialize. To a significant extent, the sensible order of the global city spatializes and codifies the consensus regime. Through intensified policing, the criminalization of poverty, and the increasing adaptation of law to the supposed needs of the market, it gives shape to postdemocratic homogeneity. The presumption of redundancy – apparently guiding the (non-)government of places beyond the prime realm of circulation – perfectly fits "clean-up campaigns" or the refurbishment of city spaces "for the use of the general public": the sight of the margins is removed from the vision of the average.

[46] See e.g. Rancière (2010a).

Nevertheless, we cannot assume the spatiotemporal order of the consensus to be complete. First, urban struggles occurring in all corners of the world persistently question its exclusionary apparatus, and regularly manage to crack it open. Second, as these very struggles reveal, alongside the assessment of individuals' capabilities to join the proper circulation of goods and desires, the sensible order of abandonment entails a distribution of political (in-)capacities. That is, on the margins of the governmental rationality shaping the ideal entrepreneurial subject, liberal democratic polities accommodate technologies that deem significant parts of their population ignorant, inscrutable or infantile, and thus unfit not only for the life of the *homo œconomicus*, but also for politics. In turn, as argued above, the absolute redundancy of such lives seems to render their development unnecessary too. Lacking the means of developmental trusteeship, at the spatiotemporal limits of the consensus regime, the imperative to secure the milieu of seamless circulation against the undue encroachment of the surplus population exposes neoliberal governmentality's struggle with the problem of the politically superfluous. In the face of the conflict between the economic redundancy of poor city-dwellers and their democratic rights, neoliberal urban governmentality resorts to variegated techniques of distancing and delaying, to spatiotemporal, corporeal and political techniques that separate people from their inscribed equality and freedom. Thus, in line with the previous discussion of the rationality of depoliticization and with view to the governmental presumptions and practices that Abahlali encountered through their struggle for a place in the city, I suggest we attribute the attempts at containing the movement of free but redundant citizens to a *biopolitics of dispersal*.

1.4 Conclusion

The question that remains is whether and how the biopolitics of dispersal can be disrupted; that is, whether and how political subjectification can occur within its order of

abandonment. Presuming that urban struggles against the splintering care of the global city expose the governmental problem of political superfluousness and thus the persistent problem of excess freedom, this thesis argues that abandonment is functional to a contingent sensible order that can be disrupted – politics can and does emerge within the biopolitical order of dispersal. Drawing on my research with the South African shack-dwellers' movement, Abahlali baseMjondolo, I argue that the political freedom, which the post-apartheid regime granted to all, and which appears as being in excess on the horizon of neoliberal urban government, is appropriated as the improper property of the people through the shack-dwellers' politics. That is, I suggest that in contesting forced mobility, imposed temporariness and their living conditions in general, Abahlali enact their equality and, in identifying with the whole of the community as both subjects of rights and subjects of development, disrupt the sensible order that abandons them.

To a great extent, this work has been motivated by the shack-dwellers' claim that, despite the inhuman living conditions under which they suffer, they are equal speaking beings who desire, and fight for, a good life. Offering an interpretation of this claim through Rancière's previously discussed concept of politics and the role of speech therein, it can thus be read as positioned against the ways Agamben's (1998) concept of the bare life has been appropriated by critical IR and anthropology. Doubtless, as will be discussed shortly, the techniques of urban governance to which the shack-dwellers' mobilization directs attention often function precisely as killing life with impunity, as disposing of superfluous life without consequence or public outrage. This, nevertheless, should not imply the conceptual impossibility of politics. To the contrary, taking the Abahlali's struggle seriously requires that we recognize the contingency of the urban biopolitical order in the discourse about the shack-dwellers' political illiteracy and other practices meant to render them unequal. Thus, I suggest

that staged as the demonstration of equality, the shack-dwellers refusal of disposability and forced mobility redefines what is considered political.

As *Chapter 4* argues, the manifold ways that speaking and understanding defines the Abahlali's politics, problematize concerns of life in the informal settlement as fundamentally political, and counter the effects of the order that distantiates them from their equality with a thoroughly vocal politics of proximity. Taking cue from this aspect of living politics, throughout my interpretation of their political subjectification, I draw on Rancière's interconnected concepts of the *equality of intelligences* and the *excess of words*. Elaborated through his account of Joseph Jacotot's egalitarian pedagogy, the former refers to the equality of speaking beings and underlines the sheer contingency of any given social hierarchy (cf. Rancière 1991). Derived from his readings of political philosophy and historiography as muting the equality of intelligences, the excess of words refers to the power of language that the police order has to contain: the equality of intelligences implies that inscriptions of freedom and equality can be appropriated by anyone at all. As such, they can be put to use for exposing the ungrounded hierarchy of the sensible order (cf. e.g. Rancière 1994; 2004c, Rancière and Panagia 2000). Taking account of the implications of this notion for the political potentiality of rights (cf. Rancière 2010a), *Chapter 5* focuses on Abahlali's litigation and the role of rights in their politics, and assesses the impact of appropriating law as inscription on the shack-dwellers' political subjectivity. In relation to my understanding of the biopolitics of dispersal as an order conditioned on establishing the inequality of intelligences, Rancière's idea of egalitarian pedagogy is further engaged in the latter parts of *Chapter 4*. As I show there, Abahlali's pedagogical practice and their conception of knowledge is, on the one hand, crucial for their disruptive politics while, on the other, allows for a reflection on our work as researchers. Recognizing the distancing logic of explanation at work against the equality of intelligences certainly has implications for thinking and writing about politics too. Directed by

the presumption of the contingency of urban biopolitics, in what follows, I try to endorse some of those implications.

Chapter 2 Materializing abandonment: The biopolitics of the global city

2.1 Splintering nurture: The fissured topographies of care

Emphasizing the centrality of the idea of circulation within the evolving conceptualizations of the urban in a lecture about the history of public health, Michel Foucault (2000b) traces the changing ways a city's vitality was thought to be protected. With its main aim being to secure the purity of that which circulates, it was under the "urban medicine" of 18th century French cities that "piling-up refuse" was first problematized as hazardous and thus its resources – cemeteries, ossuaries, and slaughterhouses – were relocated to the outskirts of the towns. With industrialization outmoding this "medicine of things", for English "labor force medicine," circulation had been redefined as including the flow of individuals too and, in parallel, workers and the poor themselves had come to be regarded as threats. As indicated in the previous chapter, today's urban struggles signify yet another model for the government of circulation: groups of individuals now appear to be included in the category of piling-up hazardous refuse. Slogans such as "NO to evictions to human dumping grounds!" are targeted against a mode of urban governance that originate in, but twist the liberal challenge posed against the "poor laws" of the age of labor force medicine. Metropolises of our present day diverge from the mode of governing people and things through apparatuses of security that Foucault (2007, 18) demonstrates in the example of the modern town's evolution and that centered on "maximizing the good circulation by diminishing the bad". Topographies of "global cities" now to be found on all continents are defined by the competition for becoming major hubs in the global economic circulation – a competition that, as the one for Cinderella's fragile shoe, entails cutting off parts now seen as overgrowths. Indeed, "cutting off" is a paradigmatic phrase of the present day metropolitan order: in "world class" cities,

maximizing good circulation seems not to be carried out by diminishing the bad within the same milieu, but by insulating the milieu of good circulation from that of the bad.

Condensing the major claims of many contemporary movements in the title "A place in the City", Jenny Morgan's (2008) documentary about Abahlali baseMjondolo testifies to precisely this shift. Today, processes that materialize abandonment seem to be exacerbated by the urge with which aspiring megacities engage in redesigning themselves.[47] Certainly, as discussed above, biopower, that is, the modern governance of the "man-as-species" toward its wellbeing, inevitably entails the production and the consequent abandonment of superfluous lives, for the regulation of the massified subject of the population turns on an implicit division of governmental practice into pertinent and non-pertinent levels. Hence, governing the relevant effects of reality to achieve the common interest at the pertinent level of the population implies that potentially detrimental dynamics are allowed to take effect on non-pertinent levels. Therefore, multiplicities of people are left unprotected in certain localities at certain moments in time – that is, at spatiotemporal coordinates irrelevant from the perspective of biopolitical government.

In this chapter, I take a closer look at the ways neoliberal urban governmentality crystallizes abandonment within this epistemological gap of modern political reason. With the aim to provide a more specific context for Abahlali's struggle, I first show how neoliberal urban governmental rationality and the correlate idea of the "world class city" took shape in the post-apartheid South African metropolis, effectively reinstating the minority rule's spatial order, despite the emancipatory mandate of the first democratically elected government. In discussing the neoliberal foundations of the post-apartheid approach to low-cost housing, the deployment of cost-recovery and the return of the "slum eradication" discourse, I outline the spatial practices that impede poor people's access to urban infrastructure. Locating these

[47] I use the term 'global city' interchangeably with 'megacity' or 'metropolis', thus not with the intention to mobilize the specific sense it gained through Saskia Sassen's work. Cf. Brenner (1998a) and Robinson (2002).

practices within the context of localities' global competition for a highly mobile capital, I then recount how the generally equalizing spatial planning programs of welfare liberalism in the West and statist developmentalism in the South were replaced by "splintering urbanism" (Graham and Marvin 2001), that is, processes that resulted in infrastructural networks' fragmentation and polarization, which, in areas beyond the prime realm of circulation, produce spaces of abandonment. Interpreting these phenomena as part of a biopolitical apparatus of dispersal, I finally outline the spatiotemporal order of abandonment from the shack-dwellers' perspective, and show that instead of aiming to render them productive, this sensible order seeks to nurture the milieu of competition by physically distancing the surplus population. Moreover, pointing at the coincidence of the techniques of distancing with the distribution of capacities to be heard and seen, in this account, the depoliticizing rationality of the spatiotemporal order of abandonment is also revealed.

Drawing on Foucault's analysis of the shift between liberal and neoliberal governmentalities, the previous chapter discussed the latter's disentanglement of the economy and the social, which resulted in considerations of social justice being weeded out from economic policies. As it was also mentioned there, this process of purification had a major impact on the conceptualization and the provision of increasingly privatized social services, with market and competition being constructed as their lead principles. At the same time, the corresponding redefinition of the idea of public infrastructure implied that responsibilities of the state and the members of the population were significantly reshuffled. That is, with the prevalence of neoliberal governmentality, the welfarist ideal of universal service provision (backed up by the late modern notion of mass technological progress) was discarded, giving place to conceptions of urban development more suitable for the image of competitive, entrepreneurial localities. Decoupling the economic and the social within governmental rationality thus went hand in hand with giving up what Neil Brenner (1998b, 476) refers to as

"homogenizing spatial practices on a national scale" and allowing for the intensification of uneven spatial development.

As struggles for a place in the city in this hemisphere reveal, spatial development in the Global South has always been uneven. While colonial rule deployed a wide array of biopolitical technologies (e.g. Stoler 1995; Mitchell 2002), due to the nature of the "hegemony on a shoestring"[48] (Berry 1993) and the "racial frame" defining the scope of the efforts to reconcile the dual goal of economic exploitation and social ordering, "transforming the lives of all" through metropolitan modes of regulation was never on the colonial agenda (Chari 2010, 77). In terms of infrastructure provision, aims to optimize North-bound economic circulation together with the lives of the local white elite implied constructing cities of "spatial apartheid" (Balbo 1993). That is, installing networked services for the white minority and denying them to the "natives" (Kooy and Bakker 2008). What is more, with their reliance on the "trickle down"-assumption of modernization theory anticipating the spread-out effect of key urban areas' industrialization, despite the declared universalistic intentions to improve the life of their populations, developmentalist regimes of post-colonial states replicated patterns of uneven development (Graham and Marvin 2001). In turn, with the neoliberal reconfiguration of development exporting the disengagement of the economy and the social, national development programs were ultimately delegitimized (Neocosmos 2011). Consequently, Southern states' ideals of providing their populations with social citizenship and of so altering the ossified North-South distribution of "insured and non-insured lives" (Duffield 2007) were permanently undermined (Escobar 1995). Paralleling (and often outpacing) the neoliberal offensive on the welfare state in the North, by way of conditionalities attached to World Bank and IMF loans (Brenner and Theodore 2002b), the liberalization and privatization of public services became the fundamental norm of urban

[48] With this notion, Sara Berry (1993, 24) refers to the contested and often unsuccessful attempts of colonial rulers in Africa at effective government. "Scarcity of money and manpower not only obliged administrators to practice 'indirect rule', but also limited their ability to direct the course of political and social change".

governance in the Global South (McFarlane 2010), thus confronting its cities with "their own individual collapse of the modern infrastructural ideal" (Graham and Marvin 2001, 296).[49]

2.1.1 Spatial apartheid – yet again?

Post-apartheid South Africa represents a unique and at the same time paradigmatic case of such trajectories of ideational collapse. As Franco Barchiesi (2002, n. p.) argues, South Africa's transition from apartheid "was the first case of 'national liberation' to take place under the global dominance of market forces and neoliberal ideology", with this historical context largely determining the fate of the first Mandela-government's national developmentalist mandate. In light of the emancipatory promise to eliminate the inheritance of white minority rule and its almost incomprehensible system of discrimination carried out through "pass laws" and the construction of peripheral townships and Bantustans; the replacement of the equalizing ideals of the *Reconstruction and Development Programme* (RDP, 1994) with the primacy of competition in the *Growth, Employment, and Redistribution* strategy (GEAR, 1996) seems particularly puzzling. But, although on the level of macro-economic strategies the quick shift from the conception of the "national-democratic developmental state" that defined the RDP's goals based on the idea of achieving growth through development to the budgetary balance and investment-centered "growth first!"-mantra of the GEAR is both striking and relevant (Bond 2000, Magubane 2002), it does not fully explain the radically uneven pattern of service provision shaping South African cities today.[50] In fact, there seem to be a number of elements in the late-apartheid–post-transition

[49] To be sure, the history of modernist urbanization and its neoliberal restructuration in the Global South cannot be sufficiently summed up in a single paragraph, but a more thorough discussion would stretch beyond the frames of this chapter. For research properly engaging the topic, see e.g. publications of the African Centre for Cities, the special issue of Social Text: "Urban Margins: Envisioning the Global South". For a more ethnographic account, see Seabrook (1996). See further the journals *Urban Forum*, *Third World Planning Review* and the *International Journal of Urban and Regional Research*.

[50] Whereas Patrick Bond's (2000) detailed account of the ANC's transition from a developmental to a neoliberal economic program is very informative, it is worth consider Richard Pithouse's (personal correspondence, April 14, 2011) criticism of Bond's – and, by implication, Naomi Klein's (2008) – depiction of the ANC-government,

reconfiguration of the state-municipality relation (and their respective responsibilities) that have set the stage for the neoliberal reinforcement of spatial apartheid in advance.

With regard to basic infrastructure, as McDonald (2002, 20) notes, "albeit in a racially skewed manner", the apartheid regime provided significant subsidies for service provision even in the black townships (and, to be sure, much more significant subsidies in the white suburbs): "the apartheid state saw its role as one of providing and subsidizing the delivery of essential municipal services". Much earlier than the ANC-government's apparent neoliberal turn signified by the GEAR, this approach began to be undermined already in the seventies, mostly by the experts of the newly formed Urban Foundation financed by Anglo-American and other leading corporations.[51] With the Urban Foundation gaining major influence on the governing National Party's housing policy in the mid-eighties, the state increasingly retreated from infrastructure and service provision, so making way to the complete endorsement of cost-recovery as the main principle of municipal service provision by the early nineties – by this time, across political divisions (McDonald 2002). Concerning the question of housing more particularly, again largely due to the consultancy of the Urban Foundation, government policy was reformulated much along the lines of the international consensus on urban development and informal dwelling.[52] Apparently offering a more flexible response to the fact that the state lost its capacity to control the "urban influx" of black people, despite repeated legal attempts to reinforce the institution of forced removals, the Foundation's approach

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especially then president Thabo Mbeki, as incompetent and easily directed by the World Bank: "[Mbeki] spoke, for instance, about how the first attempt at black liberation in the modern world, the Haitian Revolution, had been crushed from outside and that a lesson must be drawn from this. He argued that Africans had been poor for hundreds of years and making a tactical accommodation with the global system would allow the creation of a genuine African bourgeoisie that could break the link between Africaness and poverty. He saw the creation of this middle class, and elite, as a blow against racism".

[51] Anglo-American is the world's second largest mining company originally based in South Africa, presently headquartered in the United Kingdom (http://www.angloamerican.com/). Whereas the Urban Foundation no longer exists, as Butler and Pithouse (2007, 9) note, the company still shapes the cityscapes in Durban: "Anglo-American, the corporation behind the Foundation now owns Moreland, the company that has driven Durban's spatial development policy since 1989".

[52] On the role of the Urban Foundation in the late-apartheid reformulation of housing policy, the context of its formation, and their incomplete adoption of the international paradigm, see Huchzermeyer (2004, Chapter 5).

reflected the new international paradigm that conceived of shantytowns no longer as anomaly but as poor people's adaptive solution to housing shortage (COHRE 2008): hence the replacement of "slum" with "informal settlement" in development discourse, mirrored in the vocabulary of the Urban Foundation (Pithouse 2009).

In line with the neoliberal agenda of international financial institutions promoting individualized schemes of property ownership and self-help infrastructure development (Huchzermeyer 2004), the Foundation's experts suggested a housing policy whereby eligible household heads were granted (through the state-funded Independent Development Trust) a one-time subsidy that delivered the ownership of a landed property with basic services (COHRE 2008). Despite the criticism against this scheme for its aversion to carry out the nominally included settlement-upgrade element and for failing to challenge the property market thereby reinforcing the apartheid pattern of spatial marginalization, dominating the negotiations at the National Housing Forum active from 1992, the Urban Foundation's vision provided the bases of the post-apartheid housing policy. Consequently, regardless of the fact that even the World Bank itself was forced to revise the site-and-service approach by the early-nineties, it determined the path of the democratic government's housing delivery (Huchzermeyer 2004). The only difference that the delegation representing the ANC, the trade unions and the civic movement could make to the Urban Foundation's proposal promoted by the body representing business interests was the addition of a so-called "starter house" to the serviced site (COHRE 2008). Thus, by the time the neoliberal macroeconomic shift of the democratic government materialized in the GEAR strategy and fed into urban governance through the cutbacks in resource allocation from the central government to local authorities and the Treasury-enforced caps limiting their spending per budget item, municipalities' choice of promoting cost-recovery and pro-business subsidization was almost

inevitable (Pape and McDonald 2002). Hence, the grounds for competitive cities' eventually ossifying uneven topographies were already laid.

A further element contributing to this process of ossification was the transitional local government legislation (Robinson 1997). Largely counteracting the progressive ideas of resource redistribution articulated in advance of the first democratic elections, the *Local Government Transition Act* of 1993 entrenched a system of decision-making that tamed the various democratic organizations into a multiparty structure as "stakeholders" (Pape and McDonald 2002), while reinforcing – through securing the veto powers of the white minority – the apartheid residential structure by turning its units into "racialized and politicized electoral districts" (Robinson 1997, 366). Thus, even though the equalizing goals of the liberation programmed in the RDP began to be realized with a great impetus, their collapse was encoded into the governmental regime from the very beginning. Although the period after democratization saw the large-scale rollout of infrastructure,[53] especially that of water and electricity, the growing prevalence of the market, taking shape for example in the extensive installation of water- and electricity meters, often annulled the benefits originally provided (Pape and McDonald 2002). Similarly, whereas the ambitious governmental goal to build 1.5 million houses between 1994 and 1999 was eventually achieved – although with a delay of two years – the rapidly growing backlog was not the only problem with the delivery process.[54] More critically, beyond the notoriously poor quality of the buildings and the incomprehensibly low standards of the "incremental houses",[55] their location routinely re-

[53] "The delivery of water was proclaimed a 'miracle' by the Department of Water Affairs and Forestry and by 1999 it claimed to have reached the second million in terms of connections since 1994. Electricity also saw positive figures for connections. From 1994 to 1997, more than 1.5 million households were added to the electricity grid" (Pape and McDonald 2002, 4; original reference omitted).
[54] The housing backlog was estimated to be 2.1 million in 2010. (Source: http://www.timeslive.co.za/local/article456338.ece/SA-housing-backlog-at-2.1-million)
[55] "Legitimizing the inadequacy of the delivered housing unit, the policy was called 'incremental housing'" (Huchzermeyer 2004, 2). "The exact form of these houses varies according to provincial standards, but the national Department of Housing's minimum norms and standards require 30 square meters of floor space and the provision of water through, at least, a stand pipe in the yard. People have complained that 'Mandela's houses are

inscribed apartheid planning. The development sites were often those assigned for township development by the apartheid regime: on the peripheries of existing townships, distant from employment opportunities and, due to the failure of inter-departmental planning, lacking in transportation and basic urban amenities such as schools, clinics, or public transport (COHRE 2008). Such being the original situation, when the general pressure for neoliberalization found a fitting articulation in the urge to join the globally raging competition of world class cities (Pieterse 2005), the spatial fragmentation of the post-apartheid metropolis came to be cemented.

Indeed, as most assessments of post-apartheid urban governance show, in present-day South Africa, "many metropolitan authorities seem determined to follow, somewhat uncritically, mainstream policy ideas about the importance of being 'world-class', 'competitive', and globally integrated at any cost" (Pieterse 2005, 139).[56] Although, as Turok (2004, 1070) notes, the conception of competitiveness "is far from straightforward", its prolific deployment conceals its vagueness but, more importantly, its vagueness does not mean that its effects are not real. Quite to the contrary, the all-pervasive reference to the necessity of competitiveness has very real spatial consequences: "A competitive city is one that portrays modernity in its fullest and does not show signs of informality" (Huchzermeyer 2010a, 26). Very much in rhyme with the above description of contemporary urban governance in aiming to isolate the realms of good circulation from bad, according to Huchzermeyer, competitive cities "actively discourage" the influx of those deemed unfit to contribute to the contest for hyper-mobile capital. Pointing at the heart of the power that today operates through the withdrawal of care, Huchzermeyer (Ibid.) continues:

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half the size of Verwoerd's and, indeed, houses this small would have been classified as 'slums' under the 1934 Slums Act" (COHRE 2008, 86).

[56] See, among others, McDonald (2002), Robins (2002), Huchzermeyer (2010a), Lemanski and Oldfield (2008) and Robinson (2002).

> One mechanism readily used by decision-makers throughout South Africa's large cities to discourage city-ward migration of poor people is not to provide affordable residential environments in any proportion to the real need. If the unwanted population still enters through the back door of shack settlements, the approach is not to extend services into these areas and not to permit the expansion of these settlements. There are many relatively simple ways not to make cities attractive to the poor, at least not more attractive than other cities. Large South African municipalities increasingly use "security measures" (as offered by private security firms) to prevent the poor from building new shacks.

Equally demonstrating the globally perceptible effects of the world-class imperative, on the other side of the biopolitical fissure, hyper-securitized gated communities show a supposedly more competitive face of South African metropolises. In reaction to the apparent inability of the post-apartheid government to contain the growing criminality in former townships, cities in South Africa gradually took the shape of "fortress cities" (Robins 2002). Manifesting the socio-psychological effect of the transformation and their lacking trust in the state's ability to perform in this regard, through this form of almost paranoiacally guarded habitation, wealthy white urbanites have privatized the racist "fear of mixing" that once operated the apartheid regime (Ballard 2005, 16). As a further illustration of the absurd reality of "a city that works for all",[57] in its attempt to regulate private developers' practice of enclosing public roads, in 2007 the City of Cape Town Municipality ended up legitimizing the completely exclusive type of gated communities reserved for the ultra-elite (Lemanski and Oldfield 2008). In effect enhancing the fragmentary effect of the competition for investment on the infrastructural level, completing the package of tax-benefits, municipalities tend to

[57] Although the slogan on the official home page of the City of Cape Town today reads "This city works for you", the one cited by Lemanski and Oldfield (2008, 10) is still in use, see e.g. the illustrative example of the city's bid to become the "World Design Capital 2014".

lower service tariffs in order to render themselves favorable for industry.[58] Similarly, reproducing a tariff structure where the poor are forced to pay the most for municipal services, the neoliberal imperative of cost-recovery results in charging the expenses of infrastructure development on the formerly unserved, thus, "suburbs and industry continue to benefit from the racially skewed investments of apartheid" (McDonald 2002, 27).

Most of all, perhaps, the oxymoronic nature of the post-apartheid ideal of integrative cities and the image of the presumably competitive ones emerges with "the return of the slum" (Pithouse 2009, 4). To grasp the significance of this discursive shift, it is interesting to take a look at the changing deployment of the term 'eradication'. As Huchzermeyer (2010b) notes, in the first seven years of the ANC-government, the term was only applied in relation to the housing backlog that the RDP addressed with the described fervor. In this period, the elimination of informal settlements was not on the horizon of the housing policy; instead, they were only referred to as illustrations of the vast extent of delivery to be undertaken. At the same time – not independently of the increasingly evident marginalizing effects of the construction of global cities and the previously mentioned shift in the approach to shantytowns – *in situ* settlement upgrade gained prominence on the international development agenda. However, in South Africa, where the subsidy system was the codified solution for housing the poor, settlement upgrade was seen to be inferior to the delivery of low-cost houses, and the practice of relocation has continued. In a rather contradictory manner, while the subsidy scheme contributed to the perpetuation of apartheid topographies, and forced removals to relocation camps (alias Temporary Relocation Areas: TRAs) recalled the practice of the corresponding era, the official policy still addressed the issue of settlements indirectly,

[58] As the former Director General of the Constitutional Development argues: "If we increase the price of electricity to users like Alusaf [a major aluminum exporter], their products will become uncompetitive" (Olver quoted in McDonald 2002, 24). On the pro-business tariff-policy of Eskom (the largest South African electricity provider), see further Hattingh (2010).

that is, it aimed at the socio-economic reasons leading to their emergence as opposed to legalizing a topical treatment and thus their elimination (Huchzermeyer 2010b).

Absurdly enough, this attitude has changed parallel to the top-level international endorsement of *in situ* upgrades. When in 2000 the United Nations Development Declaration adopted the objective that was set out a year earlier in the World Bank and UN-Habitat authored *'Cities Without Slums'* initiative: the goal to achieve "significant improvement in the lives of at least 100 million slum dwellers" (UN 2005, xxi) by 2020,[59] the South African government was quick to show commitment. Nevertheless, as evident from the new vision for housing as formulated in 2001 by then Minister Mthembi-Mahanyele, target 11 of Millennium Development Goal 7 have come to provide constant reference to a different approach to 'eradication' (Huchzermeyer and Karam 2006). Based on the (mis-)interpretation of the "Cities without Slums"-concept as that of the "shack-free city", the Department now defined its aim for the following fifteen years as eradicating informal settlements (Huchzermeyer 2010b).[60] Clearly working against the spirit of the 1997 *Housing Code*, it is this sense of eradication that dominates current South African practice.[61] This, despite the fact that, in yet another twist to the contradictory dynamics of national legislation and municipal practice, the "Comprehensive Plan for the Development of Human Settlements: Breaking New Ground" (BNG) of 2004 outlined a definitely progressive housing policy framework. It not only complements the delivery of low-cost housing with the promotion participatory upgrades

[59] Hence the discursive return noted by Pithouse (2009, 4).

[60] As Huchzermeyer (2010b) points out, this misinterpretation was also noted by Miloon Kothari, the UN's Special Rapporteur on Adequate Housing in his report on a mission to South Africa: "…the Special Rapporteur notes that there may have been a misunderstanding as to how to respect international commitments, such as the Millennium Development Goals, that may have led to efforts being directed to the eradication of slums rather than the improvement of the lives of slum dwellers" (UN-HRC 2008, 16).

[61] As Pithouse (2010, n. p.) enumerates the techniques making up the violent assemblage of "actively discouraging" the poor from settling in 'global' cities: "Three primary strategies are being deployed to eradicate shacks. The first is to withdraw or limit services such as water, electricity, refuse removal and so on to the point where conditions in the settlements become life threatening. The second is the use of various forms of surveillance and state violence to prevent the expansion of settlements or new occupations. The third is the destruction of established settlements. When established settlements are destroyed some residents are allocated houses, often in peripheral settlements, while others are coerced into state-built shacks, known as transit camps, and others are left homeless".

through the setting up of a corresponding funding mechanism, the BNG also calls for the fast-tracked release and servicing of land.[62] Furthermore, beyond making the much needed move towards shack-dwellers' secure tenure on well-located land, it also seeks to facilitate the urban integration of poor people when proposing to render the authorization of commercial developments conditional to the provision of twenty percent of low income units (Pithouse 2009). As Huchzermeyer (2004) warned at the time, however, the framework seemed to be lacking in both political and bureaucratic support from the very beginning and as such, the ever more prevalent discourse of slum eradication evidently overpowered it. Although, according to Pithouse (2009), the latter was enthusiastically taken aboard by many provinces, KwaZulu-Natal did so with an almost inexplicable impetus. In its 2004-2007 Strategic Plan, the provincial Department of Housing defined as one of its primary objectives the eradication of slums by 2010, although this deadline was later moved to 2011. Considering the codification of eThekwini's "Slums Clearance Program" (2001) through the provincial "Slums Act" and the significance the aspiring world-class city attributed to this mega-event, the context indeed seemed to be ripe for Mayor Obed Mlaba to proudly declare about the policy to remove street traders in advance of the 2010 FIFA World Cup: "We have cleaned many areas in the city and also townships. This is a wonderful opportunity for us to clean up areas that have become unsavory" (Mlaba quoted in COHRE 2008, 142). Doubtless, through the efforts to enable unobstructed circulation, the eradication-discourse culminated.

2.1.2 Splintering nurture and spaces of abandonment

Such is the picture we get when zooming in on the fragmentary technologies of constructing world-class cities upon the ruins of colonial topographies. Albeit with obvious

[62] To be sure, one of the major obstacles to the more efficient delivery of housing in South Africa is the so-called "willing buyer-willing seller" principle that did not allow for a significant land reform, let alone the public appropriation of private land (David Ntseng, interview, 12 July 2009).

differences – one of them being the very phenomenon of informal settlements – "competitive" cities in the Global South and North converge in reconstructing the historically regional divide of developed/underdeveloped within their boundaries (McFarlane 2010, Shapiro 2009a, Smith 2002).[63] Characteristically, contemporary urban governance on both hemispheres triggers what Stephen Graham and Simon Marvin (2001, 33) termed 'splintering urbanism', that is, processes of infrastructural networks' unbundling that "sustain the fragmentation of the social and material fabric of cities". With the idea of social justice weeded out from the government of service provision, splintering urbanism both materializes and reaffirms neoliberal biopolitics. Fostered by the increasing marketization and customization of services that produce different pools of choices for responsible consumers and those catered for by the resized social, it displays the material imprint of the readjusted governmental focus and exposes a fissure in the totalizing aspect biopolitical care. Certainly, since the mid-1980s, the Foucauldian literature on biopolitics and governmentality has provided invaluable insights on neoliberal rationalities and technologies of rule. Nevertheless, to specify a point made in the previous chapter, in order to make sense of the present biopolitical condition that is largely determined by this fissure and its effect to create "human dumping grounds", we have to reach beyond the governmentality-framework. Whereas Rose (1996) shows awareness of the spatial implications of the "death of the social" when observing the imaginary as well as strategic relocation of the newly defined poor to marginalized spaces, considering for instance the practice of "slum-eradication", his observation cannot fully grasp the consequences of the biopolitical partition.

As the previous discussion of the splintering landscapes of South African urbanism illustrates, when adapting to the supposed requirements of the global "interterritorial

[63] For an argument about the analytical import of eliminating the conceptual divide between 'global cities' in the South and the North, see Robinson (2002). Cf. Auyero (2011a, 431) on the lack of dialogue between North- and South-American research on urban margins, despite "the striking similarities in the ways neoliberal economic policies and political transformations are now affecting the lives of the urban poor throughout the Americas.

competition" in which the state becomes spatially selective, much more is at stake (Brenner and Elden 2009, 370). Rivaling states and cities "are constructing experimental models of urban planning and infrastructure provision for building local microgeographies within strategically significant regions whilst withdrawing policies geared to mass integration and redistribution" (Jones 1997, 852). This, in turn, means practically neglecting less valuable places associated with less valuable groups of people, and when this neglect equates to not providing basic infrastructure, such as water or electricity, we witness nothing less than the emergence of spaces of biopolitical abandonment. That is, dethroning the ideal of universal provision and removing the redistributive measures of its regulation implies more than matching up marginal subjects with marginal spaces; it effectively creates separate circuits of life-support. At best, (and mostly in less marketable areas of the Global North) this means retaining the monopoly of the original provider, often with higher tariffs and fewer options. At worst (and mostly in peri-urban areas in the Global South), gaps emerge in provision, casting unserved groups of people into inhuman living conditions that eventually lead to their death. Whereas modes of service provision that carry the disciplinary functions of forming the responsible costumer of neoliberal governance may occur in marginalized places (consider for instance the practice of installing prepaid meters), a municipal regulation that generally prohibits the electrification of shack settlements (as did eThekwini's "Slums Clearance Programme") could hardly be explained in these terms. Thus, when it comes to its infrastructural crystallization, the "death of the social" may become literal and so, with the power to disallow life virtually institutionalized, we encounter biopolitical rationality turned on its head.

Due to the dualistic schemes of neoliberal urban infrastructure provision, urban development, for many, takes shape as the withdrawal of care. As the Urban Foundation's site-and-service proposal aptly demonstrates, mobilizing the essence of Western liberal

conceptions of developing the "non-insured lives" of backward populations, beyond prime urban spaces, the state and non-state agencies alike turn to the principle of development as the promotion of self-reliance (Duffield 2007). Thus, in localities that are not attractive enough for private developers, communities are often encouraged to construct their own "development frameworks" and build infrastructure by themselves (UN-Habitat n. d.). Accordingly, Graham and Marvin (2001) take account of "community infrastructure" as one of the pathways to other networks, albeit they note that the integration of self-built infrastructural networks into market-based ones is very much conditional upon private providers' expected returns, which, in poor communities, is far from guaranteed.[64] But, whereas already the idea of self-help infrastructure is quite distant from the late-modern concept of universal infrastructure development as the state's "natural monopoly",[65] in cases when even this option is denied and thus traces of "informal infrastructure" appear, it is abandonment that materializes. Indeed, considering the distance between the emancipatory ideal of homogenous cities and the present condition of marginal spaces, "informal infrastructure" seems to be a contradiction in terms and carries similar risks of justifying the contempt for shack-dwellers' struggles for a living by projecting entrepreneurial potentials into the informal sector that flourishes in shantytowns (e.g. Berner, Gómez and Knorringa 2008; cf. Seabrook 1996).

Therefore, beyond registering the operation of a productive biopolitical rationality of "governing the poor" in the international consensus on participatory projects of in situ upgrades or community infrastructure development, we also have to take note of the South African government's appropriation of the corresponding discourse for a rationality with the

[64] Except, of course, in such successful cases as the one discussed in a UN-Habitat (n. d.) report on a project of "Housing and Infrastructure Development through Self-reliance" in the South African village Klapmuts, where the improvement of the rate-paying moral is depicted as a crucial part of the development process.
[65] In the era of universal service provision, infrastructural networks were considered to be "natural monopolies": seen as "essential to a civilized life", they were thought to be most efficiently regulated by a sole public supplier (Sleeman quoted in Graham and Marvin 2001, 79).

opposing sign, accommodating techniques such as "slum eradication". Similarly, while the ANC-government's "Operation Masakhane" ('let's build it together') announced in 1995 with the aim to reverse the consequences of a major form of anti-apartheid struggle, that is, the practice of non-payment as a way of rendering municipalities ungovernable, can very well be analyzed within the framework of biopolitical governmentality, the techniques that – as a first step towards the ideal of full cost-recovery – it gave rise to are beyond forming the disciplined costumer. When arrears of ZAR 3000 (cc. $400) of township households with an average size of six members (frequently none of whom are employed) lead to being cut off basic services often for weeks or even months, interpreting the municipal practice as "[t]hey are killing us alive" does not sound like an exaggeration (Anonymous Khayelitsha-resident quoted in Xali 2002, 107).[66] Further still, although we can trace the neoliberal re-articulation of "the poor" within the South African "indigent policy" of the same period, the fact that it operates on the assumption that all households can pay for services unless they prove otherwise, and that in practice it was almost impossible to acquire indigent status, suggests we better revisit the subjectifying force of such categorization (Pape and McDonald 2002).[67]

Arguably, where development assumes the form of informal infrastructure, slum-eradication or service cut-offs, tracing the practices of government through freedom is in vain. Relatedly, where even the effort to implant self-reliance is missing, we cannot talk about the establishment of the developmental tutelage. Instead, as they are suggestive of the "political marginalism" of neoliberal urban governmentality (Foucault 2000a, 409), in these instances

[66] To indicate the scope of cut-offs: "…as many as 10 million South Africans have had their water cut off and 10 million have had their electricity cut off since the end of apartheid. Furthermore, some two million people have been evicted from their homes for non-payment of service bills" (McDonald 2002, 22).

[67] To illustrate: "In 1999, residents of the former Eastern District Council area of Klipgat had to travel to Rustenberg to get information about qualifying as indigents. However, when they arrived there, they were informed that although the council had been allocated money to cover indigent subsidies, they had not yet developed a policy. Hence, there was no way to be declared as indigent. In nearby Ga-Rankuwa, a person's individual case had to be approved at a city council meeting before he/she become eligible for indigent subsidy. In the best of circumstances, indigent policies amount to harassment of the poor. But in many South African municipalities this harassment has been inserted into a process which makes it virtually impossible to even acquire indigent status. Yet without it citizens had to rely increasingly on the market to set their service tariffs" (Pape and McDonald 2002, 5).

we should recognize particular responses to the absolute redundancy of surplus life. Doing so, however, as it was argued previously, we come face to face the problem of excess freedom. Thus, if we cannot assume a governmental aim for the developmental containment and instrumentalization of freedom to be at work, how can we identify neoliberal urban governmentality's attempt at dealing with the political superfluousness of surplus people?

2.2 Biopolitics of dispersal: the sensible order of abandonment

Affirming that "the *nomos* of modernity is 'circulation', the developmental landscape of the global city crystallizes a governmental assay of utility where the gauge is the capacity for, or the compatibility with, circulation (Dillon 2005a, 40). Indeed, as Huchzermeyer (2010a, 26) notes, "[a]t its core, urban competitiveness is about managing mobility", and, arguably it is precisely mobility that emerges as the "common" of the global city's order; the common whose distribution is defined by a partition of the sensible that makes up the police order (Rancière 2004a). Consequently, the allotment of places and roles are functional to mobility, and in turn, mobility provides the terms for inquiring into the containment of excess freedom, much like Huchzermeyer (Ibid., 25) suggests: "how [do] policies for urban competitiveness treat poor urban inhabitants who are only marginally connected to the formal economy but are as mobile as people skilled for formal participation in the globalizing economy"? In focusing on practices that constrain the movement of people who are as mobile as the rest, moreover, whose mobility is an emphatic achievement of liberation, this question takes us back to the biopolitics of dispersal, that is, the art of governing the superfluous freedom of superfluous people. In turn, complementing Huchzermeyer's inquiry, the notion of the biopolitics of dispersal implies that within the sensible order of the global city, mobility is attached to an account of speech. Thus, along the lines of the discussion in the previous chapter, I suggest that we interpret techniques of distancing and delaying through which mobility is managed and abandonment is deployed as concomitant with, among others,

assumptions about urban dwellers' sensibilities and political literariness. As the remainder of this chapter illustrates, beyond regulating access to the urban and thereby cutting off of its amenities, lives that are not to be fostered, these techniques define the distribution of what is visible and audible, and who should spend her time with what. The following account of the spatiotemporal materialization of abandonment demonstrates how the suspended temporality of spaces of abandonment and the corresponding forced mobility of the surplus population coincide with and, what is more, rest on assumptions about these people's capacities for mobilization and public appearance. Approached from the perspective where it is challenged by those who are not supposed to act as the equals of those who decide about their (non)development, the biopolitical order of dispersal is here revealed as "a distribution of the possible and impossible"; a contingent apparatus that sorts the distance from networked electricity and the capacity to speak and be seen with the same move (Rancière 2005, 23).

To start with the trivial but nonetheless appalling: in its primary effect, (i.e. the laborious ways to cater for one's basic needs as opposed to the unnoticed luxury of immediacy) lacking networked infrastructure is doubtless about experiencing distances and delays.[68] However, evident already at a second assessment, and demonstrated in a documentary about two communities' legal challenge against political and infrastructural bypass, exclusion from circuits of information is just as much characteristic of lives supposedly centering on struggles for biological survival.[69] As ODAC's (2007) film shows in documenting Abahlali's act of filing their request of information, the parallel patterns of access to information and basic services are also engraved in the possibilities of occupying

[68] "The worst thing in living here… you know, when you are coming from a home where there is water inside the room, there is electricity, if you need to bathe, you just go to the bathroom and just relax there but here, if you need water, you just have to go out and fetch water with a heavy thing, and if you need the toilet, you have to go out even if it's raining, even if it's hot, even if it's winter…" (Zodwa Nsibande, interview, 27 May 2009).
[69] Prior to Abahlali's case, the film presents that of Ntambanana, a village in KwaZulu-Natal Province, that lacks all kinds of networked infrastructure and was routinely left out of all plans of service delivery. Infuriated by the local councilor's neglect, two women from the community decided to act, ultimately seeking legal help from Open Democracy Advocacy Center (2007), the NGO authoring the documentary.

public spaces.[70] To secure the proper distribution of the audible and the inaudible, more violent means are frequently deployed, too: to visit a radio station where they were to be interviewed, Abahlali members rented a car but were upheld by the police on the assumption of having stolen the vehicle. Charged with resisting arrest, chairperson S'bu Zikode and then vice-chair Philani Zungu were imprisoned, thus, evidently, the radio interview could not take place.[71] Just as evidently and no less significantly: regular and often violent electricity cut-off raids also affect shack-dwellers' ability to participate in the flow of information.[72]

Cut-off raids are one of the Slum Clearance Program's gravest implications. As part of the program, confirming the previously discussed shift in the government of service provision and based on labeling these dwellings temporary, the eThewkini Municipality replaced its 1990 "Electricity for All" policy of connecting shacks with the total prohibition of electrification.[73] The policy that Abahlali explains with the municipal intention of the shack-dwellers' "ruralization," that is, the will to push the poor beyond the boundaries of the city, is a paradigmatic instance of the biopolitics of dispersal:

> Many of us believe that by leaving us to be killed by diarrhoea and fire and rats while they waste millions on casinos, the theme park, stadium and the A1 Grand Prix the

[70] "They wanted to see, they wanted to see the faces of officials when they exercise this right, when they occupy this political space – because this is exactly what if was: it was occupying political space and forcing better engagement with the authorities" (Mukelani Dimba, ODAC 2007/1, 11:42–12:01'').Whereas Abahlali saw the event as the enactment of practicing their rights as equal citizens, their "invasion" of the City Hall was obstructed. Among the obstacles was a security guard calling on Abahlali to "Go, wait over there!" and "Wait at the bottom!", and various forms of bureaucratic evasion, stretching the simple and costless act of filing the request to a ninety minutes long tragicomedy (ODAC 2007). Cf. Auyero (2011b, 5) on the temporality of poverty: on poor people's lived experiences of waiting, which "persuade the destitute of the need to be patient".

[71] At the police station both of them were tortured. According to Richard Pithouse, "the attempt to raise this through official channels resulted in another dispiriting, time consuming and ultimately pointless bureaucratic run around. It will come before the civil courts - but only in 2011..." (email correspondence, 12February 2010).

[72] "We ask the media and our comrades around the country and around the world to please understand that communication from Abahlali baseMjondolo will be difficult until this latest attack has been rolled back. It will not just be email that will be difficult. Even charging cell phones will not be easy. Our march today in eNkwalini was very powerful. Our clean up campaign in Kennedy Road over the weekend was very successful. Children from poor families in Motala Heights are being excluded from the school. But it will take time to put all this news out" (Abahlali baseMjondolo, 15 February 2008).

[73] "In the past (1990s) electrification was rolled out to all and sundry. Because of the lack of funding and the huge costs required to relocate services when these settlements are upgraded or developed, electrification of the informal settlements has been discontinued" (eThekwini Municipality quoted in COHRE 2008, 108).

> Municipality is trying to force us to leave our homes and to accept 'relocation' (which is really 'ruralization') by forcing us choose between living with fires and rats and plastic bags for toilets in the city or without fires and rats and plastic bags for toilets in the relocation sites (Abahlali baseMjondolo, 15 February 2008).

When choosing to stay in the city despite such circumstances, shack-dwellers are forced to use alternative means of lighting and heating – mostly candles and paraffin stoves – and are thus exposed to the constant risk of shack fires.[74] In generally overcrowded dwellings that are built close to each other and constructed with highly flammable material such as wood, cardboard, and plastic, a candle tipping over develops into a lethally spreading fire within seconds. Beyond being more expensive than electricity,[75] heating and cooking with paraffin oil is detrimental as it contributes to respiratory illnesses and serious injuries when stoves explode, which they tend to.[76] Lack of street lighting, combined with the absence of sanitation, also seriously endangers shack-dwellers. When approaching or using the few toilets, (if) allocated to the settlements (or the bushes if toilets are also lacking or are too far away), in the dark of night, children and women are exposed to physical abuse. Adding to the burden of coping with these direct life-hazards, denying electricity carves further temporal and tangible marks into shack-dwellers' lives: without an operating refrigerator food cannot be stored, without proper lighting children are unable to do their homework after sunset, and without electric iron – mothers fear – their school uniforms display where they come from.[77]

By way of canceling its universal service delivery policy with reference to the temporary nature of shack settlements and reinforcing this illusory temporariness by prohibiting the elevation of permanent structures, the municipality's slums clearance program

[74] C.f. Birkinshaw (2008).
[75] See Mike (2008).
[76] Zodwa Nsibande's narration of her own painful experience: *Guardian Weekly* (September 11, 2009) at http://www.guardianweekly.co.uk/?page=editorial&id=1245&catID=9.
[77] Cf. Mike (2008).

provides a signature formulation of the spatiotemporality of abandonment. [78] But imposed temporariness and forced mobility – its spatial correlate – infiltrate shack-dwellers' lives through and through. As the South African preparations for the 2010 FIFA World Cup paradigmatically demonstrate, for those with access to the prime biopolitical circuit, purpose-led redevelopment surrounding such mega-events brings ever more spectacular stadiums, shopping facilities, and exclusive means of transportation,[79] whereas for those whose makeshift homes are seen as disturbing debris on marketable land, the only "fast-tracked" process is eviction. In turn, forcibly evicting shack-dwellers from their homes – a practice that automatically recalls the forced removals of apartheid – in present-day South Africa can have various destinations, but all implying further exclusion from crucial infrastructural networks and, consequently, lengthening distances and the stretching state of temporariness. Sometimes even less then these, illegal evictions – illegal because they lack court orders, fail to notify inhabitants within the legally prescribed time, and/or do not provide alternative accommodation – enforced by municipalities and accompanied by shack demolitions cast the complete uncertainty of no-destination on the lives of those removed. "Transit camps" or "Temporary Relocation Camps" are the loci of uncertainty in the form of stretching temporariness: once relocated, hardly are people informed about if and when they will be allocated low-cost housing.[80] What is worse, these camps, consisting of rows of corrugated iron barracks that are often of poorer quality than the shacks from which their inhabitants

[78] In spite of depictions of informal settlements as temporary, many of their inhabitants have spent significant periods of their lives there. "[O]ver half of the household heads with informal dwellings have lived in their homes for between five and ten years and a quarter have lived in them for over eleven years" (Nicholson quoted in Birkinshaw 2008, 4).

[79] One of the paradigmatic forms of infrastructural bypasses, as Graham and Marvin (2001) show, is the development of private highways offering shorter travel times or exclusive transportation lines directly linking prime hubs while bypassing marginal areas. The latter type ("Gautrain") is put in place in Johannesburg (c.f. Bond 2007).

[80] "Yeah, we don't want the Municipality to come and build transit camp for the people. We make sure that here the people, they know how to build these things, they must just to give them the material to rebuild themselves. […] [A]s we know that you are supposed to go to a transit camp if there is a provision for you, when you notice that the government is building houses there for the people. And you're supposed not to live in transit camps for more than a year. But you notice here that you stay in these transit camps for more than even five years!" (Lindela Figlan, interview, 30/06/2009). C.f. Pithouse (2009).

were removed, appear to be spaces of abandonment *per se*: services that are initially provided (e.g. communal water taps and ablution blocks) are soon left un-maintained.[81] As a (not much brighter) alternative case, when provided, low-cost housing in relocation sites far away from urban centers represent the permanence of time standing still: with relocated people lacking the means and the resources to travel daily to the city, they stop attending school, lose their jobs (if they had one in the first place), and have minimal chances of finding new employment – all these circumstances contributing to complete isolation: "we are just sitting here" (Abahlali, 13 September 2007).[82] Doubtless, the biopolitics of dispersal is fully realized in this condition. Whereas the question of disrupting this sensible order will be taken up at a later point, it is to the corresponding juridico-legal technologies that I now turn.

[81] At the time of my visit, the transit camp near Siyanda (Durban) stank with smell of human excrement. Inhabitants complained that despite their numerous requests, the Municipality fails to resolve the pluggage-problem. They also said that water is unexpectedly turned off at random times of the day, and that despite the fence around the area, the camp is completely insecure. Eviction from their shack settlements was due to building a highway through the area. Inhabitants were then promised to be relocated to low-cost houses within a year but during the two months spent in the Transit Camp, they have not been informed about this by the Municipality (research notes, May 2009). As Richard Pithouse notes, the promise of allocating formal housing within a year was extorted by a court order – in vain, as it still seems at the time of writing (email correspondence, 12 February 2010).

[82] Cf. Abahlali's photo-report about the Park Gate relocation site (Abahlali, 13 September 2007).

Chapter 3 Policing the global city and the 'factualization of law'

3.1 The return of the police

On October 14th 2009, the South African Constitutional Court judged unconstitutional and thus invalidated the so-called "Slums Act", a provincial legislation of KwaZulu-Natal that was also supposed to be the blueprint for other provinces' policies of informal settlement eradication (CCT 12/09 [2009] ZACC 31). As will be discussed in later chapters, this decision signaled a major victory for the first applicant, Abahlali baseMjondolo, in its struggle for dignified urban life. However, to further pursue the implications of the slogan "No relocation to human dumping grounds!", in inquiring into the "Slums Act" phenomenon, this chapter aims to assess how the biopolitics of dispersal is being reinforced through the codification of neoliberal spatial governance and its circulatory imperative. In turn, a focus on the juridical practices of neoliberal governmentality proves to be revealing of the kind of subjects that the biopolitics of dispersal entails.

Thus, in what follows, I will first explore what kind of shift the necessity of spatial demarcation signifies in terms of the governmental use of juridico-legal techniques, with then assessing the depoliticizing implications of this shift. Referring to these processes – that demonstrate significant affinities with the regulatory technologies of early modern police power – as the factualization of law, drawing on Don Mitchell's studies of the juridical regulation of American cities, I then illustrate their operation on recent sets of urban legislation. Moving on to the South African context, I locate the dual aspects of the factualization of law in the post-apartheid apotheosis of the rule of law and the process of political reconciliation, on the one hand, and in the regulation of street trade, "urban influx", and "public violence," on the other. Such phenomena, I will argue in the second half of the chapter, work to distance poor urban dwellers as objects of neoliberal spatial policing from

the political subject of liberation, and thus to contain the excess freedom of the surplus population.

Although there are many potential entry points into elaborating the conditions and consequences of the juridical technologies of neoliberalism, continuing the line of discussion of the previous chapter, let us first take a look at how neoliberalism reconfigures the relation between governmental regulation, the city and the market, and the implications this reconfiguration has for the deployment of law. As mentioned in the previous chapter, the neoliberal primacy of competition fundamentally affects urban governance through triggering a global interterritorial rivalry for capital investment (Brenner and Elden 2009). Although processes of adaptation to this competition occur on every spatial scale, they are exponentially active in the urban context (Brenner and Theodore 2002b). According to Brenner (1998a, 10; original emphasis), in responding to the increased mobility of globalized capital, states are today forced to engage in restructuring themselves in order to "*promote* capital accumulation within their major cities and regions". Not only does this bring about the noted territorial fragmentation of the previous paradigm's spatial practices, which constructed cities "as mere sub-units of national economic space", it also entails that states intervene much more actively into the enhancement of their prime territories' productive capacities (Ibid., 17).

To be sure, this is very much in line with the neoliberal conviction that the market and competition do not emerge naturally but have to be created and nurtured (Foucault 2008, Lazzarato 2009).[83] Consequently, instead of simply "letting things follow their course", in proactively optimizing the conditions of circulation, neoliberal urban governance arguably

[83] Whereas the construction of economic dynamics as natural and contingent exposed governmental power as incapable of complete control and thus in need of self-limitation, liberal governmentality assumed that fostering natural self-regulation requires an (un-)certain amount of intervention. Extending the scope of this assumption, neoliberal "anti-naturalism" recasts the market and competition as in need of intervention that effects both economic and non-economic conditions and, in turn, enables the operation of *laissez-faire*. Lazzarato (2009, 117) sets the anti-naturalist market-concept of neoliberalism against "what the mass-media declare", that is, the market's being produced by the "'natural play' of appetites, instincts or behaviors". Cf. Brenner and Theodore (2002c, 352): "[W]hile neoliberalism aspires to create a 'utopia' of free markets liberated from all forms of state interference, it has in practice entailed a dramatic intensification of coercive, disciplinary forms of state intervention in order to impose market rule upon all aspects of social life".

demonstrates a significant affinity with the regulatory technologies of the *police* (Foucault 2007, 48).[84] That is, within the framework of a more interventionist approach to creating the optimal milieu for circulation, the government of global cities widely mobilizes disciplinary spatial technologies of demarcation and segmentation.[85] Conceptually, this entails a need to extend our analytical attention to the place of law within neoliberal governmentality. Based largely on Foucault's (1978) original formulation of the transformation of modes of political rule with the modern emergence of biopower, governmentality scholars have come to conceive of the law as the means of classical sovereign power that, with the formation of the biopolitical assemblages of disciplinary and regulatory technologies of government, was superseded or, at best, instrumentalized by the deployment of the norm. Accordingly, scholars engaging in Foucault's conception of law tend to conclude that Foucault "expelled" law from his analysis of modernity (Hunt and Wickham 1994; cf. Fine 1984, Kennedy 19921993). As I will discuss in more detail in *Chapter 5*, contradicting the "expulsion thesis", Golder and Fitzpatrick (2009, 11–52) argue for a more nuanced reading of the relationship between biopolitical technologies of government and the law on the one hand, and Foucault's construction of the law as responsive and uncontainable, on the other. In turn, what we need to take note of at this point is the consideration that Foucault's deconstruction of the juridical

[84] Police here is deployed in its Foucauldian sense, in reference to the mode of rule characterizing the early modern mercantilist era in 16-18th century Western Europe (see e.g. Foucault 2007, 110 and 312–314). In Elden's (2007, 565) summary of the distinct spatial strategies of liberal security apparatuses and the police: "While discipline operates through the enclosure and circumscription of space, security requires the opening up and release of spaces, to enable circulation and passage. Although circulation and passage will require some regulation, this should be minimal. Discipline is centripetal, while security is centrifugal; discipline seeks to regulate everything while security seeks to regulate as little as possible, and, rather, to enable, as it is, indeed, laissez faire; discipline is isolating, working on measures of segmentation, while security seeks to incorporate, and to distribute more widely".

[85] Foucault's (2007) account of governing the modern town emphasizes the affinity between neoliberal urbanism and police power. On the one hand, there appears to be an originary relationship between *Polizeiwissenschaft* and the biopolitics of the urban: according to Foucault, it was with the emergence of the early modern market town that sovereign power, recognizing commerce as the primary source of the state's strength, first became concerned with the welfare of its people. Evolving into the essential space of production and exchange, the market town and its increased population confronted the ruler with novel problems: issues of health, crime, transportation and the proper functioning of the market all had to be attended to if commerce was to fortify the state. On the other hand, whereas these fundamentally urban concerns called the police order into life, the mode of meticulously detailed regulation that this order developed in response became essential for the functioning of the urban: "to police and to urbanize is the same thing" (Ibid., 337). Cf. Patrick Joyce's (2003) insightful genealogy of the modern city.

model of sovereignty (cf. Neal 2004) and a centralized notion of power do not imply the demise of legal technologies of power. In fact, as the discussion in this chapter illustrates, corresponding to a model of spatial government that moves from liberal apparatuses of security toward patrolling the borders of the market milieu, is a major means of the neoliberal government of unfreedom.

Certainly, this phenomenon is most visible if we recall that the neoliberal disengagement of the economy-social couple went hand-in-hand with re-forming the category of "the poor" (Foucault 2008). Within the neoliberal imaginary that reconceptualizes society as "enterprise society", "the poor" come to be opposed to the proper neoliberal subject, that is, the *homo œconomicus* as an entrepreneur of her- or himself.[86] Accordingly, as suggested (and reinforced) by splintering networks of infrastructure, the poor appear as out of place within spaces of enterprise that global cities now have to become. That is, segmentary spatial policies that seek to provide an optimal climate for good circulation increasingly ossify their separation from potential entrepreneurial subjects too. Hence, earlier technologies of security apparatuses aiming to diminish bad circulation within are complemented with an essential objective of the police conception of urban government: "the elimination or at any rate control of the poor" (Foucault 2007, 334). By implication, juridico-legal techniques of the same mode of government are also revisited.

3.1.1 Policing the urban milieu and the factualization of law

Arguably, in line with Golder and Fitzpatrick's (2009) claim that disciplinary power is forced to rely on the law when it reaches its limits in the recalcitrant subject, neoliberal urban governance turns juridical when it encounters the failed entrepreneur, the "flawed consumer" (Bauman 1998), that is, the one who can but obstruct circulation. Where inequality produces

[86] Thus, the neoliberal subject also differs from the liberal subject who was thought to be the *homo œconomicus* as "a partner of exchange" (Foucault 2008, 226).

the neediness of indigence instead of the competitive spirit of the entrepreneurial subject, the spatial demarcation of the social and the economic has to be enforced by legal means.[87] It is exactly at these points that the conditions for legislation such as the Slums Act or the American anti-homeless laws emerge. In turn, this latter set of legislation perfectly illustrates how neoliberal urban governmentality reconfigures juridical power and, correspondingly, public spaces, producing a combination that determines significantly the possibility of politics.

In regulating the urban environment through the prohibition of activities typically carried out by homeless people, or tying the usage of public spaces to engagement in "legitimate business or social purpose", anti-homeless laws illustrate the proliferation as well as the character of neoliberal juridical intervention (Mitchell 2007, 218). Complementary to large-scale projects of urban beautification, cities improve their capacities to attract capital through creating a legal environment that ultimately prohibits the public presence of "unsavory" elements. What might appear as the due regulation of the urban environment from the perspective of middle-class city-dwellers, this ensemble of regulations, for those bound to dwell in public or live on others' handouts, constructs a regime that excessively restricts the usage of city spaces: a regime of the "revanchist city" (Smith 1996, MacLeod 2002).[88] To quote only a few examples:

> [I]n San Francisco, laws against camping in public, loitering, urinating and defecating are being enforced with a newfound rigor; […] in Santa Cruz, Phoenix, St. Petersburg and countless other cities it is illegal to sleep in public; […] in New York it is illegal to

[87] The same seems to apply to cases where competition would not secure sufficient inequality: consider the protection of monopolies through e.g. municipal bylaws discussed below. Cf. Foucault (2008, 136–7) arguing that monopoly and neoliberal governmentality are not necessarily in conflict.

[88] As MacLeod (2002, 606) describes Smith's (1996) notion of the "revanchist city": "[Smith's] concept is particularly powerful and derives from the French word *revanche*, literally meaning 'revenge.' Smith's referent here is the right-wing 'revanchist' populist movement, which throughout the last three decades of the 19th century reacted violently against the relative liberalism of the Second Empire and the socialism of the Paris Commune. Notably for Smith, as with the new urban politics of the present *fin-de-siècle*, the original revanchists mixed military tactics with moral discourses about public order on the streets".

> sleep in or near subways, or to wash car windows on the streets; […] Cincinnati made it illegal to beg from anyone getting in and out of a car, near automatic teller machines, after 8 pm, or within six feet of any storefront; the city also made it illegal to sit or lie on sidewalks between 7 am and 9 pm […] (Mitchell 1997, 306–307).

To be sure, homelessness is not the only object of legally regulating "bad circulation." Due to the wide ranging privatization of public spaces – a major means of separating fostered places from the rest – simply walking down the street can become a criminal offense, as Mitchell's (2007) account of the *Hicks v. Virginia* case illustrates. In this appalling instance of controlling the usage of public places, the Virginia Supreme Court announced "the antiurban city" by not only narrowly circumscribing the rights of engaging in political activity in public, but denying urbanites "the right to simply hang out in the city" (Ibid., 218).[89] Further examples of municipal legislation deployed to secure the ideal circulation of people and goods are the infamous bylaws almost automatically attached to hosting mega-events – apparently a basic requirement for any aspiring global city. Among other interventions, these bylaws actively shape the realm of competition through the demarcation of exclusive trading zones around venues of mega-events, so protecting the monopoly of transnational corporations like McDonald's and Coca Cola.[90]

Clearly, as Lazzarato (2009, 118) notes, such activation of disciplinary and security technologies triggers "an explosion in juridical and legal acts, and a multiplication of norms and regulations". In circumscribing the illegitimate space of urination, formulating a legally binding definition of proper "business purpose," or codifying the ideal physical distance between begging and shopping, this type of government signifies a shift in the use of juridico-

[89] The initial case was a challenge to the trespass-barment issued against Kevin Hicks who passed through the privatized streets of a housing development area when visiting his girlfriend and taking diapers to his child. Cf. Mitchell (2007).

[90] Beyond the "eThekwini Municipality 2010 FIFA World Cup South Africa By-laws" discussed in more detail below, recall the municipality's corresponding clean-up campaign removing street traders from central areas mentioned in the previous chapter.

legal practices between liberal and neoliberal governmentalities that goes beyond but plays into spatial segmentation. The "growth of judicial demand" correlating to the conception of enterprise as "not just an institution but a way of behaving in the economic field", and the consequent urge to govern the economy through the regulation of competition, social conflict and behavior (Foucault 2008, 174–175), are certainly reminiscent of the early modern "world of indefinite regulation" (Foucault 2007, 340). Likewise, in molding the conditions of competition through recasting the *homo œconomicus* as a "life-style" or a "way-of-being" (Lazzarato 2009, 121), neoliberalism restores the police concern with regulating the quotidian towards "living and more than just living, living and better than just living" (Foucault 2007, 334).

However, the political significance of this resurgence of police power appears only if we assess its role in reinforcing the sensible order of the consensus regime. Arguably, the neoliberal conception of the economic as an "economic-juridical ensemble" entails the gradual conflation of law and fact: "the growing appropriateness of the juridical norm to free economic and social initiative through extension of rights and their flexible adaptation to the endless movements of the economy and of society, lifestyles, and attitudes" (Rancière 1999, 107).[91] Thus, it realizes what, drawing on Rancière (1999, 2010d, 2010e), we could identify as the *factualization of law*. Importantly, the proliferating interventionist regulation of the market milieu, due to which law and fact converge, works in tandem with the postdemocratic taming of political conflict, the effacement of *dissensus*, that is, the impediment of politics emerging through a litigious dispute over a wrong in the social order. Thus, the factualization of law coalesces with the consensual identification of democracy with the legitimate state.[92]

[91] While the claim about the conflation of law and fact might suggest otherwise, due to their different conceptions of law and its role within the political order, Rancière's notion as should be distinguished from Agamben's (1998) conceptualization of the increasing indistinction between fact and law.

[92] While predating the neoliberal ideal of the "modest state", Francois Ewald's (e.g. 1987; 1988) conceptualization of the "social law" and its function within the management of the welfare state well illustrates the intersubjective relation between the factualization of law and the order of consensus. "The law no longer

This latter tendency, in turn, recasts litigation as a circular process that justifies the actions and the limitations of the postdemocratic "modest state" (Rancière 1999). Feeding into the government of the global city, the dual process of eliminating political *dissensus* and effacing the difference between economic dynamics and the law materialize the order of consensus by codifying its homogeneous space.

The most obvious instance of this latter function is the restriction of (potentially) political activities that can be legitimately carried out in public. This trend, indicated above in reference to the Virginia Supreme Court's jurisdiction, is doubtless definitive of the so-called "bubble-laws" (Mitchell 2005). In a perfect crystallization of the anti-political elimination of difference that the consensus regime stands for, recent decisions of various courts in the United States effectively spatialized the "right to be left alone" through codifying the proper distance a person could approach another without the listener's consent. Originally in reaction, in large part, to anti-abortion activists campaigning near health care facilities' entrances, the decision made by the State of Colorado (and upheld by the US Supreme Court) declared:

> No person shall knowingly approach another person within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person in the public way or sidewalk area within a radius of one hundred feet from any entrance door to a health care facility (*Hill v. Colorado* quoted in Mitchell 2005, 78).

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conceals that it is at once the effect and the prize of particular interests in conflict. Its value is no longer related so much to its constitutional status as to its technical advantages as an instrument for the sociological administration of society" (Ewald 1988, 58). "The norm defines what takes the place of the social contract in the solidarity societies: *consensus*. It is both the reference and the object of consensus" (Ewald 1987, 108; cf. Golder and Fitzpatrick 2009, 103–107).

Such decisions can be understood as impeding politics as the litigious enactment of the dissensus for at least two reasons (Rancière 1999). First, they extend the protection of the "unwilling listener" to public spaces. As Mitchell (Ibid., 80) notes, up until the *Hill v. Colorado* decision, courts consistently interpreted the state's responsibility to protect the rights of unwilling listeners against the nuisances of e.g. public picketing when these persons were in their homes and thus had "a reasonable expectation of privacy". By creating a protective shield with the radius of eight feet to be worn in public – hence the notion of the bubble – the *Hill v. Colorado* jurisdiction enables people to take the "right to be left alone" wherever they go. Moreover, in the true spirit of the circulatory imperative, "the right to be left alone" now coincides with "the right of passage without obstruction" (Ibid., 81). Second, bubble laws impede politics as litigious appearance because, as the cited decision's celebration of neutrality illustrates, they do not prohibit only a specific kind of campaigning, that of pro-life activism, they effectively and proudly outlaw all campaigning: "Here the comprehensiveness of the statute is a virtue, not a vice, because it is evidence against there being a discriminatory governmental motive" (*Hill v. Colorado* quoted in Ibid., 83).

Unsurprisingly, in fact, the discriminatory character of the bubble laws becomes clearly apparent when we consider their "extensions". Complementing the anti-political effects just discussed, beyond eliminating the annoyance of encounters with opinions and values different from their own, by rendering panhandling – or behaviors related to panhandling – illegal, this type of legislation protects citizens from the uncomfortable exposure to radical social difference too.[93] Thus, fortifying the spatial ordering that the privatization of public space, accompanied with the privatized policing of those spaces, already promotes (consider the major limitation to universal public accessibility that gated communities, malls, or fenced parks represent), such regulation unmistakably materializes the

[93] As reflecting on the difference in the specific object of legislation Mitchell (2005, 90) notes: "In the wake of a series of court decisions largely upholding on First Amendment ground beggars' rights to panhandle, cities have turned to limiting behaviors associated with panhandling rather than panhandling itself".

consensus regime. It does so in so far as it shapes an urban landscape that creates "an 'illusion of a homogenized public' by minimizing or otherwise controlling 'the social heterogeneity of the crowd [and] substituting in its place a flawless fabric of white, middle class work, play, and consumption'" (Crilley quoted by Mitchell 2005, 87). In turn, in criminalizing poverty on the one hand, and attaching "the right to be left alone […] to the right to spend" (Ibid.), bubble laws and anti-homeless laws, on the other hand, codify the neoliberal fissure between the *homo œconomicus* and the poor, between potential and flawed consumers, between good and bad circulation, and do so in the name of seamless circulation.

Hence, the legal techniques of managing mobility reinforce the neoliberal circulatory imperative and, at the same time, inscribe the depoliticizing function of the biopolitics of dispersal into the juridical order. Establishing a variegated spatiotemporal order for governing its subjects' mobility, these legal practices either neutralize and instrumentalize, or contain freedom. In relation to the *homo œconomicus*, that is, the optimally mobile inhabitant of the global city, these laws and bylaws are supposed to secure the unhindered movement of the affluent, their freedom "to move anywhere, to move without obstruction, to circulate freely" (Sennett 1994, 310).[94] Creating the conditions of unobstructed circulation, then, coincides with legitimizing the materialization of consensual homogeneity and, as such, enables the technology of governing the neoliberal subject through freedom.

Entailing a very different government of movement, towards its byproduct, that is, "the poor", the consensual regulation of the enterprise society turns its disciplinary face. As the anti-homeless laws illustrated, where neoliberal urbanism encounters the liminal subject whose mobility is superfluous and even obstructive to the ideal flow of people and goods, the juridical facilitation of governing freedom reemerges as the legalization of curtailing freedom. In this function, law contributes to reshaping urban space so as to physically distance those

[94] Indeed, corresponding to this idea of freedom, one of the elements making up human capital – a pivotal notion of neoliberalism – is exactly mobility: "an individual's ability to move around" (Foucault 2008, 230).

whose conduct cannot be securely conducted through their freedom. Nevertheless, as the next section elaborates, beyond featuring as the legal means of equating the people with a population of economic wo/men, it also works to distance the subject of right from the subject of political emancipation.

3.2 Influx control and public violence – The non-litigious subject of the "public interest"

Having defined the role of juridical practices within neoliberal urban governmentality, the question that needs to be dealt with in the remainder of this chapter is how this ensemble shapes the sensible order in metropolises of present-day South Africa, wherein the power to abandon life – gaining form mostly in the imposition of forced mobility – can be, once again, codified.[95] In what ways do contemporary juridical technologies play into a mode of ordering that significantly constrains the movement of people who are, in principle, as mobile as everyone else? How do juridical techniques of power enable the government of superfluous people's superfluous freedom? As the discussion to follow demonstrates, this arguably occurs through a dual process. On the one hand, the factualization of law, which results from an increasing adaptation of legal norms to the circulatory dynamics of the market, assumes and reinforces a subject heterogeneous to the subject of political emancipation. On the other hand, the disputative enactment of this heterogeneity is largely impeded by a consensus regime built around the claim that the wrongs of the apartheid were rectified by the all-inclusive multiculturalism of the "rainbow nation", and is reinstated by the state's monopolization of litigation, happening most characteristically through the legal processing of redress coordinated by the Truth and Reconciliation Committee.[96]

[95] While, as the discussion below will show, the main trends in urban governmentality are very similar in present-day South African cities, with the aim to provide the context within which Abahlali baseMjondolo emerged, particular focus is placed on the City of Durban (or eThekwini: Metropolitan Durban).
[96] Whereas in making this point I draw on Michael Neocosmos' (2011) argument about the post-national consensus, my usage of the notion of consensus is extended along the lines of Rancière's notion.

Without pretending to duly address this vast problem here, recalling Rancière's observation about the postdemocratic state's self-justifying instrumentalization of the rule of law, within the context of the current South African regime, we might interpret the latter aspect as a manifold process that equates post-apartheid democracy with the legitimate state. As Neocosmos (2011, 368) shows, in the process of constructing the "new South Africa", the power of "transitional justice" and the human rights discourse consisted precisely in legitimizing the new government, while, at the same time, building a "consensual bridge between the reformed colonial racist traditions of the outgoing White nationalist elite and the reformed African nationalism of the incoming one". In particular, providing the juridical background for realizing the all-inclusive multiculturalist ideal of the "rainbow nation", the Truth and Reconciliation Committee enabled the state to prioritize law as the medium of reconciliation and thus to monopolize the process. Combined, the formal inclusion of the whole of the community as the sum of equal "racial groups" and the process of state-led forgiveness produced a consensus regime that significantly limits the possibilities for the politicization of inequality. It does so by tying the meaning of equality to multiculturalism, and the subject of equality to the forgiving victim, thereby relegating the harms of inequality to the past. "The idea of building a consensual state was founded on the notion that the evil of apartheid is now over and its effects into the present need not be delved into…" (Ibid., 369).

Hence, due to identifying the realization of equality with the legal management of the multiracial state, the contradictions between the constitutional inscription of the community as equal and the effects of global neoliberal governance reinforcing the remnants of apartheid can hardly be enacted through staging a *dissensus*; in other words, their politicization is impeded. This is especially so when considering parallel processes that – as discussed below – reconstruct violence as antithetical to democracy and the rule of law, and, consequently, represent political protest almost exclusively in terms of destructive rioting driven solely by

material motivations.[97] In other words, state-owned litigation and institutionalized multiculturalism produce a regime where claims of equality are dismissed as atavistic.[98] The Western Cape Anti-eviction Campaign's (17 April 2011) press statement on police violence, published after the police killing of an unarmed protester in Ficksburg, Free State, is illustrative of how this happens:

> It is clear to us now that the majority of the elite, of government officials and of police have contempt for the poor. To them we are not human beings and we deserve to be evicted, shot and made homeless. To them we are not quite civilized, we are lazy, and we have a culture of non-payment and of violence. But we are none of these things.

As an example of what the above quote is a reaction to, a few sentences from the leader of the Inkhata Freedom Party (IFP), Mangosuthu Buthelezi (*Politicsweb*, 28 July 2009), commenting on the series of protests in 2009 that made it to the world media:

> In South Africa today we are reaping in part, as I have said before, I believe, the bitter harvest of rendering the country's townships ungovernable during apartheid. We have already seen how this culture of ungovernability has found expression in the form of ugly dissent in our public discourse and beyond, only consider the pervasive culture of non-payment for municipal services.

[97] Despite her sympathetic approach to the struggles of unserviced people, the following exchange with a prominent representative of Mvula Trust (an NGO specializing in the planning and development of community infrastructure in rural areas) is exemplary of the power of the "service delivery riot" discourse. A.S.: "And […] what do you think – I don't know how much you've heard about it but […] if you did – about the political mobilization of shantytown dwellers or informal settlements? There are numerous organizations around the country, in Durban Abahlali baseMjondolo is the most significant. What do you think about the role of political mobilization in the realm of…" L.M. [finishing my question] "Service delivery riots… I like to think that if the system is set up for ongoing communication with the public around these issues, the likelihood of municipal riots or service delivery protests gets reduced because there is ongoing dialogue. […] But, ya. I don't understand what people can do if nothing happens, and nothing happens, and nothing happens. So, in that way I understand service delivery riots. But, I think they should be used by civil society organizations or by the public as a last resort after all the channels are addressed. And if those channels are there and they're put in place and the public haven't used those channels first, then they haven't really got a basis to have a protest where they run around burning things" (L.M., interview, 13 October 2010).

[98] Cf. section 3.2.3 of this chapter.

Albeit from the opposite direction, the Truth and Reconciliation Committee and its construction of wrongdoer and wronged as the subjects of confessional atonement produces similar results through promoting "the political passivity of victims" and thus replacing political militancy with the position of being helped (Neocosmos 2011, 365).[99]

Altogether, these phenomena might be approached as figures of the law deployed to contain the excess freedom that was granted to all after liberation. As the following subsections show, such efforts are furthered on the level of urban governmentality, where they are channeled into the discrepant spatiotemporal order of the neoliberal subject and the poor but free subject of promised development, so constructing the non-litigious subject of the consensus regime. Focusing on the regulation of street trade, the Slums Act, and the notion of "public violence", therefore, the discussion below suggests that the juridical practices of aspiring world class cities seek to contain excess freedom through removing the surplus population from the collective referent of legal norms.

3.2.1 "Business people" and the Public Realm Management Program

As the regulation of street trading addressed in this section illustrates, the last decade's neoliberal reconfiguration of governing the South African metropolis entails a recalibration of the subject of interest. The subject whose interests the more recent set of regulations seem to protect is much more tightly circumscribed than the one who used to be the referent of the late-apartheid's (partly obligate) *laissez-faire* approach that, during the transition, could be translated into the all-inclusive program of political and economic emancipation. Thus, in limiting the usage of common spaces accordingly, this recalibration is telling of the shifting mobilization of "the public" too.

[99] Arguably, then, the TRC's practice of legal redress realizes the usual fate of Western efforts to export rights: "The Rights of Man become humanitarian rights, that is, the rights of those who cannot enact them, of victims whose rights are totally denied" (Rancière 2010a, 72). See Neocosmos (2010, 21–23) and Madlingozi (2010) on "victims'" dissatisfaction with the reconciliation process, which, stopping short of meaningful compensation, often consisted only in victim's narrations of their grievances.

Due to both its inability to control the urban influx of black people, and the parallel reconceptualization of the total restriction of their mobility as economically inefficient, by the early 1990s the apartheid order accepted black people's economic presence in cities, and correspondingly loosened the legal construction of minority rule. Consequently, activities of street traders had gradually come to be tolerated in this period, thus reversing, among others, measures of the Group Areas Act of 1950 that prohibited black people's access to more viable trading and manufacturing locations, and the Black (Urban Areas) Consolidation Act of 1945 that restricted economic activities even within "black areas" (Skinner 2008). From the mid-eighties on, as Caroline Skinner (Ibid.) shows, local regulation of informal trade reflected the emergence of an increasingly tolerant national approach, evidenced primarily by the Business Act of 1991 that deregulated informal economic activities and rendered the enforcement of local "move-on" laws an offence.[100] Similar to the trend that we have seen to change the government's attitude toward informal dwelling, this tendency fell in line with an enabling approach to informal economy that infiltrated the international development discourse in this era. Hinting at how the liberal economic reason that defined the policies of the crumbling apartheid regime could later be recast for thinking emancipation by means of enabling market activities, this approach resonates precisely with Skinner's (1998, 10) account: "The Businesses Act is a clear acknowledgement of street traders as business people, who contribute to the economy, and who should therefore be given space to trade". Turning Durban from the most restrictive to the most progressive city in the country within the span of a decade, this liberal spirit materialized in investing into purpose-built infrastructure for street trade, including the award winning market at Warwick Junction (Skinner 2008).

[100] The so-called "move-on" laws enframed by the *Natal Ordinance* of 1973 provide an extreme illustration of how the government of people's movement imposed by a perversely meticulous urban regulation impedes economic activities: "This provincial legislation restricted hawking of goods within 100 meters of a fixed formal business. It prevented hawkers from taking up fixed stands by allowing them to occupy a spot for only 15 minutes, after which they were to move at least 25 meters away. No sales point could be occupied more than once on the same day" (Skinner 2008, 231).

Signaling yet another turn, however, the current fate of the Warwick Junction market is symptomatic of the recent fall of a spatial policy that declaredly acknowledged the extent to which poor people's livelihood depends on the access to public space. The planned demolition of the Early Morning Market (built in 1910), and the "temporary relocation" of street traders living off the junction's role as a taxi and train hub with 400,000 commuters passing through daily (CoD 2009a), are of an era that returns to constructing street trade as nuisance, and certainly operates with a different idea of "business people".[101] Remaining tellingly silent about the earlier Warwick Junction project that was designed through a consultative process, including street traders, and thus explicitly worked towards accommodating their needs (e.g. developing safe stoves for food that is traditionally cooked over open fire or building shelters for traders who do not have the time or the means to travel home for the night) (Skinner 2008), the municipality refers to the current redevelopment as the first one to engage with the area: "The Warwick Junction Mall will breathe new life into this once neglected area and formalize much of the trading that occurs in the precinct" (CoD 2009a). As the (first prohibited, then violently dispersed) protest of traders suggests, however, this mode of "formalization" ultimately impedes their business activities (Sole 2009).

Reaching the same conclusion, in her study on the regulation of informal trade in Durban, Blessing Karumbidza (2011) shows that the legal formalization process – which officially started in 2001 with the *Durban Informal Economy Policy* (DIEP) and culminated in the *Public Realm Management Program* (PRMP) of 2005 – eventually boiled down to the criminalization and the consequent exclusion of the majority of street traders from the prime

[101] Presented as part of the Durban's "facelift" program, in 2008 September City Manager Mike Sutcliffe's "2010 team" introduced a proposal to lease the Warwick Junction site to a private developer (Warwick Mall) for fifty years. Although the proposal, including the demolition of the market building and the relocation of traders, was met with fierce resistance on the side of both academics and the affected traders, it was passed in March 2009 (Sole 2009). The project remains contested ever since.

trading areas.[102] As opposed to the 1990s' approach that combined *laissez-faire* deregulation on the national level with a progressive municipal attitude to informal trade (in fact facilitating it through urban infrastructure development), Durban in the new millennium is hence an eminent example of the ways neoliberal urban regulation defines the threshold of the entrepreneurial subject based on presuppositions about the ideal space of competition, with the notion of the "world class city" being a powerful set of such presuppositions. Corresponding to the shift from the liberal faith in the harmonizing dynamics of individual interests to the urge to actively create the ideal environment of competition, then, the urban regulation of street trade is one among many areas where the contradictions of neoliberal governmentality is revealed. While the icon of the neoliberal development regime is the survivalist entrepreneur, the supposed needs of the market seem to override those of the resilient poor. Hence, in order to construct the market milieu that presumably suits the "world class" city, debasing the subject that should be its own protagonist, it differentiates between interest and interest.

An illustrative example of such differentiation is the "double standards" defined by the municipality's *Street Trading Policy Directive* that, as Karumbidza (2011, 24) notes, constrain street traders' potential to compete with formal business. Whereas no such rule constrains the competition of formal businesses, according to the draft policy, it is prohibited for street traders to sell "anything or [provide] a service that is similar to that provided by a regular store owner in that vicinity" (CoD quoted in Karumbidza Ibid.). To further assess the governmental shift from deregulation to re-regulation, consider the transformed rationale for deploying the notion of the "business people". Whereas the liberal reasoning behind

[102] According to Karumbidza (2011, 12), the regulation of informal trade in South Africa can be periodized as follows: 1) 1950-1990: urban access of unemployed black people controlled and discouraged; 2) 1991-1999: influx control relaxed, informal trade first tolerated, then encouraged; 3) 2000-2010: "during which the CoD moved more aggressively towards re-regulation and repression of informal street trading activities". In Karumbidza's (2011, 6) definition formalization refers to "the regulation, control and taxation of those activities that were hitherto unregulated".

deregulation was built on acknowledging street traders' justified need for market space as subjects of interest, the neoliberal principle of cost-recovery promotes a subject that acknowledges the market value of the space for her economic activity: "Local government is moving towards dealing with informal traders as small business people. In the same way that built property has a value placed on it, depending on where it is located, so it is important to place value on different informal trading sites, such as pavements" (CoD quoted in Karumbidza Ibid.). Thus, ending up with literally removing the lower segments of economic actors from the market, and so arguably undermining, among other such liberal myths, the notion of the "trickle down" effect of fostering economic growth, municipal measures to regulate market activities through formalization replicate the pattern that relates self-built infrastructure to prime networks (Graham and Marvin 2001), or the extension of formal property market to informal settlements (Royston 2006): simply put, inclusion either never occurs or occurs to poor people's detriment.[103]

Whereas the legal requirements of formalization set out in the DIEP already represented a serious limitation to the poorest group of street traders (often illiterate and non-English speaking people who can hardly afford the yearly renewals of the rental fee), the PRMP's emphasis on rigorously enforcing registration and permit-holding clearly signals the city's invigorated drive to establish "an ordered and organized city, where the 'important part' of the City's economic life, the formal sector, was not subjected to the 'nuisance' of 'badly behaved' poor people" (CoD quoted in Karumbidza 2011, 18).[104] Incidentally, the PRMP was

[103] Challenging Hernando de Soto's argument that "capitalism can work for the poor" provided the informal or extra-legal processes that function within the informal property market are legalized, (Huchzermeyer and Karam 2006, 5) argue that "[t]he provision of costly individual freehold titles to informal settlement residents, with the aim of incorporating them into the formal market, often results in poor households selling out to those more established in the formal market, and returning to informal settlements".

[104] Interestingly enough, Skinner (2008, 238) shows that whereas the constant referent of the city's restrictive policies is formal business, the majority of actual shop owners does not perceive their relation to informal traders as conflictual – not least because many street traders actually buy their products from formal business. (The fact that the organizational unit responsible for managing the support of trade and small business was renamed in 2001 from Informal Trade and Small Business Opportunities Branch (ITSBO, est.: 1991) to Business Support Unit (BSU) might also suggest the municipality's shift of focus.)

forced through the Council by the City Manager in November 2004, "bypassing all the usual committees" (Skinner 2008, 238),[105] to provide the legal framework for the municipal practice already foreshadowed in mid-June by an old-new "clean-up operation" that removed traders' goods from several intersections in the central business district and the neighboring middle-class suburbs. South Africa was announced as the host of the 2010 FIFA World Cup in May 2004. Indeed, the City justified its decision to allocate R3.7 million (cc. $450.000) to the Metro Police Department for the implementation of the PRMP with reference to the World Cup and the related imperative to "advance a vision of Durban as a 'World Class City'" (Karumbidza 2011, 25). According to Streetnet, an international association of street traders active in the pre-World Cup mobilization of traders in South African cities, however, "the sole purpose of the PRMP was to evict street traders who did not have permits, force them to register and pay rentals, and make those who could not 'illegal traders'" (Ibid.).

Thus, related to the changing government of basic infrastructure discussed in the previous chapter, by the late-1990s and early 2000s, the municipal conception of regulating informal trade in South African cities moved from a universalistic "developmental" approach towards the combination of cost-recovery and criminalization.[106] Legally, this transformation was made possible by a 1993 amendment of the Business Act, which, with reference to municipalities' inability to control the exponentially increased informal trade due to the nationally enforced deregulation, reversed the Business Act's liberal governmental rationale

[105] To be sure, such exceptional routes of decision-making are not unique within the practice of contemporary urban development. As Leonie Sandercock (1998, 28) notes: "to fast-track many of these mega-projects, governments have short circuited established planning processes and removed these developments from public scrutiny and democratic politics, creating such entities as 'special exemptions' and the like".

[106] The contradictory policies emerging from the two rationalities' coexistence (particularly in the late nineties) is underlined by Skinner's (1998, 37) account of a discussion with a councilor heading the City of Cape Town's Council committee on informal trade: "When it was pointed out that charging traders R125 a month is contradictory to the national governments policy objective of creating an enabling environment for entrepreneurs as this amount would be prohibitive for poorer traders, he responded: 'The Council has to be committed, wherever possible, to cost recovery. This is, to an extent, contradictory to council's new found developmental role'. The councilor, in this statement, gives an indication of one of the dominant tensions in the South Africa[n] policy environment – working within a neo-liberal framework while attempting to address apartheid created disparities."

that sought "to reduce the powers of local authorities to develop and implement laws that would restrict informal trading", when it granted cities power to adopt bylaws demarcating restricted and prohibited trading zones (Skinner 1999, 9–10). Within the context defined by the interaction of the increasingly neoliberalized macro-economic governance on the national level and the intensified inter-city competition typified by the period following the announcement of South Africa as the host country of the 2010 FIFA World Cup, this amendment permitted the gradual formulation of a regulatory framework that effectively re-codified the forced mobility of people.

Through bylaws that, for instance, ban street traders from sleeping on the street while the city practically reduces the number of available shelters (Karumbidza 2011), or prohibit street trade in areas demarcated for the market activities of the "FIFA family" (*M&G*, 7 November 2007), the City deploys its own juridical means to foster an idea of "people space" that no longer seems to include under the category of the "people" those approximately 50 000 street traders whose income is tied to accessing frequented urban areas (CoD 2009a).[107] Clearly, the "public realm" managed through the PRMP's focus on policing formalization matches the urban governmentality that sets out to realize the Durban's "face-lift" through a set of large-scale investments (CoD 2006).[108] However, protected by rules and

[107] It is in relation to redeveloping the Warwick Junction that the City (CoD 2009a, n. p.) expresses its aim to reclaim "people space, which has been eroded by transportation demands". Although it claims to create "economic opportunities for both informal and formal trade", the mentioned moves to ban traders without permits from the area and relocate those with permits suggest otherwise. (Not mentioning the supermarket included in the mall's plans, whose prices would anyway kill street traders' business (Tolsi 2009)). The city's other rhetorical move of invoking the discourse of squalor as a justification for redevelopment and increased policing is, of course, neither new, nor accidental. Niren Tolsi's (Ibid.) report on the controversy of replacing the market (and the surrounding area accommodating street traders) with a shopping mall is telling of the traditional relationship between policing the milieu of the market and deploying the notion of "health hazards": "According to Dr Goolam Vahed, […], the market was considered by whites to be 'a "health hazard", as antithetical to a clean and "beautiful" city, it was against white notions of order and it aroused their hostility towards overcrowding and congestion and desire for smooth traffic flows'. Vahed goes on to extrapolate on the dismissive, often contemptuous treatment of the traders by the then Durban Town Council – the sort of behavior that 67-year-old Sam Moodley believes hasn't changed much since the end of apartheid. 'I've grown up here,' he said. '[…] From what I remember from my childhood, up to now nothing has changed. The authorities still think we are dirty, uneducated and can't make decisions for ourselves'."

[108] "Changing the face of Durban" included projects such as the Warwick Flyover that carries the inbound traffic of the Western Freeway over the busiest intersections; the infamous Warwick Mall, the new International

practices that actively filter the circulation of people and goods based on presumptions about the proper image of a world-class city, it ends up far removed from its earlier conception as the space opened up for socio-economic emancipation and, consequently, from the politically liberated subject of development.

3.2.2 The "Slums Act": Influx control revived

Despite the progressive institutional and infrastructural developments that liberal deregulation of urban governance realized in South African cities (cf. Skinner 1999), the compatibility of its governmental rationality with the (late-)apartheid regime calls for a cautious approach to spatial policies built on the emancipatory promise of free market. Whereas the *laissez-faire* reasoning could indeed be combined with the construction of the all-encompassing politico-economic subject of statist development around the time of the political transition and, therefore, opposing it to the exclusionary practices of neoliberal government seems to be justified, its apartheid genealogy suggests that liberal economic reason is not antithetical to the racist control of urban access either. In fact, when its deregulationist argument first entered the policy discourse in the mid-1970s through a group of white academics and policymakers, it did so without questioning the legitimacy of the minority rule. The group that was characteristically referred to as the technocrats used economic reasoning rather to reveal why the apartheid system was not working. Hence, they criticized the legal regime of influx control for two main reasons: one, for its fiscal costs ("Influx control and [forced] removals are economic nonsense" – reads a Cape Time editorial [quoted in Unterhalter 1987, 43]), and two, for triggering black people's political

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Airport ("Durban's R8-billion 'aerotropolis'"), the third phase of the Point Waterfront development and further investment into Umhlanga Ridge (one of eThekwini's most affluent areas three km north of Durban), with development projects such as the "Gateway Theatre of Shopping" (CoD 2009b). According to City Manager Mike Sutcliffe (quoted in CoD 2009b): "Future generations will look back at this time and remark how important it was, how the projects and initiatives of the first decade of this century set Durban up as a world class city for decades to come".

mobilization.[109] Their answer to both problems was decentralization and regulation by market forces. As a statement typical of the technocrats' approach illustrates, this was still racist oppression, only now by (somewhat) other means: "Economic decentralization will play a pivotal role in influx control. Control of movement will come to rest less on coercion and more on economic incentives" (Ibid., 123).

On the other hand, economic considerations were never absent from the formation of high apartheid legislation either, and the segregationist rules of "native's" residence and employment were often subject to white land- or mine owners' challenge or obstruction. Indeed, Unterhalter (Ibid., 43) perfectly summarizes how the fundamentally biopolitical technology of influx control can be, and was, deployed with varying rationalities:

> [Apartheid laws of influx control] have been used to protect whites' access to jobs, to maintain a migrant labor system, to undermine African political activism, both to prevent and to create the establishment of an unemployed army of labor in the cities outside of the Bantustans, and to meet the needs of manufacturing industry for more flexible access to labor.

Thus, whether in the name of racial supremacy and by means of total segregation, or with view to economic efficiency and via deregulation, throughout the vast majority of the apartheid era, the black population of South Africa had been subjected to influx control and forced mobility formulated and re-formulated according to the shifting coarticulation of state racism and economic calculation.[110]

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[109] Beyond the legal norms mentioned in the previous subsection, major pieces of apartheid legislation were the Native Land Act of 1913, severely limiting the landownership of black people, and the Bantu Resettlement Act of 1954, which legally grounded their removal from Johannesburg (Unterhalter 1987). According to Unterhalter's (Ibid., 149) definition, influx control is a [s]ystem to control and direct labor, particularly used to prevent Africans living in the bantustans from living and working in the non-bantustan urban areas except under highly restrictive conditions".

[110] To underscore: evictions and forced relocations from shack settlements continued even during the early nineties, that is, during the time when housing development based on the Urban Foundation's site-and-service approach was already in operation (COHRE 2008).

It was precisely this condition that came under attack in the seventies and eighties by black people's increasing urban settlement and strengthening political activism – none of which could be hindered by either sets of governmental approaches. Of course, as documented already in the *Freedom Charter* adopted in 1955 by the People's Congress, one of the central demands of the anti-apartheid struggle was the free movement of all and, consequently, it fundamentally defined the early-1990s' militancy of the unbanned ANC encouraging people to "Occupy the Cities!", as well as its campaign ahead of the 1994 elections condemning "the housing crisis in South Africa" (ANC quoted COHRE 2008, 43).[111] Stressing the pivotal issue of shack settlements and calling for their inhabitants' vocalism, the same statement announced a People's Forum where Nelson Mandela was to hear shack-dwellers' views: "'Your problems are My Problems. Your solution is My Solution' – says President Mandela" (Ibid.).

Regrettably, as the discussion in the previous chapter showed, the post-1994 "solution" pursued by the newly elected ANC-government was generally quite different from what the shack-dwellers would have preferred. Due to the lack of a significant land reform and the failure to challenge the property market, not only were apartheid's segregationist and marginalizing spatial patterns reproduced by the albeit vast delivery of low-cost housing, "in some instances the new political credibility of the post-apartheid state allowed it to take an almost immediate step back from commitments undertaken in the last years of apartheid" (Butler and Pithouse 2007, 11). Likewise, not independently of the preservation of minority rule in local governments, municipal interests often overrode the political mandate articulated in Mandela's sympathetic declaration.[112] Nevertheless, the protection and emancipation of the

[111] In the period after its unbanning, the ANC actively encouraged land occupations, including the occupation of vacant urban land; conceiving of this practice as reclaiming the land from which black people were banned under apartheid (COHRE 2008).

[112] The fate of the Kennedy Road settlement (from where Abahlali started out in 2005) is illustrative of the early shift in the approach to housing on the municipal level: the City's 1991 decision to partner the Urban Foundation in developing the settlement in two phases was revoked already in 1995, when it "felt able to change its plans for

previously disenfranchised subject, and its (presumed) ascendance to power via the consistent construction of political identity between the ANC and the poor black population – "Your problems are My Problems…" – was doubtless inscribed into the new South African polity through its Constitution.[113] Thus, not least for their role in constructing the governmental subject of the "new South Africa" as the subject of socio-economic development and political emancipation, the laws that replaced the legal architecture of apartheid cannot be written off as purely ideological or merely rhetorical, or even as completely dissolved in the consensual legitimization of the post-apartheid state. Indeed, as I show in *Chapter 5*, the constitution, as well as other legal norms regulating housing rights, gain a central role in the emancipatory struggles against abandonment. Addressing the infamous means of influx control, Section 26 (3) of the Constitution states 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" (RSA 1996). Aiding the enforcement of Section 26, and replacing the Prevention of Squatting Act of 1951, the Prevention of Illegal Eviction and Unlawful Occupation of Land Act of 1998 tangibly defined shack-dwellers' rights against forceful evictions (Pithouse and Butler 2007).[114]

It is precisely against this politico-juridical background, then, that the return of influx control into South African jurisdiction gains major significance. Although, as the previous discussion demonstrates, the "ruralization" of the poor has been an active technology of housing development and municipal spatial strategies since at least the early 2000s (Abahlali 15 February 2008), the re-codification of forced mobility by way of the KwaZulu-Natal Elimination and Prevention of Re-emergence of Slums Act of 2006 bears the marks of the

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Kennedy Road from staggered upgrades to relocation and recommended that 'the entire development of Kennedy Road be aborted'…" (CoD quoted in Butler and Pithouse 2007, 11). Cf. *Chapter 3* and Robinson (1997) on the white elite's success to maintain its power in local governments.

[113] The significance of this inscription for the political subjectification of the Abahlali is central to the discussion in *Chapter 7*.

[114] Cf. Butler and Pithouse's (2007, 12) summary of the protective measures of the PIE Act (as it is commonly referred to).

contemporary biopolitics of dispersal.[115] Paralleling the regulatory tendencies observed in relation to the current municipal government of street trade, this provincial act arguably inscribes a fissured notion of "the public" when in Section 10 it states that "[a] municipality may […] institute proceedings for the eviction of an unlawful occupier from land or buildings falling within its area of jurisdiction if such eviction is in the public interest" (KZN 2006, 11). A crucial element of the shack-dwellers' rejection of the Slums Act's language (beyond the measures it prescribes) was, at least, what they perceived to be their very exclusion from the public: "…the proposed Bill would allow Municipalities to evict people when evictions 'are in the public interest', and we would like to ask: are we not part of the public? Do our interests not count?" (Abahlali 21 June 2007).[116]

3.2.3 "Public violence" or "passive recreation"

As articulated by another speaker at the shack-dwellers' series of discussions about the proposed Slums Bill, similar questions arise when the movement is being obstructed or penalized and assaulted for protesting in public spaces: "Who decides what is the 'public interest'? Who decides what is 'public violence'? Who is the public really?" (Abahlali, 2 May 2007). Throughout the movement's history since 2005, many of its members and leaders were arrested on charges of "inciting public violence", leading them to problematize the notion of

[115] It is only sufficient to recall the 2001 introduction of the Slums Clearance Program. As Pithouse (2005a, n. p.) noted a year before the Slums Bill was announced, the province's housing policies show unmistakable continuities with those of the apartheid era: "…there is a clear attempt to regulate the flow of poor African people into the city. In practice there is not an absolute barrier because new shacks are erected and because people who find work or develop livelihoods from a first base in a shack often move out of their shacks and rent them to new arrivals. But the policy intention is clearly to restrict the influx of poor people moving in to the city." Indeed, one of the municipalities' roles defined in the Slums Act is "to encourage and promote housing and economic development in rural areas within its area of jurisdiction so as to avoid the undue influx of persons to urban areas and the resultant development of slums" (KZN 2006, Section 9 (3) (c)). In its twisted way, the municipality indeed aims to realize the UN-Habitat's ideal of the "Cities without Slum". Cf. the previous chapter for Huchzermeyer's (2007a) cited argument about the distortion of this UN-mandate.

[116] Cf. Huchzermeyer's (2007b, §3.3.4 and §3.8) comments on the "Slums Bill" (that became an Act once the provincial parliament supported it) : "A definition is required for 'public interest'"; "Only once 'public interest' is clearly defined, can one comment on the appropriateness of […] section [10] of the Bill".

"the public" mobilized by the municipal government.[117] Moreover, the formation of Abahlali baseMjondolo itself is due to such an occasion: it was throughout their protest of the arrest of fourteen people from the Kennedy Road settlement at a spontaneous road blockade that the Abahlali emerged as a collective political subject.

> [T]hrough courage and strength of the people, we marched the next day to demand that those who were arrested be released or all of us be arrested because they were charged for public violence. *Now, which public, because we are the public*. […] Rather, take them out because *we are the public that should have been the victims of their act*. But if you cannot release them then arrest us. And again, the protest in the next day was also dispersed with… guns and so on. The movement grew up like that (Zikode 2010, 01:13:34''; emphasis added).

Whereas this moment of political subjectification will be discussed in further chapters, with a focus on the juridical technologies of neoliberal urban government, here we need only to take note of the reconfiguration of the "public" of public space according to the circulatory imperative. As the movement evidently recognizes, through either technicization or securitization and their consequent criminalization, the municipal practice to regulate the usage of public space mobilizes an idea of the public that, when contested, proves to be in an antagonistic relation to its referents. In reaction to the City's ban on their protest march with reference to the safety hazard that the City Hall's ongoing renovation would mean to the marchers, the Abahlali (21 March 2010) state:

> Technical arguments are always used against us because it is assumed that technical questions can only be answered by experts. The state has their own experts on their payroll and so by making important social questions into problems to be resolved by

[117] Cf. Abahlali Western Cape chairperson Mzonke Poni's (2009) article entitled "Public violence" written on the occasion of his trial on the same charges, during which he represented himself, and won the case.

> experts they seize the right to answer these questions on their own – they expel the people from any chance to debate these questions. The Freedom Charter said that 'the people will govern'. It didn't say that the experts will govern. It didn't say that there will be democracy if the city managers decide to allow it.

To be sure, this antagonism is due to the post-apartheid construction of violence. As Neocosmos (2011) argues, a basic pillar of the political consensus in present-day South Africa is approaching violence as pathological or residual to the authoritarian regime.[118] Violence, in this conception, is antithetical not only to democracy but to politics as such, therefore, acts predicted or judged violent are criminalized (prohibited or penalized) and, increasingly, brutalized.[119]

Complementarily, revealing of "the public" in whose supposed interest local authorities preempt or robustly counter "public violence" – for implying an evident distinction between movement to be fostered and that to be disallowed – local authorities' most popular

[118] Whereas it is impossible to engage here in a discussion of the disappearance of "political violence" from the South African political discourse, a more particular example might still illustrate the phenomenon. (But cf. Neocosmos (2011) on the depoliticizing logics of the oft-cited "transition" from apartheid political violence to post-apartheid criminal violence.) Completely disconnecting the current grievances of shack-dwellers from the struggles of apartheid townships (including the ANC's call to make townships ungovernable), the municipal parlance today is about responsibility, risk, and "electricity-thieves": "[Superintendent Sbonelo] Mchunu said Metro Police Communications, Eskom and the Electricity Unit were now planning a campaign that would tour eThekwini, especially informal settlements, to teach residents about the dangers of illegal connections. Councillor Nomvuzo Shabalala, who chairs the Safety, Health and Social Services Committee, applauded the Metro Police for their efforts. 'Illegal connections have a bad impact on the Municipality because we have to pay for the funeral costs if people die because of these connections. I urge people to stop this bad habit and follow the right steps to apply for electricity,' said Shabalala [due to the provincial prohibition of electrifying shack settlements, this doesn't seem to be a viable option at present]. She said the Municipality was aware of the public's need for electricity, but said they must be patient, rather than commits [sic] a crime and put lives at risk by making illegal connections. 'If you have electricity illegally connected to your house that means you are not paying your bills, but someone else is paying for you, which is not fair at all,' said Shabalala" (CoD 2011). On the Abahlali's challenge of the municipality's patronizing pedagogy of un-development, see *Chapter 8*.

[119] In her analysis of dissent in South Africa under the presidencies of Thabo Mbeki and Jacob Zuma, Jane Duncan (2010, 12) observes that "[h]arsher forms of policing became more apparent during Mbeki's period in office, with rubber bullets and even live ammunition being reported during protest action policing". The police killing of Ficksburg (Free State) activist Andries Tatane was recorded and widely broadcasted in April 2011, resulting in a country-wide shock and outrage. However, as Steven Friedman (2011) argues, police brutality in post-apartheid South Africa is nothing new. Considering merely the number of unarmed people who were killed by the police during demonstrations since 2000, Pithouse (2011) counts sixteen. Finally, to indicate the current tendency: with reference to the policing of the August 2011 "riots" in the UK, Police commissioner General Bheki Cele recently assured his audience that "any future violent protests on the streets of our country will be met with what the UK Prime Minister David Cameron famously referred to as 'robust policing'" (IOL News, 16 September 2011).

"technical" argument against protest marches is their adverse effect on the city's vehicular traffic.[120] Doubtless, the materiality of public spaces is shaped in a way that favors (private) vehicular traffic but discourages public gathering.[121] Likewise, furthering the phenomenon that was referred to above as the materialization of the consensus regime, municipalities' definition of the legitimate usage of public spaces promotes the "passive recreation" of the "general public" instead.[122] Including its own, carefully circumscribed venues among such, the 2010 FIFA bylaws define "public open spaces" as municipally owned developed or undeveloped places that are "used for public Recreational or Cultural purposes". To prevent possible misunderstandings, the bylaws also define "culture" and "recreation" (eThekwini 2010, 15). Even more tangibly constructing the FIFA zones as consensual spaces with the primary aim of securing the monopoly of its sponsors, in prohibiting the display, distribution, projection, etc. of "any method of displaying writing, letters, numbers, figures, […], pamphlets" – all grouped under the term "sign" – the bylaws radically limit the space of dissent (Ibid., 16).[123]

[120] Duncan (JMPD quoted in 2010, 8) cites a typical case whereby the Johannesburg Metropolitan Police Department (JMPD) prohibited the march of the Soweto Electricity Crisis Committee (SECC) for the following reasons: "1) Jorissen Place is in the centre of Braamfontein [in Johannesburg] and business will be severely affected especially lunch hour and peak-hour traffic. 2) Your proposed gathering will result in serious disruption of vehicular traffic because of the duration of the march, your refusal to adhere to 2 hours restriction and the number of participants." Incidentally, SECC is the organization that in 2001 launched its reconnection campaign Operation Khanyisa (light up) in defiance of ESKOM's large-scale cut-off measures (Pape and McDonald 2002).

[121] To offer a typical illustration of the spatial regulation of the revanchist city: in June 2011 three activists of the US group "Food Not Bombs" were arrested for violating a city ordinance of Orlando's (FL), which bans "large group feedings" of groups larger than 25 people without a permit, while an organization can apply for permits twice a year. According to the *Washington Post* (3 June 2011), "Food Not Bombs began feeding the homeless twice a week in Lake Eola Park in 2005. After residents began to complain, the city passed the ordinance in 2006".

[122] Typical, to the extent that borders on absurd humor, are the regulations of the privately owned Zuccotti Park in New York City, which famously gave home to the protesters of the Occupy Wall Street. According to the owners, "Zuccotti Park is a privately-owned space that is designed and intended for use and enjoyment by the general public for passive recreation".

[123] According to legal professor Pierre de Vos (2010) writing during the days of the World Cup, "[t]his provision seems to impose quite a drastic limit on the freedom of expression of everyone in South Africa. It in effect bans both commercial advertising and any form of political expression in and around the stadiums as well as the fan parks – which are situated on public property. The ban is so broad and all encompassing that I am not sure it will pass constitutional muster". Cf. Roberts (2010, 1486), who argues that governing the city's public spaces around the time of the World Cup through the "policing of nuisance behaviors [and] the restriction of protest by social movements" manifested the effort of Durban's planners to rebrand the city as "an elite sports destination".

Considering that the bylaws prescribe it as a host city's responsibility to "administer and enforce" any violation to its regulations and that consequently these municipalities "in effect become the enforcement arms of a private company [:] FIFA", we get a rather good sense of how the law's adaptation to the imperative of fostering the world class city's circulation becomes co-constitutive of the homogeneous anti-politics of the consensus regime (de Vos 2010). With the promise of their economic emancipation subsumed under urban redevelopment, and their presence impeded both as "small business people" and potential political dissenters, is the "nation-building" power of the football world cup all that poor urban dwellers of the South African metropolis are left with?[124] Discussing the role of the law in Abahlali's political subjectification, in *Chapter 5* I will argue otherwise.

[124] Cf. Neocosmos (2011). The reference is to president Jacob Zuma's public utterances, such as this one: "The enthusiasm, joy and excitement that has engulfed the entire nation in recent weeks has not been witnessed since President Nelson Mandela was released from prison" (M&G online, 6 June 2010); or this: "The social benefits are priceless. We have seen remarkable unity, patriotism and solidarity being displayed by South Africans, which has never been witnessed before. […] This augurs well for the consolidation of reconciliation and friendship for this young nation. We intend to build on this achievement" (M&G 6 July 2010).

Part II The politics of excess freedom: Introduction

"Hidden transcripts", "offstage dissent", "politics of disguise and anonymity", "self-interested muteness", "passive non-compliance", "the infrapolitics of the powerless" (Scott 1985; 1990), "the quiet encroachment of the ordinary" (Bayat 2000), "quiet, mundane, subtle expressions and acts that indirectly and for the most part privately endorse, modify, or resist prevailing procedures, rules, regulations, or order" (Kerkvliet 2005, 22): such are the "weapons of the weak" (Scott 1985), such is the politics of the everyday. The stream of anthropological literature that conceptualizes the resistant practices of marginal, subaltern, disenfranchised or, we might add, surplus populations of the global south in these terms has, doubtless, done great service to those thinking about the ways in which, short of revolt, the growing numbers of poor people may contest power structures that constrain and embitter their lives. Working mostly with a Foucauldian notion of diffused power relations and the idea that "where there is power, there is resistance" (Foucault 1978, 95), scholars of "everyday forms of resistance" (Scott 1985) offered a much-needed alternative to approaches that rested on the binary of the state and the oppressed; approaches that conceptualized the politics of the poor based on, among others, the difficulties of "resource mobilization" and mass organization against repression (Tilly 1978; Zald and McCarthy 1979), "disruptive and irregular tactics" of class-based dissent (Piven and Cloward, e.g. 1977), or opportunity structures allowing for claim-making and the formation of contentious politics (Tarrow 1994; cf. Schram 2003).

Besides the vast and fruitful project of the Subaltern Studies group to integrate perspectives of ordinary people into the historiography of the Indian subcontinent (e.g. Guha 1982; Haynes and Prakash 1992), as Gutmann (2002, 114–115) notes, the academic popularity of everyday politics and the notions of capillary power and resistance that it builds on was, in large part, and at least in the United States, due to the sobering political

conservativism of the Reagan-era and the "diminishing expectations" regarding major social change in the wake of the 1960-70s' civil rights and antiwar movements, as well as the waning interest in the idea of social revolution after the end of the Cold War. In the Latin American context of the dismantling developmentalist state and the social inequalities it left behind, as Gledhill (2012, 5) observes, success can be attributed to the concept's "decentered 'popular subject'", which allowed for thinking "more radically democratic alternatives in an era in which democratization itself generally got off to a cautious and conservative start". Yet, even considering the conditioning power of these politico-historical contexts, the literature on everyday forms of resistance and the questions it provoked within the discipline of anthropology certainly enriched the array of conceptual tools for assessing the tactics and grammars of dissent among hitherto neglected or unjustifiably schematized and criminalized abject populations (cf. Bayat 2000, 536–537); the varying and plural "subject positions" that members of such (or any) populations choose to take up or reject, and the opaque ways acts of resistance and collaboration coexist and intermingle (Ortner 1995). Nevertheless, the predominance of the everyday politics research program in the past couple decades brought several of its pitfalls into the fore.

To mention but a few that are relevant for the discussion in this thesis: due to an otherwise grounded Foucauldian suspicion to the state as a monolith and the very concept of power diffused on all levels of society, overt and collective dissent or instances of mass mobilization and popular movements that appear to be "reactionary by traditional Left standards" moved off the radar of resistance literature (Gledhill 2012, 9; cf. Ortner 1995, 180–182). To appropriate Ortner's (1995, 176) phrase, who argues that there is not much politics in the literature on the politics of resistance for, in concentrating on the relationship between "the dominant and the subordinate", it misses the internal frictions and conflicts within subaltern groups, and with view to more recent studies of neoliberal governmentalities and

their everyday contestation, we can locate the conceptual process of "sanitizing politics" in another effect. Namely, the albeit laudable focus on localized and individualized forms of power and resistance, if combined with the frequent move to read almost any act or "offstage" discourse as either one or the other (Brown 1996), might not allow for tracing the atomizing and depoliticizing effects of contemporary rationalities of neoliberal rule (cf. Chandler 2010). A further conceptual tendency to disconnect marginalized populations from the world of more traditionally understood politics can be grasped, as Gledhill (2007) points out, in the excessive "realism" of Scott's (1985, 296) conviction that "'[b]read-and-butter' issues are the essence of lower-class politics and resistance". Indeed, Gledhill's (2007, 10) note about the affinity of the assumptions driving this insistence and those underlying Pierre Bourdieu's sociological studies "with their persistent emphasis on the idea that poor and working class people are too busy 'surviving' to find time for politics" points precisely to what we could understand as the social scientific incarnation of the ancient politico-philosophical project of depoliticization (Rancière 1999, cf. *Chapter 1*).[125]

Arguably, such problems travel all too easily into the governmentality literature. As Tania Murray Li (2007, 26) succinctly states, "[s]tudies that draw their inspiration from Foucault tend to be anemic on the practice of politics". Certainly, as she observes, much of this is due to the starting (and most often also the end) point of these accounts, that is, questions concerning "what authorities of various sorts wanted to happen, in relation to problems defined how, in pursuit of what objectives, through what strategies and techniques" (Rose 1999, 20). And, even though readers exposed to a fair amount of governmentality literature might wonder if early critics' warnings about the totalization or ontologization of

[125] The other pitfall of Scott's realism is, according to Gutmann (2002), the romanticization of the subaltern intellect. As I mention in the *Conclusion*, this effect might be related to those of the notion of *mētis*, the kind of "practical intelligence" that the "weak" can supposedly utilize, and that Scott (1998) draws on elsewhere (cf. de Certeau 1984).

(neo-)liberal rule were heeded (cf. O'Malley, Weir and Shearing 1996; Valverde 1996),[126] justice demands that I add: many or even most authors note that governmental power is reversible and, in fact, is being reversed (see e.g. Ilcan and Lacey 2011, 37–41). Indeed, some authors make good use of Scott's "everyday forms of resistance" in the fields of development planning (Cameron 2009), illegal immigration (Ellermann 2010), or peace-building (Richmond 2011). To be sure, they direct attention to sites and practices that most theoretical approaches in IR cannot possibly grasp. But do they remedy the political anemia? Or is there something in "the everyday" that moves in line with biopolitics?

Without calling into question the importance of analyzing the processes through which (neo-)liberal rule conceives of its object and renders it governable, the point I would like to raise is that the convenient match between infrapolitics and the study of governmental rationalities is symptomatic of the limited critical potential of the biopolitics literature. Remaining within the realm designated by programmatic problematizations of a biopolitical nature, it is never confronted with its incapacity to think the political. Tracing subtle diversions of governmentalities that teach surplus life how to survive on its own (cf. Reid 2010), obviously, cannot locate the political dynamics that increasingly stop short of providing such education. As I have tried to show in the previous two chapters through the notion of the biopolitics of dispersal, the distancing and delaying technologies of neoliberal urban governmentality are paralleled with a distribution of speech and visibility, with an account of what is political and what kind of subject belongs to the public. It is due to such accounts that the surplus population ends up in "the everyday": "in the realm of *relative* discursive freedom, outside the earshot of powerholders" (Scott 1990, 25; emphasis added).[127]

[126] Cf. Dean's (2007, 87) "reinscription thesis", that is, his caution against governmentality studies' tendency to subordinate other domains of power (such as those of sovereignty or discipline) to the liberal framework of governmentality.

[127] See, e.g., Li's (2007, 23–24; original emphasis) account: "In 2001, Freddy, a young man from Lake Lindu in Central Sulawesi, recounted to me how he had 'learned to practice politics' […] What this meant, for him, was learning to figure out for himself what was wrong and right in the world, and how to carry that assessment

The fact that studies of liberal governmentalities unproblematically adopt an account of resistance that originated in Scott's (1985) observations of highly stratified peasant and slave societies under class domination should make us cautious not only of neoliberal governmental orders, but also of these studies' failure to reflect on the disjuncture between *infra*politics and whatever politics is assumed to (not) be above it. The pivotal Foucauldian exercise of deconstructing the modern state's totalizing technologies alongside those that discipline us as individuals might lose its critical edge if we take the one for granted and posit only the reversibility of the other. That is, accepting that the collective referent of modern popular struggles was dissolved in the governmental oscillation between the population and the individual does not allow for problematizing how neoliberal discourses of rule continue to invoke the collective political subject when distributing some to the realm of government through freedom and others to spaces of abandonment, and how, in turn, this distribution translates into one of speech and visibility so as to fix particular ideas of the public. If the individualized regulation of neoliberal postdemocracy increasingly impedes raising particular concerns to the level of the universal (Dean 2009), then a sustained reluctance to ponder the disruptive potential of universal claims can only limit the force of criticism.

I lack the means and the space to take up the question of this suspicion on the level where it has been most provocatively elaborated, that is, Agamben's biopolitical ontology. Here I can only refer the reader to a quite recent set of literature that questions, from the position of post-foundational and radical cosmopolitan thought, Agamben's (1998, 121) claim according to which "the spaces, the liberties, and the rights won by individuals in their

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forward to bring about change. His epiphany occurred a few years earlier, when an NGO […] began helping the people of his village organize to contest the construction of a hydroelectric dam that would flood the land and forcibly evict them. […S]eeing the dedication of the NGO's young staff […] he became convinced that learning to practice politics was a positive step. He described his feeling as one of awakening from a long and lazy sleep. He began to look with new eyes at the people around him in his village and in the state apparatus who were too afraid to engage in political debate. […] They had to unlearn habits of quiescence cultivated through three decades of New Order doublethink and doubletalk. […] Sukarno, the first president, retreated into the paternalism of 'Guided Democracy', paving the way for his successor, Suharto, to declare politics as an unhelpful distraction to the work of development. *Politics* became a dirty word."

conflicts with central powers always simultaneously prepared a tacit but increasing inscription of individuals' lives within the state order, thus offering a new and more dreadful foundation for the very sovereign power from which they wanted to liberate themselves". From diverse theoretical perspectives, Anthony Burke (2011), Anthony J. Langlois (2011) and Andrew Schaap (2008; 2011) converge to suggest that, contrary to Agamben, the universal subject of rights is not bound to fall right back into the biopolitical trap, that carefully rethought, it can ground a vision of human existence that challenges biopolitics (Burke 2011), and appropriated as the litigious name of the people, can give rise to transformative or disruptive political struggles (Schaap 2011).[128] Thus, the "original biopolitical fracture" between the People "as a whole political body" and the people "as a fragmentary multiplicity of needy and excluded bodies" might not be irreparable (Agamben 1998, 179; 177).

Returning, for now, to the notion of the everyday, let us assess the conceptual risks of its own reification of the People/people fracture. In a series of insightful meditations around problems of popular sovereignty and the technologies of governmentality in the post-colonial context, Partha Chatterjee (2004, 37) distinguishes two conceptual lines concerning the modern state: one "connecting civil society to the nation-state founded on popular sovereignty and granting equal rights to citizens", the other "connecting populations to governmental agencies pursuing multiple policies of security and welfare". Moving along these parallel lines with the consideration that, through the mediating role of property and community, capitalism necessarily qualified the relation between freedom and equality in the first one, he argues that each carved out its distinct realm: on the one hand, the civil society, understood as the "actually existing arena of institutions and practices inhabited by a relatively small section of the [propertied] people, and, on the other, the political society, inhabited by the majority of

[128] Cf. Wendy Brown (2004) and Rancière (2010a).

the population, the poor people who, lacking property rights, "are not proper members of civil society and are not regarded as such by the institutions of the state" (Ibid., 38).[129]

The problems with this scheme appear, in my view, when depicting the formally enshrined norms of freedom and equality as merely ideal, Chatterjee (2004, 41) traces the "stuff of democratic politics" in the political society, and thus, in a subpolitical realm where the poor are forced to conduct a politics of compromises to squeeze out their means of survival. Here, to preserve their tenuous forms of habitation and scarce belongings gained with great difficulty and often by illegal means, the poor have to assume the "demographic categories of governmentality", such as "refugees, landless people, day laborers, homestead, below the poverty line" (Ibid., 59). They have to navigate through the delicate meshes of local politics and make instrumental use of their voting rights. Better, they find a mediator to do the navigation for them; someone educated who is "familiar with the language of peasants as well as that of the party" (Ibid., 65).

In effect, with spatializing the opposition between the "fictive ideal of civil society" and the paralegal government of the population, Chatterjee gives an ossified account of the relations between those who govern and the governed, and constructs the collective subject of modern democracies as inaccessible and irrelevant for the latter. Thus, while he appreciates the promises of the "everyday distribution of rights" in occasionally achieving a fairer redefinition of "entitlements", and goes much further in pursuing the politics of marginal populations than the majority of the everyday resistance literature, he still locates these struggles on a subpolitical terrain and does not seem to conceive of the possibility that poor people aspire to transgress its material and discursive boundaries so as to achieve social or political transformation (2004, 75). Hence, although he shows that now and then the

[129] "Rights belong to those who have proper legal title to the lands or buildings that the authorities acquire; they are, we might say, proper citizens who must be paid the legally stipulated compensation" (Chatterjee 2004, 69). Arguably, this claim is a version of Arendt's (1976) concept of the "right to have rights" – an idea that, of course, serves as the point of departure for Agamben's criticism of human rights. Cf. Schaap (2011) and Neocosmos (2011).

population can modulate the ways they are governed, Chatterjee (Ibid., 77) ultimately offers an "actual" politics of dispersal: "Our political theory today does not accept Aristotle's criteria of the ideal constitution. But our actual governmental practices are still based on the premise that not everyone can govern".

As I have discussed in *Chapter 1*, for Rancière (1999) politics occurs precisely when this premise is questioned by those who are not supposed to govern. As, in turn, I will show in the following two chapters, poor people's politics can indeed take shape as the transgression of the spatial and discursive boundaries within which their "everyday" struggles are supposed to remain.[130] This is not to suggest that tactical compromises, strategic concessions or illegal practices are absent from the politics of the surplus people. It is, rather, to underline that these in themselves are not disruptive of the biopolitics of dispersal, for they leave its practices to render unequal in place. The (presumed) muteness of survivalist practices and the (constructed) need for mediation by the educated are of an account of speech on which the biopolitical order of abandonment rests. Stopping short at deciphering the hidden transcript, interpreters of the everyday reproduce this account. In a similar vein, conceiving of the collective subject of rights merely as the product and instrument of capitalist ideology and/or neoliberal governmentality and/or the inescapable bifurcation between bare life and political existence implies the assumption that those who appear through claiming identity with this subject are misguided and co-opted (cf. Schaap 2008; Langlois 2011). "Where one searches for the hidden between the apparent, a position of mastery is established" (Rancière 2004b, 49). In what follows, I present a political practice that disrupts the world class city's sensible order by rejecting such positioning. The crux of Abahlali baseMjondolo's struggle for a

[130] Cf. an excerpt from a letter sent by Abahlali Western Cape's chairperson, Mzonke Poni, to Cape Town Mayor Patricia de Lille: "We are […] concerned that your chief of staff has said that a meeting would only deal with 'service delivery issues' and would not deal with 'unrelated issues'. Since when was democracy only about 'service delivery'? Since when was human dignity only about 'service delivery'? We reject many aspects of the 'service delivery' provided by your government. […] In fact we reject the whole paradigm of 'service delivery'. […] We have every right to insist on discussion on issues 'unrelated' to 'service delivery'. Your chief of staff wants to confine us to discussions of peripheral importance just as we are already confined on peripheral land on the outskirts of the city" (Abahlali Western Cape, 21 September 2011).

dignified life in the city is to say, do and think what surplus people are not supposed to. When, where, and in what terms they find the freedom to do so might give hints for thinking the political subject that challenges biopolitics.

Chapter 4 Abahlali's vocal politics of proximity: speaking, suffering and political subjectification

Abahlali baseMjondolo, currently the largest social movement in post-apartheid South Africa, counting around 10 000 members, was formed in 2005 in Durban, KwaZulu-Natal Province. At this time, protests in poor areas of larger cities or former townships were becoming more and more frequent; it was largely in the early 2000s that the country's macroeconomic shift iconized by the *Growth, Employment and Redevelopment Strategy* (RSA 1996) was starting to have a major impact on the development and provision of basic infrastructure as set out by the mandate of the first Mandela-government. Certainly, as discussed in the previous two chapters, it was in this period that the policies of eThekwini government and particularly the City of Durban took an evident turn back from the mid- to late nineties' liberalizing developmental approach to urban governance described in *Chapters 2 and 3*. Turning to the question of the possible disruption of the sensible order that is shaped by an imperative to construct the global city as a principle nod of circulation, in this chapter I begin to elaborate an account of political subjectification as the collective appropriation of freedom, which, on the governmental horizon of the biopolitics of dispersal, appears as being in excess. As this account is largely formulated through my interpretation of the politics of Abahlali baseMjondolo, to begin, I recount the history of the movement, with a brief description of its structure. To explore the Abahlali's emergence as political subjects, I first assess the role of the feeling of betrayal in this process, then, in line with what the introduction to this second part of the thesis just stated, present the centrality of speaking in their collective assertion of equality. Having traced the governmental practices of rendering unequal in, among others, the widely publicized accusation according to which the movement's mobilization was due to white intellectuals' manipulation, I next turn to the ways

Abahlali call into question the forms of their inclusion within the political order of post-apartheid South Africa, thus contesting official constructions of freedom too. Contrary to any assumption about marginalized population's "self-interested muteness" (Scott 1985, 36), as the subsequent section discusses, to challenge the distancing and delaying effects of this order and their position therein, the shack-dwellers' "living politics" is formulated as an emphatically vocal politics of proximity, that is, a political practice, the utmost principle of which is to stay close to the sufferings entailed by the living conditions in shantytowns. Looking at how this principle is channeled into the movement's intellectual practice, in the last section I present the form of knowledge that drives and potentially sustains the Abahlali's political subjectification. Finally, I discuss the movement's egalitarian pedagogy, "living learning", that is built on this form of knowledge.

4.1 Abahlali baseMjondolo: the beginnings

Continuing the limbo characteristic of its history from the early-nineties on, the fate of the Kennedy Road settlement – located in Clare Estate, a largely middle-class Indian area of Durban – in the period of municipal reregulation seemed to be undecided between relocation and *in situ* upgrade.[131] While Kennedy Road was among the first settlements to be included in the upgrade projects of the City partnered by the Urban Foundation in 1991, in 1995 the City revoked its support and called for a halt to the development. In 1999, nevertheless, an ANC bulletin published after their first victory in the province mentioned the settlement as targeted for upgrade (Bryant 2008). Growing rapidly over the past three to four decades, currently around 7000 people live in the settlement that started as a group of nine shacks hidden behind bushes (Pithouse 2005b). Most of the inhabitants migrated to Durban from small towns and

[131] As Pithouse (2005b, 6–7) more specifically describes the settlement's location: "The shacks in Kennedy Road 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."

villages of KwaZulu-Natal and the Transkei (Ibid.), while others come from the Eastern Cape. In terms of ethnicity, three groups make up the population of Kennedy Road: people identify themselves as Zulu, Xhosa, or Bhaca. As Kerry Chance (2010) notes, within the settlement, these groups can be spatially and temporally delineated, as they settled there in different periods; with the oldest section – near the community hall and the area where the movement's central office used to be – largely inhabited by *amaZulu* families.[132]

Organizationally, the antecedent of the movement can be traced to the settlement's democratically elected development committee, the Kennedy Road Development Committee (KRDC).[133] Replacing the traditional leadership (*Induna*) of the apartheid era that, with the support of the local ANC, operated until the late-nineties, the committee was established in 2001 (Pithouse 2005). Recruited through yearly nominations and elections taking place at mass meetings of inhabitants convened for the purpose, in its early period, the committee was headed by S'bu Zikode, and was composed of various members of the settlement's community, responsible for different portfolios of concern, such as health and safety (Bryant 2008). With their aim to make use of the channels for "community participation" officially provided within the system of local government, the KRDC set out to move forward the plans

[132] On September 26, 2009, the all-night camp of the Youth League of Abahlali at the Kennedy road settlement suffered an armed attack that continued in a hunt for the movement's leaders. Thousands of people fled the settlement fearing their lives, leaders of Abahlali were forced into hiding, and the movement's activities had to be pursued underground for months, until early 2010. Their office was destroyed, as well as many prominent's and members' shacks. For a thoroughly researched account of the attack and its circumstances, see Chance (2010).

[133] Within the framework of "developmental local government" (RSA 1998), which was the ideal of the municipal decentralization process starting in the late-nineties, representing the "lowest" level of the municipal policy-making structure, development committees of a ward or an informal settlement are supposed to complement or replace the function of ward committees and ensure that "the community" participates in planning and realizing development (Huchzermeyer, Baumann and Mohamed 2004; cf. Nel and Binns 2001). As they are structurally linked to the local councilor, these committees generally have ties to political parties, specifically, in this region, to the ANC, and mostly via the South African National Civics Organizations (SANCO). According to Pithouse (2005b, 11), "SANCO was a project to bring the bottom up democracy of the civics movement of the '80s under party control".

of their settlement's upgrade. Thus, during these years, the relationship between the municipality and Kennedy Road was not, in general, conflictual.[134]

By early 2005, the KRDC managed to acquire the local government's promise to grant them a piece of vacant land next to the settlement for housing development. However, in March events unfolded otherwise. According to most historical accounts, the movement's emergence dates back to the day when bulldozers appeared on the area bordering the lower end of the settlement.[135] Excited that the housing development was being started, people gathered there only to find out that the construction works were in preparation of building a brick factory on the plot (Abahlali 2006a). As the news spread, more and more people gathered on the construction area and tensions started to grow. While the specific chronology of events during these first days is somewhat unclear, a common element is certainly that despite their attempts at communicating with the local government, the inhabitants did not get a satisfactory answer on what happened to the "promised land".[136] The repercussions of this disappointment gained larger publicity when early next day about 700-750 shack-dwellers from Kennedy Road blockaded the nearby six-lane Umgeni road.[137] In response to the first

[134] To the contrary, behaving, in the movement's current phraseology, like "good girls and good boys" (research notes, April 2009), the community during this period could be described as compliant with the institutional and policy boundaries set for an informal settlement's participation in decision-making. As Pithouse (2005b) recalls: "When government told people that they must provide 'home based' care for their sick they dutifully developed a still flourishing [until September 2009] community project providing visits and services to the sick and child headed households. At various meetings where they learnt to speak the language of the World Bank and USAID they got to know people from other settlements very well." After the movement's formation, the funding of these projects was largely subject to particular officials' power to penalize the community for its political mobilization (research notes, May 2009), until their final termination following the attack on the movement in September 2009. Zama Ndlovu, longtime Abahlali-member and Kennedy Road resident who used to be responsible for the settlement's Drop-in Clinic, continued some of its functions – such as providing porridge to sick people – on her own, obviously limited, resources when she could (interview, 12 October 2010).

[135] In Pithouse's (2005b, 14) summary of KRDC members' reconstruction from a few days after the road blockade: "People had consistently been promised over some years that a small piece of land in nearby Elf Road would be made available for the development of housing. The promise had been repeated as recently as 16 February that year in a meeting with City officials and the local councilor. The Kennedy Road Development Committee had been participating in ongoing discussions about the development of this housing when, without any warning or explanation, bulldozers began excavating the land on 18 March".

[136] Many times when the event of the first blockade is recounted, the land in question is referred to, apparently with the intention to revoke the religious connotations of the phrase, as the "promised land" (e.g. Zodwa Nsibande interview, 27 May 2009). Cf. Bryant (2008) on the role of religion in the early years of the movement.

[137] Most narratives mention that the local councilor, Yacoob Baig, ordered the police to arrest the protesters over phone, but accounts differ on who exactly called him, whether the KRDC in demand of explanation (Abahlali

journalist on the scene asking what prompted the blockade, one of the protestors (Alfred Mdletshe in Abahlali 2006a, 1) said: “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”. After a few hours of standstill, the riot police dispersed the blockade and arrested fourteen people on charges of public violence.

On the level of the settlement, organized collective action seems to have emerged around the KRDC in reaction to these arrests: the following Monday the community decided to collect funds for the bail and staged a 1200 strong march to the Sydenham police station where the “Kennedy Road 14” were held. Articulating a self-identification that has often been cited and recalled since, they demanded the captives’ release by representing the charges against them as paradoxical: “Their demand was that either the 14 be released or else the entire community be arrested because ‘If they are criminal then we are all criminal’” (Abahlali 2006a, 1). “They say we committed public violence but against which public? If we are not the public then who is the public and who are we?” (Zikode in Pithouse 2005b, 15). After the march was dispersed “with more beatings, dogs and teargas”, the KRDC called a community meeting, and to a large audience of inhabitants packed into the Kennedy Road hall, S’bu Zikode concluded: “We are on our own now” (Abahlali 2006a, 1).

It was around this time, after neither release nor bail was granted, and the community was seeking legal aid, that outsiders were beginning to get involved with the shack-dwellers’ forming struggle (cf. Mzwake Mdlalose interview, 24 October 2010). Richard Pithouse, at the time based at the University of KwaZulu-Natal, was among the first academics to establish contact with people at Kennedy Road, and beyond writing the first articles about these early

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2006a) or the people involved in the construction of the brick factory (Zikode 2005). Many recall that the councilor called them criminals and denied that there had been an agreement between the settlement and the local government about the land (Pithouse 2005b). Finally, as Bryant (2008) recollects from interviews conducted later over the same year with those involved, the community decided on the road blockade after the local councilor and the owner of the brickyard-to-be did not show up at a meeting that the KRDC scheduled with them.

events, he also arranged for pro bono lawyers whose intervention then secured the Kennedy Road 14's bail being reduced to zero and their charges being dropped (Bryant 2008).[138] During the following months, these spontaneous and (therefore) illegal marches were replaced by legal ones, occasionally mobilizing over five thousand people from Kennedy Road and nearby settlements to demand "land, housing, basic services, democratic development and respect" (Abahlali, 14 September 2005). As the movement's newspaper recounts, the endpoint of these marches were local councilors' offices, where they handed over the particular community's "Memorandum of Demands" to the councilor or another representative of the local government, and performed the councilor's "burial" with a mock coffin that they carried along, so declaring that the councilor no longer has power over them: the ward "does not have a councilor" (Ibid.).[139]

Whereas during these months every settlement that joined the stream of protest initiated by Kennedy Road elected their own committees on the pattern of the KRDC, it was not until October 2005, that the movement itself was formed: "On 6 October 2005 17 men and 15 women elected as representatives from 12 settlements that now had committees supporting the shack dwellers' struggle met to formally constitute themselves into a movement, Abahlali baseMjondolo" (Abahlali 2006a, 1).[140] Largely following the structure and the recruiting processes of the KRDC, Abahlali has an executive committee that is elected at the Annual General Meeting (AGM) usually organized in November (cf. Bryant 2008, Nimmagudda 2008). AGM's are open to everyone, and everyone can raise any point for discussion, but only

[138] I return to the movement's relationship with academics and official academia in section 4.4 below.
[139] See e.g. the photos of the march on Yacoob Baig, then councilor of Ward 25, where Kennedy Road is located.
[140] The name simply means 'the people who live in the shacks', that is, 'shack-dwellers'. As Philani Zungu (interview, 2 November 2010) recalls, beyond marking a major step in the movement's official organization, this name had a unifying function, as under its banners inhabitants of any settlement in the area could wholeheartedly get involved in marches of settlements other than their own: "So, we wrote [Abahlali baseMjondolo] on the pamphlet and we wrote that same name on the T-shirts, and we were convinced that that name is going to include everybody, is going to make everybody feel comfortable: that, now, this is for themselves. They are marching for themselves, they are taking their own grievances, it's for their own benefit because they are the shack-dwellers of course. […] And, from that day, the name never changed. […] [W]e had to keep our name up to keep the spirit, and we felt, this is our permanent name, and we became an organization."

members previously elected on the settlement level to represent their branch are allowed to vote. With every settlement wishing to join obliged to elect and form their own executive committees in a similar manner, the democratic organizational structure is replicated on the local level (cf. Abahlali 2006b).[141] At present, Abahlali's branches extend well beyond Durban: several settlements in the province have joined the movement over the past six years, while a regional branch operates in the Western Cape, involving settlements in and around Cape Town.[142] Within the movement, two subgroups operate: the Women's League and the Youth League both formed in 2008. Finally, Abahlali baseMjondolo is part of the Poor People's Alliance that was founded in 2008, and includes, beyond Abahlali's two regional organizations, the Rural Network of KwaZulu-Natal, the Landless People's Movement in Gauteng and the Western Cape Anti-Eviction Campaign.[143]

4.2 The promise of "a better life" and political subjectification

To account for the shack-dwellers' emergence as political subjects throughout the course of the above recounted events, we need to return to their first demonstration, that is, the spontaneous road blockade staged a day after they learnt that instead of their houses, a brick factory will be built on the "promised land". It is certainly here that we find the "immediate" reason for their mobilization (Pithouse 2005b): the councilor's breaching a particular promise made to the inhabitants of the Kennedy Road settlement. As this section

[141] While it is possible for individual members to join, the movement encourages shack-dwellers to join as groups, so that their local action is easier and individual members are not singled out for their mobilization (research notes, October 2009; Mzwake Mdlalose, interview, 24 October 2010).
[142] Abahlali Western Cape's website is available at http://www.khayelitshastruggles.com/.
[143] Lacking a discussion of Abahlali's internal politics that is present in their operation as it is in every movement – despite what, particularly during the first round of my field research (April – July 2009), seemed to be an unusual unity – the account above is perhaps incomplete. The 2009 September attack, to my perception, permanently but significantly weakened Abahlali's cohesion, as the shock of the violence, the destabilization of threatened members' and leaders' livelihoods and the uncertainty about who had been behind the attack rendered internal relations somewhat paranoiac. During my interviews of the second round (late-September – early-November 2010), many members reflected on the difficulties of this period, and their significant efforts to overcome them were known to me. While discussing these processes in detail would certainly be of interest, it is not imperative in this work which, instead of offering a full-fledged ethnography of Abahlali baseMjondolo, focuses on what such processes of collective political subjectification as theirs entails for thinking biopolitics.

will show, moreover, every aspect of the Abahlali's political subjectification leading up to the inception of the movement and their activism thereafter can be discerned from a closer look at this event and the reflections of those involved. That is, both the outrage about betrayal and its condemnation on grounds of the shack-dwellers' assertion of equality as thinking and speaking beings are to be found already at this early moment. It is to the interrelated dynamics of these two aspects, articulating freedom as the "improper property" of the surplus people that I turn to below.

4.2.1 "It was forced to be formed": betrayal and political subjectification

How does the breach of a promise trigger political subjectification? First, the realization that a promise was breached entails the recognition of oneself as wronged, as not being treated as an equal party to the promise, that is, the recognition that injustice has been done. This, as the movement's previously recounted history shows, was clearly present in Kennedy Road inhabitants' interpretation of the events: the councilor betrayed them when he ignored their agreement about the piece of land on Elf road. Second, however, this experience of betrayal translated into the shack-dwellers' political subjectification when – through the councilor's (and all other concerned parties') disregard of the KRDC's request for a meeting and their subsequent criminalization – they linked it to their recurrent experiences of being disregarded as human beings; as speaking human beings living under inhuman circumstances.

> Everybody is just rotting here. We have no land. Most of us have no jobs. […City Manager Mike] Sutcliffe talks to the *Tribune* about us but he doesn't speak to us. All they do is send the police every time we ask to talk. It is a war. They are attacking us. What do you do when the man you have elected to represent you calls you criminal when you ask him to keep his promises? He has still not come here. We are not

> fighting. We want to be listened to. We want someone to tell us what is going on (S'bu Zikode in Pithouse 2005b, 15).

As Pithouse's (2005b) account of these first days clearly shows, by the night of the road blockade, after fourteen of the protesters were arrested, the shack-dwellers' feeling of betrayal over the "promised land" had been generalized through relating it to various manifestations of the (local) government's contempt for their lives, ranging from being referred to as criminals to the absence of refuse collection, or the municipality's failure (for the previous five years) to clean the pit latrines installed by the Urban Foundation in the early nineties, as well as to not being listened to. Putting years of efforts to improve their living conditions into a new perspective, through the decision to blockade the road and the parallel process of generalizing their experience of betrayal, the shack-dwellers of Kennedy Road forcefully stepped out of their roles as "good girls and good boys" of the local governmental order.

> This was a revolt of obedient and faithful citizens. These [sic] had done everything asked of them. […] They were the model poor – straight out of the World Bank text books. They revolted not because they had believed and done everything asked of them and they were still poor. They revolted because the moment when they asked that their faith not be spurned is the moment their aspirations for dignity became criminal. On the day of the road blockade they entered the tunnel of the discovery of their betrayal (Ibid., 16).

Indeed, as the quote's first sentence suggests, the shack-dwellers' reflections on the events of the blockade expanded the scope of reference for their betrayal beyond the local level to that of the post-apartheid order: "And this is the government that we fought for, and then worked for and then voted for and which now beats us and arrests us" (Zikode in Ibid., 15). With their

experiences of betrayal and criminalization thus universalized, they emerged as separate from that order: "We are on our own now" (Zikode in Abahlali 2006a, 1). Separate from the order whose subject is supposed to be them exactly: "They say we have committed public violence but against which public? If we are not the public, then who is the public and who are we?" (Zikode in Pithouse 2005b, 15).

Conversely, with the surrounding settlements' instant sympathy, and the consequent mobilization of thousands of the area's shack-dwellers, this articulation of "the part that has no part" gained an explicitly collective nature, which, a few months later, gained inscription by choosing the generic name "shack-dwellers".[144] Naming those whose living conditions testify to their being denied as parties to the promise of "a better life for all",[145] the movement was formed out of linking the breach of this promise with the shack-dwellers' feeling of invisibility and inaudibility. With attributing their sufferings to the government's breaking its promise of "a better life for all" on the one hand, and, on the other, recognizing that the experience of this injustice is shared well beyond Kennedy Road, at the moment when the force "to be formed" was strongly reverberated, the referent of the Abahlali's emerging politics has become much broader too: the poor, the public, the people – all those appearing in the space between two realizations: "[w]e are on our own now" and "we are not on our own":

> The movement grew out of a spontaneous blockade; of our radical anger and frustration. It was not preceded by intellectual work but afterwards the movement was formed because we realized that *we are not on our own*. We are suffering from the lies of the democracy and others suffer too (S'bu Zikode in research notes, May 2009; emphasis added).

[144] This, largely, is the context wherein the statement chosen as the title for this work – "We are the people who do not count" – is to be located. Cf. Abahlali (9 June 2008).
[145] To build "a better life for all" was one of the major objectives set out in the ANC's 1994 election manifesto, and, having become iconic, serves as the party's election slogan ever since.

> We started to march after 10 years of empty promises from the government. […] The ANC said "a better life for all", but I don't know, it's not a better life for all, especially if you live in the shacks. We waited for the promises from 1994, up to 2004, that's 10 years of waiting for the promises from the government. (Mnikelo Ndabankulu interviewed by Bryant, November 2005).

> I will say, and I always said it, when the organization was formed, it was automatically formed. It was forced to be formed. Nobody wanted to form the organization but it happened automatically because when Kennedy Road saw a need to mobilize, they mobilized as KRDC, not even knowing they are forming Abahlali organization. […] But when they mobilized, the nearby areas were also mobilized by them […] So, we came together in that idea, thinking that we need to raise our voice together because individually we are just disregarded. Maybe, in the name of the masses we'll be taken into note. […W]e felt that over so many years living in such conditions, but we are not known. If we are, we are not being taken seriously. (Philani Zungu interview, 2 November 2010).

Starting from the notion of the breached promise, then, we can see how speaking and suffering from the living conditions in the shantytown move beyond the strategic reversal of biopolitical technologies of abandonment, and add up to political subjectification. Reflected also in members' accounts of how their involvement in the movement lends them courage and the ability to be heard and seen,[146] Abahlali's demonstrations can be understood as (re-

[146] See, e.g. System Cele (in Bryant 2008, 41): "Now that we're protesting, our voice is heard [...] our struggle is the voice of silent victims […] we hadn't been able to talk before." Cf. Bryant (2008). Or, as Mariet Kikine (a 54 year old woman who was shot in her back with six rubber bullets during the dispersion of Abahlali's legal march on Durban's mayor, Obed Mlaba on 28 September 2007) declares in Jenny Morgan's (2008, 4:12'') documentary: "For that thing they done to me, I am not stopping to fight for government for my rights! Now they make me brave. I'm not turning back anymore." Cf. Mnikelo Ndabankulu (spokesperson of Abahlali, interview, 29 June 2009): "I think when I started to stay full time here in Durban, when there is a shack fire, you only see experts, like…councilors, politicians, saying that people have lost this and that, but after the inception of Abahlali, ordinary people from the settlement were speaking for themselves on the news, in the radio, in the

)staging their appearance as a collective political subject, as the people who contest the arbitrariness of their status as "forgotten citizens" by articulately and visibly asserting that they are equal parts of the "all" that was promised a better life.[147] That is, they contest being allotted abandonment by asserting that, as thinking and speaking human beings, they are aware of the promises of the post-apartheid order as well as their own equality within that order, and, at the same time, by proving to themselves and everyone else that they have become willing to so demonstrate.[148] "We have shown the world that we know that we are not supposed to be living the way we do" (Zikode in Abahlali 2006a, 7).[149]

4.2.2 "We are not animals. We are human beings": Asserting the equality of speaking beings

To further explore the place of Abahlali's emphasis on speaking and thinking within their demonstrations of equality, and thus their political subjectification, let us consider the link members make between the breach of promises and not being spoken and listened to. Just like on the day of Kennedy Road's first road blockade, often times spontaneous protest occurs in informal settlements when officials cancel (or simply don't show up at) a meeting

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papers, on the television. So, it's because of Abahlali that people have claimed a space. […] Because even before Abahlali was formed, there were *uMjondolos* [shack-dwellers], they were like… some people were not even comfortable with saying that I'm coming from the *jondolos* [shacks]. But when this organization, which have done these miracles, which is called Abahlali baseMjondolo, it made people not to be worried. You see this T-shirt I bought: "Abahlali baseMjondolo" – I can wear it in West street [main street in Central Durban], I can wear it in Cape Town, I can where it everywhere. I don't look at the *jondolo* as a shame now. The shack-dwellers get confidence and acceptance that we are staying in such conditions, that the only thing that we must do, that we must work hard to take our living to another level."

[147] On the notion of the "forgotten citizens", see Mazwi Nzimande (interview, 8 July 2009): "We are forgotten, we are treated invisible. The government is hundred percent aware that we are existing but he would just like treat us invisible. So, we are the forgotten citizens of this country – for now."

[148] It is exactly proving equality to oneself – something that we can trace, for instance, in members' above quoted accounts of the transformational nature of their involvement in Abahlali – that is, according to Rancière (2007, 48), the meaning of 'emancipation': "a struggle for equality […] can never be merely a demand upon the other, nor a pressure put upon him, but always simultaneously a proof given to oneself".

[149] Cf. the first two paragraphs of the "Memorandum of Demands" addressed to councilor Yacoob Baig: "We the people of Ward 25, democrats and loyal citizens of the Republic of South Africa, note that this country is rich because of the theft of our land and because of our work in the farms, mines, factories, kitchens and laundries of the rich. We can not and will not continue to suffer the way that we do and so we unite behind the following demands: For too long our communities have survived in substandard and informal housing, and for too long we have been promised land, only to be betrayed. Therefore, we demand adequate land and housing to live in safety, health and dignity" (Abahlali, 14 September 2005).

previously set up with the community.[150] As the following quote from *Dear Mandela*, Dara Kell and Christopher Nizza's documentary exemplifies, when they are denied the chance of discussion, the shack-dwellers understand this as the denial of their humanity as speaking beings (Sleeping Giant 2011). In a scene shot for the movie in the Siyanda C informal settlement after a protest – triggered by the municipality cancelling their meeting – had been dissolved by the police, Mama Nxumalo (1:25'') is talking to municipal official Bongi Hlengwa, who later that day eventually agreed to visit the scene:

> Many of us have been living here for more than 21 years. The people of Siyanda have pain in their hearts. The houses that are being built… the people who are getting them are not even from around here. We are not animals, we are human beings. We would like the City of Durban to think about the people of Siyanda.

The same association between not being considered an equal party to a discussion or a promise and being denied one's humanity is perhaps even more emphatically expressed by Zama Ndlovu (interview, 12 October 2010), longtime Abahlali member who continued to stay at Kennedy Road after the September 2009 attack on the movement:

> […A]fter the September attacks they came, they [i.e. the local ANC] promised so many things, which included that Kennedy road is going to be moved 'cause there are houses that are built for Kennedy Road. […] Guess what: they'd never come back, ever since. […] They should have come back at least to lie again and at least to say, "okay, we have a problem there and there but we know, we're not forgetting about your project". They just… they went like that. It's like we're not existing to them. 'Cause you can't lie to a human being and not come back to make an apology even if

[150] Similarly, as mentioned in *Chapter 2*, Abahlali decided to file a request of information to the City of Durban on the grounds of the *Promotion of Access to Information Act* after mayor Obed Mlaba's staff cancelled a meeting the KRDC set up with him, so that they can discuss the low-cost housing project the mayor announced in the media previously. Cf. ODAC (2007).

> you're, okay, you are not considering yourself lying. You cannot tell me something that you're going to do this for me and then you just like… what the hell? You don't even come to tell me what happened, what went wrong, if there is anything that went wrong, or if you're still doing it? No, you don't come back: just like that. So, to me, it's like… I felt like, okay, we are not recognized as human beings, we're just like, you know, the animals, not just any… or, like, the wild animals 'cause you can't bother yourself as a human being to talk to the wild animals 'cause at the end of the day the animal can't understand your language!

Similar interpretations of the way governmental officials or politicians treat them define Abahlali's position on elections. As they frequently note, politicians only set foot in the *jondolos* during the times of campaign, but after the votes are cast, their inhabitants are ignored again. Asked what she meant when describing the shack-dwellers' situation as "marginalized", Zodwa Nsibande (young woman in her mid-twenties, then General Secretary of Abahlali) replied:

> You know, when a person is pretending that he or she sees you, whereas he doesn't even care about you! That is the current situation of the shack-dwellers in this country. They only care about people living in the shacks, about poor people, when it was election. After that, they don't care about them; they just arrest them, they shoot them, they do whatever they want to do with them, without consulting them. But when it comes to elections: that's when they are able to practice all those systems that exist within the democratic era. Just because they are the ones who are needing you more than we need them (interview, 28 May 2009).[151]

[151] Cf. her essay "Party politics vs. living politics" (Nsibande 2011).

To define the same situation, Mnikelo Ndabankulu (interview, 29 June 2009) uses the term "election specialists": the shack-dwellers' existence matters only every five years, when "everybody promises us heaven and earth", but once the campaign is over, everything returns to normal: "as if we never existed".

It is precisely within these accounts of being completely neglected or treated as an ignorant mass of "voting material" that we can locate practices of rendering unequal (Ibid.). Ignoring shack-dwellers' requests for conversation and information, or heeding these requests only at times when the block vote needs to be delivered to the party outlines their role and position within the biopolitical order of dispersal rather clearly: inaudible and invisible or to be pushed out of sight, with their political capacities reduced to voting for the governing party.[152] Working to solidify this position through the temporal dimension is, as we have seen previously, the promise of development and the expectation that the poor be patient; all summed up in the South African policy-topos of "service delivery". Through conditioning poor people's patience, then, the splintered temporality of urban development effectively reinforces the ordering of the (in)visible and the (a)political, even though the "Slums Clearance Program" or the "Slums Act" hardly suggest that services will be delivered to the shantytown in the foreseeable future. "Until when will these policies be used as government propaganda? One day they announce the budget to build RDP houses, the next day they announce the Slums Act as a way of addressing the housing backlog" (Abahlali 2008, 1).

Such are the ways that the segmentary spatial order of the global city is tied to a sensible distribution that denies the surplus population's ability to speak and understand, and such are the reasons for Abahlali's insistence on defining their equality in terms of thinking and speaking. In turn, this insistence directs attention to further practices that cast doubt on the political character of the shack-dwellers' struggles. To begin, this seems to be the effect of

[152] Which, being black and poor, they are presumed to do, according to the consensual science of voting behavior (cf. Harrison 2009 and Ferree 2010).

the reconfigured notion of violence mentioned in the previous chapter. As it was stated there, deeming "service delivery" protests violent and destructive enables their criminalization and depoliticization. With their reason and objective predetermined by the label, and their form (marching, chanting, occasionally burning tires or mattresses) uniformly condemned, whatever the protestors wish to communicate can go unnoticed. In defiance of this logic, Abahlali frame their mass marches as discourse, thus creating continuity between attempts at discussion and their public protests: "We discovered that our municipality does not listen to us when we speak to them in Zulu. We tried English. Now we realize that they won't underst[an]d Xhosa or Sotho either. The only language that they understand is when we put thousands of people on the street" (Zikode 2005, 2). While, on occasion, this language certainly has a significant impact, as experienced by Abahlali having mobilized thousands of shack-dwellers in Durban by the time S'bu Zikode wrote the quoted essay, Mzonke Poni, chairperson of Abahlali baseMjondolo Western Cape, reflects on the paradox of having to use it. That is, not being listened to can easily loop back into the circular figure of "service delivery riots" and the discourse of violence.[153]

> I have lost count of how many times we went to (municipal offices in) Cape Town, to put forward the people's complaints, who are, by the way, living like animals in this township […] The only way the government notices us is when we express our anger and rage, then they understand how we feel (Poni in *Saturday Argus*, 25 June 2009).

Yet, when Abahlali reject the "service delivery protest"-label in their public appearances, for example by revealing its depoliticizing logics, proves precisely that demonstration is a valid language of politics, and a language that they speak.

However, this very phenomenon – their public manifestations of political dissidence resisting the "service delivery"-categorization – seems to have activated a further mechanism

[153] Cf. Poni (2009).

of rendering unequal, namely, the figure of the "Third Force". Reinvigorating a notion that was used under apartheid in reference to "security agents offering military support to the Zulu nationalist attacks on ANC supporters in defense of apartheid", two months after the shack-dwellers' first protest, more specifically, following their 3000-people strong march on ward councilor Baig, a delegation of the local ANC called a meeting to the Kennedy Road hall and demanded that the protestors reveal "the Third Force behind the protest" (Pithouse 2005b, 17). In the context of Abahlali's political subjectification, two comments have to be made about this accusation. On the one hand, S'bu Zikode's immediate response, according to which the Third Force is the approaching winter that, in settlements without electricity, means shack-fires and deaths, as well as the elaboration of this response in his article "Third Force", affirms the previous point that the relationship between articulations of the shack-dwellers' suffering and the assertion of their equality is central to the process of their political subjectification:

> Well, I am the Third Force myself. The Third Force is all the pain and the suffering that the poor are subjected to every second in our lives. The shack dwellers have many things to say about the Third Force. It is time for us to speak out and to say this is who we are, this is where we are, and this is how we live. The life that we are living makes our communities the Third Force (Zikode 2005, 1).

On the other hand, the accusation of the Third Force – echoed by the local media soon after the ANC's visit, and prevalent in various forms ever since – implies, of course, that by themselves the shack-dwellers' either wouldn't have questioned the rightfulness of their situation, or wouldn't have been able to conceptualize and organize the political activities of the early months. It suggests that being ignorant and defenseless due to their poverty, shack-dwellers have become subject to the manipulation of white intellectuals, and are used as

"stepping stones" for these "agents provocateur" advancing hidden agendas.[154] What the Third Force-plot certainly does not entail, is a conception of the shack-dwellers as subjects capable of political resistance. While, of course, similar strategies for undermining the opposition through affiliating it with dubious actors and organizations are common means of political rivalries everywhere, underlined by the ways in which Abahlali defy the accusation, in the context of their politics, its significance lies in demonstrating how poverty is associated with assumptions about political capacities.

4.2.3 Problematizing political integration, contesting unFreedom

To take a hint from the agent provocateur argumentation as to what kind of activism is presumed to suit the shack-dwellers: "Abahlali have a democratic right to exist as a lobby group but cannot act as if they have their own pseudo leaders other than the democratically elected leaders of our people" (Mabaso and Mchunu 2006). Whereas the previous sections showed how the failure of "lobbying" triggered the political subjectification of Abahlali, let us now extend these considerations to the form of democratic action that supposedly match the shack-dwellers' interests and capacities. More exactly, let us see how Abahlali questions such limitations of their political action, and practices a politics that shack-dwellers are not supposed to.

As it was argued in the previous chapter, a major pillar of the post-apartheid order is the idea that the evils of the minority rule have been redeemed with the political emancipation of the black majority and the inception of multiracial democracy (Neocosmos 2011). Although in codifying the developmental mandate of the first Mandela-government, the

[154] Both quoted terms are from the article "Shack-dwellers under the sway of an agent provocateur" (Mabaso and Mchunu 2006), published in KwaZulu-Natal newspaper *Sunday Tribune* on 24 September 2006, and authored by two communication officers of the provincial Department of Local Government, Housing, and Traditional Affairs. As in a recent reply to various accusations against the movement, among them the Third Force, Abahlali (25 November 2011) state: "There are many tactics to keep us, as the organized poor in our place."

democratic Constitution and its Bill of Rights enshrined a vast array of socio-economic rights, with statist developmentalism fading away, the political symbolism of these documents seems to have been narrowed down to the celebration of the rule of law and the legitimate state, (where, in turn, the legitimate state equals the prudent state).[155] Correspondingly, by the time the Freedom Charter Monument was erected and the part of Kliptown (in Soweto, Johannesburg) where in 1955 the Congress of the People adopted the charter and was rebranded as the Walter Sisulu Square of Dedication – "a world-class tourist destination and heritage site" (Blue IQ Investment Holdings quoted in Davie and Alexander 2005) – for many, "[f]reedom turned out to be just a word" (Ntswayi in Perry 2009, n. p.).[156]

Enacting this very discordance between freedom identified with the institutions of the liberal democratic state and the lived experiences of the poor majority in the post-apartheid order, on April 27th every year, that is, on Freedom Day, Abahlali baseMjondolo (21 April 2008) "mourns unFreedom".[157] On the day marked as a national holiday in commemoration of the first democratic elections of 1994, since 2006, the movement organizes its UnFreedom Day to stage the shack-dwellers' discursive deconstruction of the official notion of freedom, which, in their perception, moved away from the one embraced by the anti-apartheid struggle and does not extend to the political criticism coming from the surplus population.

[155] A few sentences from Nelson Mandela's (ANC 1994) *Preface* to the program: "In preparing the [RDP], and in taking it forward, we are building on the tradition of the *Freedom Charter*. In 1955, we actively involved people and their organizations in articulating their needs and aspirations. Once again we have consulted widely. However, in 1994 we are about to assume the responsibilities of government and must go beyond the Charter to an actual program of government. This RDP document is a vital step in that process. It represents a framework that is coherent, viable and has widespread support. […] Democracy will have little content, and indeed, will be short lived if we cannot address our socioeconomic problems within an expanding and growing economy."

[156] As writing a day after the presidential inauguration of the Walter Sisulu Square Davie and Alexander (2005; emphasis added) inform the reader, the square is just one element of the massive redevelopment project of Kliptown, carried out by Blue IQ Investment: "Project areas include the upgrade of the Kliptown railway station, a market, *the relocation of people in informal settlements*, new houses, and a new 250-bay taxi rank, which is already complete". Cf. Klein (2007, 213–216).

[157] Cf. the press release about the 2009 UnFreedom Day: "Monday 27 April will mark the 15th anniversary of the first democratic elections in South Africa. Once again the poor will be herded into stadiums so that the politicians can tell the people to celebrate their freedom. Once again Abahlali baseMjondolo will be decelebrating" (Abahlali, 24 April 2009).

> We fought, died, and voted for this government and so that we can be free in our country and have decent lives, houses and jobs – but this government doesn't treat us as people who can speak and think for themselves and who have the freedom to do so (Abahlali, 13 July 2007).

On UnFreedom Days, shack-dwellers from settlements around the city – and, depending on financial resources, around the country – gather to articulate the difference between their understanding of freedom and the one celebrated by the state, and to prove by their very appearance that they know this difference cannot be justified: "We are the living truth of broken promises and betrayals of the last 12 years" (Abahlali 2006c, 1). Posing what seems to be a paradox, it is precisely by building an event around the statement that "so much of people's lives is in contradiction to freedom" that Abahlali (2008, 1) enact their excess freedom.[158] It is indeed through questioning the kind of freedom they are allowed to practice as citizens of the post-apartheid South Africa, that they appropriate freedom as their "improper property" (Rancière 1999, 8).

> When we have unFreedom Day as well as a new law like the Slums Act being pushed at the people by the same politicians, and all in the name and language of 'freedom', we see the contradictions in our country. It is true that we are told in SA that there is this freedom but there [are] also evictions – they say we are free but it cannot be true when evictions and hunger continue (Abahlali 2008, 1).

[158] The quote is from the introduction to the 2008 May issue of Abahlali's newsletter, which publishes some of the responses shack-dwellers gave as part of a movement-wide discussion about the notion of freedom, in preparation for that year's UnFreedom Day. To quote a few: "Freedom is not only about independence from colonial forces, suppression, apartheid, or capitalistic systems whatsoever. It is about self-contentment on daily requirements other than human basic needs. Freedom is not imposed by whatever means, but it can be easily denied. Shacks themselves justify the lack of freedom in South Africa"; "Mr. James Pillay: The way I look at it, there is no freedom for the poor, we are hidden, no one wants to help us, the rich are still oppressing us, they only want to make money out of us, they don't want us to voice our opinions in the outside world, so where are we free: freedom is where everyone should be seen equally and when the government says the word 'free' he should really mean it for the poor people."; "Zodwa Magwaza: How can I say I'm free if I live and sleep with snakes? How can I say I'm free if I can't live in my house because of snakes as long as electricity poles? Freedom is not about basic services delivery only but it's more than that. Instead it is a better life for all and freedom of mind that one can see the world and challenge it" (Abahlali 2008 May, 1–2).

These contradictions, whose reconstruction as unjust gives rise to Abahlali's politics, articulate the shack-dwellers' excess freedom as an obligation to debate and question. On the days when the ANC rallies nationwide, mobilizing thousands of poor people to form the celebratory masses, Abahlali speaks about the "unfreedom [that] is lived daily in the shacks", and reiterates the need to expose the discourse that mutes and masks it over.

> [Q]uestioning of the authorities will be crucial. What causes them to turn a blind eye on the poor who voted for them? Why is there an obvious consistency in terms of failure to deliver once they are elected to power? Who really distracts them from recognizing shack-dwellers? Will they continue to think that shack-dwellers are to be wiped out had they knew the PRACTICAL EXPERIENCE OF SHACKDWELLING? Would they not revisit their unrealistic policies afterwards? (Ibid.)

In accordance with the idea of the UnFreedom Day and the way it problematizes what they interpret as the official reduction of freedom to practicing one's voting right, since the run-up of the 2005 municipal elections, Abahlali have regularly announced their "No land, no house, no vote"-campaign. Adopting a strategy of the Landless People's Movement that called for abstention from voting at the 2004 general elections, by refusing to participate, the shack-dwellers reject their automatic inclusion into the political order as the guaranteed supporters of the governing party, and work to disrupt the previously mentioned five-year cycles of promises and negligence.[159]

> I was born into the ANC and I have voted for the party in every election except for the last one when Abahlali decided on the "No Land. No House. No Vote." campaign. When we formed Abahlali many of us were doing so as unsatisfied members of the

[159] While on the level of the movement the campaign was consistently announced in every election year, members are free to vote if they decide so. To my knowledge, some members cast invalid votes in affirmation of the "No land, no house, no vote!"-campaign and in protest of "party politics" (research notes, April 2009).

> ANC… it was about fighting for the practicalities of the theory in the Freedom Charter and the Constitution. […] The ANC has lobbied support for elections and when we remind them of the promises they made, when we quote them, they get angry with us. (Mnikelo Ndabankulu in *M&G*, 16 April 2009).

Stemming from the interpretation of the shack-dwellers' living conditions as the evidence of unkept promises, the definition of their function as that of "reminding" the government of what it has pledged to do is, in fact, quite prevalent in the Abahlali's discourse (Abahlali, 13 July 2009; Lindela Figlan interview, 5 October 2010; cf. Bryant 2007 and Harris 2006).[160] Just like the concept of the UnFreedom day, which intends to recall the notion of freedom that was inscribed as the Freedom Charter and thus to the post-apartheid constitution, so as to contrast it to the freedom of "party politics", this definition affirms the equality of the shack-dwellers as thinking beings who are aware of the meaning of equality that the democratic order was meant to grant them. At the same time, it refers to their aim to counter the temporal and spatial distancing that allows for the forgetfulness of politicians: the discrepancy between the notion of freedom celebrated at the self-congratulatory rallies of Freedom Day and the unfreedom lived daily in the shacks is, for Abahlali, due to the fact that "the democratically elected leaders of [the] people" can, and do, move away from the people or, rather, move the people away from themselves (Mabaso and Mchunu 2006). To counter such dynamics of dispersal that, in effect, materializes abandonment, the movement builds their politics around the imperative to stay close to shack-dwellers' lives.

[160] As Jessica Harris (2006, 7) rightly notes this formulation aims to underline that the movement is "not fighting the government" but aims to help the government "to realize what they cannot realize, […] to see what they cannot see, access what they cannot access" (S'bu Zikode interview, 2 June 2009). To be sure, this is only one of the approaches to the movement's position in relation to the government, many times it is expressed and enacted in explicitly militant terms.

4.3 Abahlali's vocal politics of proximity

The sections above gave an account of how the political subjectivity of Abahlali emerged from the shack-dwellers' experience of betrayal, which was prompted by the local councilor's breaching of his promise about a piece of land close by, but was shortly generalized in reference to the post-apartheid order's promise of "a better life". We have also seen the shack-dwellers asserting their equality as speaking and thinking human beings through declaring such betrayal unjust and unjustified. It is in their persistent rearticulation of this dynamics of emancipation that they reject their status within the sensible order of the city as invisible, inaudible, and politically illiterate; that they contest being disregarded as the superfluous poor and at the same time automatically included into the post-apartheid political order as voters of the ANC. Enacting their disapproval of such positioning – and thus demonstrating the incompleteness of the efforts to contain or deny their equality – Abahlali appropriate their excess freedom when exposing the discrepancy between the notion of freedom identified with the institutions of liberal democracy, and that which drove the struggle for democracy and was inscribed in its fundamental texts. Since they associate this discrepancy with the spatial and experiential distancing of politicians entailed in the post-apartheid political order – a distancing that, in fact, correlates with the perspectival superfluity that the massifying technologies of biopower introduce into modern political reason, as well as with the delaying effect of the development doctrine that teaches the poor to be patient – the central imperative of the shack-dwellers' militancy is, as I just mentioned, to stay close to their lives.

Setting out to discuss the implications of this imperative, that is, to elaborate what I refer to as Abahlali's politics of proximity, this section focuses on the shack-dwellers' construction of their politics as a space of speaking and listening, as a space where the sufferings of their everyday lives can be recounted and are attended to. Articulating one of the

major aspects of Abahlali's politics and the way it disrupts the distancing and delaying effects of the "world class" city's sensible order, by presenting a militant practice of putting everyday life into discourse, politics as a space for speaking suffering means that the specific concerns of shack-dwellers' lives provide the sole and constant reference for the movement's activism. Thus, keeping the generalized experience of betrayal at the same time constantly actualized by individual grievances, these grievances are, in turn, rendered political. Thereby complementing the other two aspects of the politics of proximity – insisting on the closeness of equal intelligences and resisting forced mobility – politics as the space for speaking and listening rejects the notion of "life in general" that has enabled the inscription of abandonment into biopolitical governmental rationalities. That is, it challenges the perspectival divide between what must live and what must die by insisting that the singular lives of the surplus population are indeed pertinent (cf. *Section 1.1*).[161]

Referred to as the 'people's politics', the 'politics of the poor', their 'homemade politics' but most often as the 'living politics', and defined as being "about what really hurts the people", the Abahlali's politics, then, is built on the imperative to maintain a direct connection, a close-up perspective on the experiences of living in informal settlements (Mnikelo Ndabankulu interviewed by Bryant, 5 August 2006). Due to its polysemy, the verb *attend to* well describes how this practice of filling the governmental gap of abandonment occurs. On the one hand, the space of living politics is attentive in entailing an ethical praxis where everyone is listened to, where everyone's cry can be voiced and is taken seriously. On the other, it attends to because, exhibiting Abahlali's practical politics, it signifies the movement's determination to counter abandonment by dealing with shack-dwellers' specific concerns equally.

[161] The other two aspects of the politics of proximity are discussed further below and in the next chapter.

> [Living politics is] a very-very important space for any human being that is oppressed in the manner that our members are oppressed. It's a space where they can cough out all their frustrations. In many aspects, it's a space where their dignity is restored. Their thoughts are respected, their views are listened to" (S'bu Zikode interview, 2 June 2009).

In this primary sense, living politics simply refers to the practice according to which any shack-dweller (whether member or not) can turn to the movement with her problem, and anyone can raise any point of concern at any gathering of the movement.[162] However, living politics as a discursive space also implies that although there certainly are issues that shack-dwellers, backyard-dwellers or those relocated to transit camps commonly face – such as the threat of eviction, the precarious relations of owning or renting a shack, and the lack of life-supporting infrastructure – here everyone's concern is received anew, in its singularity. In addition to the conviction that everyone's suffering is equally unjust, in being aware of the varying practical contexts of every issue raised, this implication at the same time points to the second sense in which living politics attends to.[163] Beyond the healing effects of "providing that ear"; "something that people are craving", then, in this second meaning, living politics

[162] At one occasion, a middle-aged woman took the floor of a general meeting held in the fully packed 'Board Room' of the office building where the movement now has its headquarters. She said she lived in Richmond Farm (20 km West of Durban) where years ago she bought a plot to build her shack on, but for the past few months she had been threatened with eviction and the demolition of her home because the landowner sold the same piece of land to someone else; this time with a title deed. When she resisted the orders of the new owner to move out, people affiliated with the local councilor started to threaten her. Detailing the manifold and humiliating ways they were trying to chase her away – such as throwing human feces at her shack – she soon burst into tears and could not stop crying for several minutes. In their efforts to comfort her, other women starting to sing and someone went to get her some water (research notes, October 2010). When a couple days later I asked S'bu Zikode (25 October 2010), then chairperson of Abahlali, to comment on this scene, he said: "[T]hat experience […] was actually the core call of the movement: to take care of these tears, worries, so if no one else has given themselves the time to bother solving this problem, then the movement has to be the response".

[163] "People are suffering in different ways in different settlements. Take for example, you remember when at our last general meeting there was this woman who was having a problem with the person who's owning the land. So, that on its own, it's a suffering, but it's a different suffering from a person who's staying in Foreman road. Because a person who's staying in Foreman road is staying in the land of the municipality. And the person who's staying in Lindelani, is staying on a land that is being owned by another person or by Ingonyama Trust. So, to tackle those issues, you cannot use the same techniques […] (Zodwa Nsibande interview, 2 November 2010).

attends to in formulating a responsibility to effectively deal with the problem that the cry is about (Zodwa Nsibande, interview 2 November 2010).

> Then Abahlali, […] they used to give their times to go to that settlement or that area, to hear the views of the people: what [is] their problem? And they used to advice them, not to take their problem as theirs; they used to advice how to deal with the problem. So, when someone is coming to your problem and listen[s], at least it's a better relief even to you that "at least this person is willing to help me". So, it's working like that. [Abahlali don't] choose which place to go – they [go] anywhere… (Nozuko Hulushe interview, 11 October 2010).

Such are the ways living politics aims to make up for the negligence of the politicians who are seen to be "distancing [themselves] from the people" (Nozuko Hulushe, Ibid.).

There is, however, another aspect of living politics and its imperative to stay close the life of shack-dwellers: that of the temporality imposed upon them within the splintering order of urban development. Contesting the empty myth of service delivery or the constant temporariness of relocation camps, Abahlali define their politics according to the immediacy of lives exposed to biopolitical abandonment. "A living politics is whereby our difficulties are always next to us, so we need to challenge it, we need to face them, we need to accomplish one day, in order to live a better life" (Mzwake Mdlalose interview, 24 October 2010). When crying "We are dying while we wait!" (Philani Zungu in Abahlali, 13 August 2006), the Abahlali (2008, 1) point not only at the "obvious consistency in terms of failure to deliver", they also target the rationality that is, by default, blind to the temporality of the singular suffering life. Defined as "the politics of the present tense" (Philani Zungu, interview 2 November 2010), that is, as a political practice attentive precisely to these individual temporalities, living politics hence exposes the sensible order that materializes the biopolitical "division between what must be done and what it is advisable not to do" (Foucault 2008, 11).

> Ya, living politics… living politics is politics that one speaks in order to reveal what's real. In order to say the present tense. Yes! Ya! I think that's the right word: living politics, it's an engagement to present the present tense, especially the poor's tenses, our tenses: the shack-dwellers. […] So, speaking that tense or addressing that problem, I have to expose it that this is me and this is what I want and how I want it. Or this is how I'm suffering and these are the ideas, at least, that should help me. It's all about me, the people, and the present tense: living politics (Philani Zungu, interview, 2 November 2010).

As S'bu Zikode's experiences of participating in planning development suggest, Abahlali's politics of the present tense is, accordingly, in conflict with the temporality that characterizes the making of urban development. Recounting the potential tension that results from the movement's success in claiming a say in the fate of their settlements, Zikode (interview, 26 October 2010; emphasis added) refers to the danger of moving away from the temporality of the very concerns their participation is meant to address:

> [I]t's very dangerous in the sense that you seem to be co-opted, and you seem to be understanding this protocol; then you may be co-opted in this *politics of patience*. Then you begin to say: "comrades, no, hang on, be patient" because you tend to understand this technicality. "This thing is complicated, you know, we have to go and find another architect or an engineer". […] So, you'll be the first one to say: "but hang on, this thing is really complicated…"

By pointing to this conflict, Zikode's account clearly identifies the continuity between the power effects of expert knowledge and (temporal) distancing. While acknowledging the inherent risks, Abahlali's approach to development aims to counter such power dynamics by

re-rendering it according to the politics of proximity. The conception of knowledge that enables this re-rendering is the subject of this chapter's final section.

4.4 "I am the professor of my own suffering": living politics as a form of knowledge

As I have shown above, at the roots of Abahlali's political subjectification is the recognition that their suffering is unjust, with the articulation of this recognition contemporaneously demonstrating their equality as thinking and speaking human beings. In what follows, I argue that thus enabling the practice of a politics of proximity, this process of emancipation configures a form of knowledge. That is, the movement's political practice and, by implication, their efforts to maintain thinking development in proximity are conditional upon rendering suffering as cognition: as the process of acquiring knowledge.

In parallel to the emergence of Abahlali's political subjectivity, and as opposed to the distancing and delaying effects of the post-apartheid city's sensible order, the connection between suffering and knowledge is clearly established in the movement's response to the Third Force accusation:

> Those in power are blind to our suffering. This is because they have not seen what we see, they have not felt what we are feeling every second, every day. My appeal is that leaders who are concerned about peoples' lives must come and stay at least one week in the *jondolos*. They must feel the mud. They must share 6 toilets with 6 000 people. […] For us time has been a very good teacher. People have realized so many things. We have learnt from the past – we have suffered alone. That pain and suffering has taught us a lot. We have begun to realize that we are not supposed to be living under these conditions. There has been a dawn of democracy for the poor (Zikode 2005, 2).

The call for people higher up in the social hierarchy to directly experience life in the informal settlements was present already at Abahlali's first organized march, in the form of a banner that read: "University of Kennedy Road", which then was followed by the "University of Foreman Road", etc., until – with the movement's naming – the University of Abahlali baseMjondolo was "founded".[164]

> [The University of Abahlali is] also part of the idea of passing on the message and grievances or exposing the life-conditions. Because what was happening: Abahlali was inviting the senior to come to shacks and live the life and experience the same conditions that we are experiencing. And then tell us that how long can he or she live in that conditions. So, one night, it is obvious that he will get up with one big lesson… (Philani Zungu, interview, 2 November 2010).[165]

As Bryant (2007, 25) shows, these banners are equivalent to "declaring the settlements to be places of learning even as they are places of suffering, and their residents to be people worth listening to". Hence, the connection to their emancipation understood – with Rancière (2007) – as proving equality to oneself. The recognition "that we are not supposed to be living the way we do" entails an active reflection on suffering as cognition, which then transforms into the power to contest the sensible order (Abahlali 2006a, 7). This

[164] Cf. the special section of the Abahlali website under the same title: http://abahlali.org/node/237.
[165] Arguably, this quote also refers to the hierarchical distribution of sensibilities that, paralleling all the above, sustains the biopolitical order of dispersal. Consider Pithouse's (2005b, 16) related and pertinent concern about the experience of suffering and thinking radical politics: "The suffering of the dominated as a foundation for the theorization of resistance by the dominated is far from fashionable in contemporary white 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". Consider further the possible relations between this silence and what Julian Reid (2010, 394) says about the liberal treatment of suffering: "The perception of not just who suffers, but worthy versus unworthy suffering, has been thoroughly reshaped by a liberalism which refuses to recognize the suffering of lives which fail to live up to biohuman criteria." Even further, citing Simon Pernick's study of the history of anesthesia, Elizabeth V. Spelman (2008, 143) notes about Dennis Hastert's and Barbara Bush's comments on the post-Katrina evacuation: "Though it was not only African Americans about whose homes and belongings they spoke with such arrogant facility, one can hear in such remarks echoes of nineteenth-century attitudes among slavery's apologists and their abettors in the medical world about the harsh conditions of labor and the routine breaking up of families – that some people just don't suffer as much as others, are barely susceptible to physical or emotional pain, aren't really affected by the rupture of ties to people or place or things".

transformation is also apparent in descriptions of living politics as a space for people "to say what they want, how they want to govern to do it"; or as "a certain corner […] where the poor people on the ground define themselves" (Lindela Figlan, interview, 5 October 2010). According to Thembani "TJ" Ngongoma's (interview, 3 October 2010) account of such self-definition, when entering this space – that is, again, created through the recognition that their sufferings are not meant to be – shack-dwellers assume the power of "that normal resistance"; the power to "use verbal resistance without any backing".

> I'll put it this way: once a certain community joins Abahlali, they automatically claim their political space in the society. […] You know what happens? We are living with this inferiority complex that we have inherited from the past. It is quite difficult for an African male or female these days to come out of that shell. […] Now when you join Abahlali as a community, Abahlali educate you and remind you that look: you are a law abiding citizen of South Africa! Then you automatically… that "uummff" comes up within you and you automatically reclaim that space, that political space and you become somebody, out of nowhere! And that is why the government is also being intimidated by Abahlali because they do not know what drives Abahlali behind them – for them to be… to stand so bold and say what they have to say without being shy in the face of danger, despite the intimidations. That's what Abahlali is (Ibid.).

With their experiences rendered as knowledge the same authority enables the shack-dwellers to alter the material patterns of urban biopolitics. Under the banner of another often sounded motto of theirs – "Those who feel it, should lead it!" – they demand to be parties to every decision or plan that affects their homes. By way of appropriating the discourse of "participatory development",[166] they insist that responsible authorities engage with them and,

[166] As an illustration of their often critical stance on developmental discourse: "So this domestication can be seen also in how language and words are used and abused – even the ideas that came originally from genuine struggles. For example, at one time, the idea of 'sustainable development' seemed like quite a good idea that

as I alluded above, often with success.[167] In the face of the "politics of patience" and the governmental technology of expert knowledge,[168] then, conceptions such as the University of Abahlali or the imperative to maintain living politics as a discourse that everyone must understand functions to guarantee that participation in planning development does not imply distancing from the perspective of their everyday struggles.[169]

To be sure, the principle that living politics must be accessible for everyone does not imply an assumption that it needs to be simplified in order to "fit" the shack-dwellers' intellect. Instead, defiantly contesting the patronizing effects of expert or academic knowledge, through rendering suffering as knowledge, Abahlali declare to be "the professors of their own suffering". This principle – that establishes equivalence between the suffering person as the subject and the object of knowledge – defines the movement's critical attitude to academic and NGO-practices and the hierarchical intellectual attitudes they entail.

> We know that our country is rich. We know that it is the suffering of the poor that makes it rich. We know how we suffer and we know why we suffer. But in Abahlali we have found that even though we are a democratic organization that gets its power from the trust of our members and have never hurt one person, the government and

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could accommodate some of the protests against bad development that different struggles have raised – but by now, even the World Bank can use the words 'sustainable development' for their own projects" (Abahlali and Rural Network 2009, 37). At other times, as e.g. in the case of "owning development", this reflection does not seem to be at work: "It is important [for] the people to participate on their development because, even if you see the house, already build that house, you see that house, you know that, "hey, I put all my effort on that house". Somebody will feel proud and is going to protect it, make sure that he maintained. But if somebody was not there…" (Lindela Figlan interview, 5 October 2010). Cf. Abahlali and Rural Network (2009, 62).

[167] A recent example of such success is the ongoing project to provide basic services (water, sanitation, roads, and electricity) to the inhabitants of the informal settlement in Siyanda B. Another one was the agreement signed between Abahlali baseMjondolo and the eThekwini Municipality to upgrade fourteen settlements, among them Kennedy Road. At least with regards to this particular settlement that was the target of the violent attack on Abahlali in September 2009, this project appears to be at a standstill.

[168] Cf. Appadurai (2001, 30) for an account of a slum-dwellers' Alliance in Mumbai that, unlike Abahlali, counters the "tyranny of emergency" entailed by the everyday concerns of the urban poor with a pragmatic "politics of patience", a strategy of "slow learning and cumulative change".

[169] "Yeah, so I think the university is about that: in fact, it's about factualizing the grievances that in the actual fact, what we're talking to you, it's real. If you don't believe it, come and experience it and then tomorrow you'll talk a better language, because you know exactly what you're talking about. Rather than strategizing from the office and impose something that you think – that you think it's better or is going to improve our lives" (Philani Zungu, interview, 2 November 2010).

> even some NGOs call us criminal when we speak for ourselves. We are supposed to suffer silently so that some rich people can get rich from our work and others can get rich having conferences about having more conferences about our suffering. […] I want to say clearly that I am a Professor of my suffering. We are all Professors of our suffering. But in this South Africa the poor must always be invisible. We must be invisible where we live and where we work. We must even be invisible when people are getting paid to talk about us in government or in NGOs! Everything is done in our name (Hlongwa 2007).

4.4.1 Living learning: eliminating the distance of explanation

Beyond demands of direct engagement ("Talk to us, not for us!"), the effect of Abahlali's self-representation as professors of their own suffering to disrupt the distribution of intellectual capacities correlative to a sensible order that treats shantytowns as diffusing only incomprehensible groans of animality is most tangible in what I interpret as the second aspect of Abahlali's politics of proximity, that is, the movement's pedagogical approach, *living learning*. The name "living learning" emerged at the first of a series of discussions between members and leaders of Abahlali baseMjondolo and the Rural Network that was facilitated by and took place in the office of the Church Land Programme (CLP) in Pietermaritzburg during 2008.[170] The idea of the discussions formed between the participants when they gained the

[170] The Church Land Programme (CLP) is an independent Christian NGO that is not affiliated with any of the institutional churches, although, due to the attentiveness of the Anglican Church of KwaZulu-Natal (and of Bishop Rubin Philip in particular) to Abahlali's mobilization, CLP, together with members and leaders of Abahlali met and occasionally worked with members of the Anglican Church. As the "Living Learning" booklet informs the reader, "David Ntseng coordinates the Living Learning process within CLP, and Mark Butler facilitated the sessions, took notes, and put the booklet together" (Abahlali and Rural Network 2009, B). Facilitation, according to the Introduction, comprised collecting the points that participants wanted to discuss during a particular session and then ordering them into and agenda. During the discussion the facilitator took notes, which he then made "available to everyone in the group for checking and correction" (David Ntseng and Graham Philpott in Ibid. 6). The relation of the movements to CLP came up at one of the sessions: "We are always answering this question from outsiders: 'you are always criticizing NGOs, but there's one NGO that you work with?'. We have to explain that we do not welcome those who exploit us and use our name – but when we work with this NGO (CLP) it creates us and makes us feel as human beings. Education can sometimes destroy

chance (and were mandated by their respective movements) to study at the University of KwaZulu-Natal in the program of Certificate for Education in Participatory Development (CEPD).[171] Living learning sessions were held roughly every month, except in August, when participants met twice to work on their discussion notes' publication, which was decided at an earlier meeting.

It was precisely on this occasion, in discussing the role and the significance of the publication that speakers reflected on the process in terms of proximity:

> Sometimes when the people where we come from see us as a leader and then going to the school or University course, they think "Ja, he's going to forget us. This education will give them wings to fly away". Our booklet will show it is different and it will encourage them… (Abahlali and Rural Network 2009, 58).

> Education can sometimes destroy our struggle – when education makes leaders think of the people that they came from as the "uneducated" ones, those who "do not understand", those that we "move away from". Therefore we do not go to school or University for our own benefit as individuals. We would curse CLP if this was the "education" that had happened because they will have destroyed our movement. Two of us will graduate this year. I am thinking about the graduation ceremony (which I can only imagine because I have never been there before). How? How can we receive

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our struggle – when education makes leaders think of the people that they came from as the 'uneducated' ones, those who 'do not understand', those that we move away from. […] We would curse CLP if this was the 'education' that had happened because they will have destroyed our movement" (Abahlali and Rural Network 2009, 60). Cf. Ibid. (2009, 61) and Mnikelo Ndabankulu (interview, 26 June 2009): "We would all be glad if all organizations could work with communities in the way CLP is working. […] They never gave us a program or a mandate on how do we do. We decide in [the] organization that we want to do a picketing or want to run a protest, or want a workshop, and we ask for funding on that, so, the only thing they do, they give us resources to fulfill or to reach our goal. But they don't tell us how to reach that goal". (Mnikelo did not participate in the Living Learning sessions.) Cf. CLP's (2007) paper about "NGO practice and the possibility of freedom".

[171] In October 2010, around a year after the last of the published Living Learning sessions, I was invited to talk about my work at the CLP and later that day at the UKZN CEPD. Anne Harley, lecturer and coordinator of the CEPD told me that the university was about to cancel the program (at the time of writing it appears to be operating), and graduates of that year will not be allowed to stand on the stage at the graduation ceremony with other students (research notes, October 2010).

> the certificate? Is it in the name of those who sent us? Or is it for me? If it is for me, then that is stealing from the people (Ibid., 60).

Indeed, the very aim of the discussions was to establish and maintain a direct relationship between the experiences and aims of their movements' struggles and the knowledge that they acquire within the framework of the CEPD (cf. Gibson, Harley, and Pithouse 2009), and so to avoid the forgetful distancing of those who leave behind the world of the shantytowns or rural farms when integrated into official education (cf. Abahlali and Rural Network 2009, 7–9). Thus, as the phrase of the "two universities" – those of Abahlali and KwaZulu-Natal – succinctly expresses, the discursive practice of living learning and its effort to impede such physical and symbolic distantiation is linked to the previously described cognitive element of living politics (Ibid., 59). Accordingly, it refers to the imperative to keep the object and the subject of knowledge production at the closest possible proximity if not in equivalence – the impetrative that the "professors of our own suffering" trope stands for.

> Some writers on research separate the researcher from the material being researched – and this is part of that model that says that it is objective, "neutral", scientific. We can see that the ideas behind this model have some similarities with the ideas behind a much bigger approach to thinking about, and acting in, the world. It is the idea that you work "from the outside", and that things are "done to". As movements of the poor, we see this in the way that many outsiders and elites treat us and our issues. It is also true that you can have a kind of "participation" that fits into this model – but it is not at all the participation model we want. In a way, the struggles of our movements [are] an eruption against this model, an eruption that starts with declaring "Enough is enough". Only the space created by this eruption creates the possibility of a really new kind of participation, one where outsiders can be invited to participate in what is being

> made in and through that eruption – and so we make the paths by walking (Ibid., 64–65).

Together with the second element of living learning, that is, the reports or presentations given to each student's own community about what they have learned and how that can be relevant for the community (Ibid., 42-43), in my understanding, the discussion sessions add up to a pedagogical practice of proximity: a pedagogy that eliminates the distance of explanation (Rancière 1991). That is, in line with the claims of equal intelligence that we have seen to permeate Abahlali's living politics through and through, by declaring that "[w]e are all educated", living learning works against the "imposed" education that they experience when interacting with NGOs, public workers and politicians (Abahlali and Rural Network 2009, 46). This effort is most vividly articulated as a distinction that, when wondering about the role of education in their lives, participants draw between "domesticating" and "liberating" education (Ibid., 34).[172] Aiming for the latter by "bringing the two universities together" (Ibid., 59), they define the former as "education [that] is about learning to be 'good boys and girls' and take our place in the system that benefits the powerful without questioning it" (Ibid., 22). Connecting up this contrast to the operation of an order that sidelines their actual needs by not listening, by apparently not understanding what they say, speakers recall the dynamics of communicating with local politicians and civil society organizations in the wake of a recent shack-fire:

> After the fire at Kennedy Road, there was a story in the *Daily News* newspaper which quoted [provincial] government spokesperson Lennox Mabaso saying: "We would appreciate it if Zikode did something to educate his community on fire safety instead

[172] Beyond civil society organizations, they speakers attribute "domesticating education" to Churches too: "This kind of domestication teaches us to accept that how things are in the world is somehow natural, or how God planned it – so that the people feel they cannot act to change things" (Abahlali and Rural Network 2009, 35).

> of talking the whole time" (*Daily News*, 17 July). So there is this kind of education that others always want to impose on us (Ibid., 44).
>
> After the fires at Kennedy Road, different people came to us offering help. One was a local church, the eThekweni Community Church. They asked, "How can we help?", which seemed like a good start. But after we had discussed with them the different things that were actually needed, then they said: "Don't you think these people need education?"! So there are always two sides to education. On the one hand there is the education that we want, the kind of learning that we do here and elsewhere and that is liberating. But there is also this other education that others want us to have which is something that suits them and that we are almost forced to have. […] After the fire, people were basically telling us to teach people how to use a paraffin stove properly – how to use a paraffin stove is not something I need to teach to the people who have used them all their lives! Why is this the thing they think must be taught when we have said clearly the problem is that we are excluded from getting electricity?

From registering the enforcement of a certain intellectual hierarchy, the kind of development that is attached to such discursive dynamics is only one link away: "Part of the experience we have of development is working with lots of NGOs. Most of them want to educate us all the time" (Ibid., 46). Of course, this is the very essence of the educative trusteeship that development supposedly establishes; the tutelage correlative to the "pedagogical fiction" of modernity and its fetish of progress (Rancière 1991, 119). As Kristin Ross (1991, xix) argues in her introduction to *The Ignorant Schoolmaster*, the pedagogical fiction, with the delaying effects of the trope of explication, is supposed to ensure that "[t]he poor stay in their place": "The same temporal and spatial distance separates the pedagogue from the student as separates the 'explicator of the social' from the worker". In identifying, formulating and practicing living learning, members of Abahlali and the Rural Network contest precisely this

rationale, that is, the governmentality of development which, for them, mostly crystallizes non-development: redundant and patronizing education instead of addressing their very real needs.

To be sure, in aiming to share "liberating education", living learners consequently face the dilemma of egalitarian pedagogy, a challenge for all who wish to follow Joseph Jacotot's revolutionary practice of teaching; the pedagogy that starts from the presumption of equal intelligences instead of positing equality as the goal to attain (cf. Bingham and Biesta 2010; Dillon 2005b).[173] How to teach without resorting to the "transmission of the master's knowledge to the students" (Rancière 1991, 14)?

> How did I escape the oppression where so many people are still living in a kind of darkness? Because I really see the world differently. How to remove that membrane from others' eyes? So many people see things in this way – that how the world is, is how God meant it to be, that we are meant to suffer. How can we enlighten all others – not to think like us, but to *think*, to see the world? (Abahlali and Rural Network 2009, 60; original emphasis)[174]

Through appropriating the notion of "lifelong learning",[175] participants find a possible answer in questioning, that is, in a critical approach to whatever they encounter: "And *this* kind of lifelong learning is a learning that helps us become questioning people – to the powerful, we

[173] See also the references of the living learning discussions to the thought of Paulo Freire and Bingham and Biesta (2010, 63–72) on the possible commonalities and differences between Rancière-Jacotot's and Freire's emancipatory pedagogy.

[174] Similar questions occasionally appeared in Abahlali's discourse as the challenge of "changing people's mindset" (research notes, April 2009; interviews: Lindela Figlan, 30 June 2009, Zodwa Nsibande, 27 May 2009, S'bu Zikode, 6 June 2009 and 25 October 2010). This challenge is, however, opposed to "enlightenment" by an external actor. Talking about how some shack-dwellers (outside Abahlali) collect money for legal expenses, Lindela Figlan (interview, 5 October 2010) argues: "You see, some other people, they are getting some few money because they say they're giving the people the light – that is what I hate! When somebody say 'I'm giving you the light' – I really hate that, I really hate, just because all the time I know: I know – no one [doesn't] know; […] but it's the way we think, maybe it's not too fast, maybe slow. But don't think I don't know."

[175] "The idea of lifelong learning shows that, as people, we are learning all the time and in all parts of our lives – in schools and universities, in homes and communities, in marches and struggle" (Abahlali and Rural Network 2009, 42).

become suspicious, we become trouble-makers…" (Ibid., 22; original emphasis). Thus, the task of living learning becomes to provoke such stance in others: "We must always interrogate the information we are given! And when we work with the people too, we must do this thing so that the people are encouraged and allowed to interrogate everything too – there is no 'generally accepted' version" (Ibid., 64). Hence, their agenda for the approaching unFreedom Day: in order to see what ideas people in participants' communities have about freedom, about what Freedom Day stands for, and whether they consider themselves free, they decide to organize discussions over the weeks preceding the holiday.[176] Hence, also, their emphasis on "the contradictions in our country" locating which, as argued above, is a crucial element of the shack-dwellers' political subjectification.

> We do not just accept what is presented to us but we must question it. It is the same with 'Freedom Day': the people are told, "celebrate, you are free" – but is it true? We must question this. Real freedom is not something that can be imposed on a person from outside, it can only be something learned from within (Ibid., 24).

> We are also saying that dispossession is not just some[thing] that happened in history – it continues into the present. How else can we understand that the politicians think they can get away with presenting something like the Slums Act in the name of freedom? (Ibid., 28)

Indeed, as arriving at the third aspect of Abahlali's politics of proximity the next chapter shows, much of the struggle around the Slums Act – a tangible instance of the ways development materializes as the forced mobility of the surplus population – is defined by the presumed distribution of intellectual capacities. Let us therefore see how litigation fits into the space created by the "eruption" of intellectual emancipation.

[176] The UnFreedom Day pamphlet (Abahlali 2008) quoted above in sections 4.2.2 and 4.2.3 is one of the outcomes of these discussions.

Chapter 5 The litigious disruption of the biopolitical order of dispersal

5.1 Introduction

On October 14th 2009, the South African Constitutional Court judged unconstitutional and thus invalidated the so-called "Slums Act", a provincial legislation of KwaZulu-Natal that was also supposed to be the blueprint for other provinces' policies of informal settlement eradication (CCT 12/09 [2009] ZACC 31). In *Chapter 3* – that I started with the same sentence – I discussed the Slums Act among other juridical techniques of the neoliberal government of the global city, so as to give an account of how the forced mobility of the surplus population is (re-)codified in this regime. Beyond presenting some of the major practices of physically distancing those who presumably obstruct the ideal circulation of goods and bodies, there I argued that the circulatory imperative of neoliberal governmentality and the increasing adaptation of legal norms to the supposed requirements of the market milieu interact with postdemocratic juridical practices that work to equate democracy and the legitimate state, so articulating a process that I called the factualization of law. In turn, exploring the operation of this process in the context of the post-apartheid metropolis, I aimed to show that the neoliberal policing of the urban space that materializes the homogeneous sensible regime of the consensus, and the reconciliatory governance of the rainbow nation that reduces political litigation to state institutions and political wrong to victimhood, ultimately distance the subject of right from the subject of liberation.

In this chapter, the Constitutional Court's invalidation of the Slums Act features as the reference point for the argument that, through litigation, these two subjects can be made to coincide in a newly emergent political subjectivity. That is, underscoring the claim that the account of consensus regime can be exposed as incomplete, here I present Abahlali's legal challenge against the Slums Act – and thus against the revanchist policing of the world class

city – as an act of politics. In other words, through assessing the litigation of the shack-dwellers' movement, and thereby the third aspect of their politics of proximity in which proximity features in its literal, physical sense of claiming a place in the city, I wish to prove that law and the rights inscribed into the order of liberal democracy may be appropriated for the enactment of excess freedom and thus the disruption of the biopolitical order of dispersal. Whereas, of course, in the literature on social movements litigation has been widely discussed as a potential means of poor people's politics (e.g. Bussiere 1997, Piven and Cloward 1977, Sarat 2011), the focus here is not so much on what we could traditionally understand as the effectiveness of this mode of challenging power, but on how the text and the spaces of law may give rise to the emancipatory politics of those who are not supposed to act as rights-bearing citizens.

Certainly, in the context of a Foucauldian understanding of liberalism and the critical literature that has been built upon it, such an effort raises a number of conceptual problems. As I alluded in *Chapter 1*, according to the vast majority of the biopolitics/governmentality scholarship, the rights of the liberal subject function as the instruments of modern political power: they are the primary means by which the freedom of the governed is constructed, so as to enable the most economic rule of governing their conduct at a distance. Likewise, human rights are considered to be working in tandem with the subjectifying technologies of neoliberalism, thus enhancing the ethos of the self-governing, entrepreneurial subject. As it was discussed in *Chapter 3*, neoliberal urban governance indeed mobilizes the liberal arsenal of freedoms and rights to nurture the space of circulation through the interests of those able to navigate it. How is it then possible to conceptualize the disruption of this order through the mobilization of the same arsenal?

In exploring the relationship between subjectification through rights and freedom constructed by and for liberal governmentality on the one hand, and freedom appearing as in

excess for this governmentality on the other, answering that question along the lines set out in the introduction to the present part of the thesis, that is, with view on how Abahlali renders litigation a scene of appearance through which to demonstrate that they are part of the community of equals is the very task of the present chapter. As a first step, I briefly recount the biopolitical criticism of (human) rights as the primary means of fabricating the liberal subject of government. Through an account of critical interpretations of "technologies of citizenship" and human rights, freedom and the political subjectivity of the governed are presented as both the products and instruments of government, as the means of teasing out subjects' voluntarily compliance with the objectives of (neo-)liberal governmental rationalities. In the section to follow, I assess available and possible points of counter-criticism: the potential shortcomings of the biopolitical criticism of human rights based on, first, their reductive and at the same time counter-intuitively affirmative approach to the power of liberalism (Chandler 2009; 2010), second, based on their problematic account of the relationship between the law and biopolitical technologies of government (Golder and Fitzpatrick 2009), and third, based on the problem of excess freedom outlined in this thesis. As I go on to argue, such shortcomings point toward a need to rethink the relation between the law and political subjectification, which here is undertaken through Rancière's (2007; 2010) conception of rights as inscriptions of the community as free and equal. Having outlined this conception, which is built on the idea that, instead of being merely illusionary or fully captured by a sovereign power over the life of *the people*, declared and inscribed as rights, emancipatory struggles of the past have a materiality and are therefore availably present in the sensible order, I discuss the Abahlali's legal struggle and its role in the shack-dwellers' political subjectification, thus linking the potential lessons of this struggle back to the previously posed conceptual problems.

5.2 Freedom that is "near impossible to resist": law and rights as liberal technologies of government

Without attempting to give a complete account of the biopolitical criticism of liberal citizenship and rights, this section aims to address the concerns that could emerge when posing the claim – from within the conceptual framework of biopolitics – that citizenship and rights can, in fact, give rise to the political disruption of the biopolitical order. Thus, instead of providing a full-fledged survey of the literature, below I focus on a handful of its paradigmatic arguments considering the subjectifying force of rights and the conception of freedom that this account entails.[177]

Doubtless, one of the most characteristic starting points of the biopolitics/governmentality literature is that, in line with Foucault's genealogy of modern political reason, it approaches liberalism not as "a philosophy based on the 'rule of law' and the protection of individual rights and freedom against the unnecessary encroachments of the state", but a particular way of posing problems and, consequently, an art of government, since this mode of posing problems implies particular ways of rendering the object of rule governable, as well as the active reflection on the practice of rule (Dean 1999, 49; cf. Burchell 1993, Burchell, Gordon and Miller 1991). Although, of course, such a viewpoint recognizes the significance of individual rights and the rule of law within liberalism, in line with the poststructuralist rejection of the autonomous subject of enlightenment, and Foucault's (1978, 2003) renowned claim about the receding role of sovereign power and its legal means, it posits these as subsumed under liberal governmentality (Ivison 2008, Rose 1996; 1999); as one aspect of the governed subject that efficient government has to place in interaction with other aspects, such as interests and needs. Thus, rights and liberties are interpreted as "necessary to the operation of autonomous processes (of the economy, population and

[177] For further pertinent takes on the problematic of law and (human) rights as liberal technologies of subjectification, see Braun (2007), Elbe (2009), Ivison (1998; 2008), Jabri (2007), Jung (2003), Rose (1996), and Zanotti (2008; 2011). For alternative readings from within the Foucauldian thought, beyond Golder and Fitzpatrick (2009) whose work is discussed below, see e.g. Cadman (2010) and Patton (2005).

society) which are both external to political authority and necessary to its ends" (Dean 1999, 50). Moreover, rights and liberties derived from liberal notions of citizenship are not only conceived of as necessary for governing subjects, but as productive of these: "Democratic citizens […] are both the effects and the instruments of liberal governance" (Cruikshank 1999, 4).

In Cruikshank's (1996, 1999) famous terms, subjects of government are fabricated through "technologies of citizenship", such as the ethos of active citizenship or notions of empowerment and self-esteem. It is by means of these technologies, then, that liberal governmentality attempts to reconcile the divergent rules of the "city–citizen game" and the "shepherd–flock game", that is, of "political power wielded over legal subjects and pastoral power wielded over live individuals" (Foucault 2000e, 307). As both Foucault (2008, 295–311) and those taking up his work emphasize (e.g. Dean 1999), the terrain of this "tricky adjustment" is civil society, while its primary vehicle is self-governance (Foucault 2000e, 307). Hence, the limitations on the government's space of maneuver drawn by the rights of free citizens on the one hand, and the needs and laws of economic dynamics on the other, are amended through molding autonomous subjects, so that complying with governmental objectives will be in their own interest. Thus, as Cruikshank's (1996) analysis of the American self-esteem movement of the early 1990s aptly illustrates, citizenship and rights are mobilized to justify practices of self-renewal, bringing about the synchronicity of personal and societal interests without having to resort to more direct forms of state control or costly programs of intervention. The danger of such technologies of citizenship is precisely this element of synchronicity, which results in subjects' happy self-alignment by creating a link between subject and power that "appears to emanate from our autonomous quest for ourselves, it appears as a matter of our freedom" (Rose 1990, 260). Indeed, when constructed in terms of free choice, subjection to power seems "extremely difficult to resist" (Bondi and

Laurie 2005, 399). In turn, the critical call of the biopolitics/governmentality literature is to reveal "the extent to which we are already self-governing", and to point to specific ways we are made to choose to comply (Cruikshank 1996, 235).

In a similar vein, as Louiza Odysseos (2010, 747) argues, instead of viewing human rights as "attempt[s] to concretize liberalism's commitment to individual freedom" or as means to counterweight accusations about liberalism's implication in economic inequalities and poverty, they should be approached as technologies of subjectification. That is, human rights promoted by international institutions and global civil society actors are instrumental in creating the self-governing subject as *homo juridicus*, which, in turn, complements the neoliberal ideal of the entrepreneurial *homo œconomicus* shaped by other means. Through the notion of "ontogenesis", Odysseos (Ibid., 749; original emphasis) shows that "liberalism *does* have an intimate relationship with freedom but *not* because it is predicated upon the pre-given, free and sovereign individual". "Rather, liberal governmental practice requires – and indeed must produce, and produce globally […] the free and sovereign (here understood as self-governing) subject" (Ibid., 750). Thus, government is understood as dependent upon creating the conditions of freedom, as well as "the ontogenesis of the subject able to exercise that freedom" (Ibid., 753). Hence, through the subjectifying technology of human rights, freedom is reconfigured as a particular relationship between the governor and the governed that allows for and, in fact, demands "the rule of maximum economy" (Ibid., 772). As with the previously discussed technologies of citizenship, then, human rights are revealed as themselves producing freedom; a kind of freedom that is conducive to (neo-)liberal governmental rationalities. Obviously, such a freedom is thus lent ontological primacy over subjects' demands for more freedom, equality or dignity, to the extent that indigenous groups "can be free" only through "the ontogenesis of the indigenous rights holder" (Ibid., 763), while before the governmentalization of the state as per the norms of (neo-)liberal

governance, the discourse of human rights constructs them as "rights holder[s] in waiting" (Ibid., 758; cf. Patton 2005).

Of course, what has to be questioned in light of the central claim of this chapter is not the constructed nature of the democratic citizen or the rights holder – the aim here is certainly not to reinstate the natural freedom of the liberal subject. What does need to be inquired into, however, especially considering the problem of excess freedom outlined above and Abahlali's litigation to be presented below, is the unidirectional or, in fact, universal character of governmental technologies' subjectifying force that emerges from the accounts discussed in this section. Although both Cruikshank (1999) and Odysseos (2010) mention the problem of resisting liberal subjectification, they do not seem to consider the possibility that the governed too have power over the terms of their conduct – be these "citizenship" or "human rights" – or that freedom as a relationship of subjectification can be instrumentalized by both parties, equally.[178] But is such a total account of (neo-)liberal governmentality justified?

5.3 The "strategic reversibility of law"

According to David Chandler's (2009, 2010) assessment of the Foucauldian stream of IR, the totalizing presentation of liberal governmentality in this literature indeed needs to be questioned. And, although it is not within the focus of the present discussion to judge the validity of his criticism of the attempts at "upscaling" Foucault (cf. Selby 2007), his point about the evasion of the questions of political agency that emanates from, on the one hand, the

[178] While Odysseos (2010, 772) does lend attention to the conceptual implications of Foucault's understanding of power as conditional upon its parties' freedom, and ponders the potential of an ethics of the self in contesting liberal technologies of subjectification, she nevertheless concludes that human rights "belong firmly and fully among the many techniques of neoliberal rule". Cruikshank's (1999, 118) discussion of resistance is primarily targeted against "critical and democratic theorists'" distinction between the political and the private realm, and centers on the argument that, as this division, from a Foucauldian understanding of power dispersed on all levels of society, that between subjection and resistance is untenable too (see *Chapter 1*). And although countering an identitarian approach to the political subject she talks about the everyday struggles around definitions of the resistant subject, Cruikshank (e.g. 1999, 118–121) ends up dismissing the question of *political* subjectification altogether.

poststructuralist deconstruction of the rights-bearing subject and, on the other, the debasement of conventional frameworks of politics (i.e. the nation-state) due to their assertion of the global operation of liberal governance, thanks to which, in turn, they ultimately "reproduce dominant narratives of the operation of power and politics", nevertheless seems relevant (Chandler 2010, 135). Of particular importance for the aim of this section is his argument that as a result of their prioritization of global rationalities and technologies of power, biopolitical readings reiterate "the elitist dismissal of the masses" that Chandler (2008, 9) attributes to the 1990s' cosmopolitanism literature. Having made this move, he suggests, the biopolitical literature is unable to conceive of the continuing critical and political significance of the historical struggles within which the presently reigning discourse of human rights originated – critical and political significance acknowledging which does not require us to take the liberal ontology of the autonomous individual at face value. "The modern ontology of the primacy of the individual subject was a social construction or a narrative framing but it was also a reflection of the growth of mass politics and popular political engagement and the demand for equality and emancipation which reflected this" (Chandler 2010, 140).

As we will shortly see, such struggles of emancipation might indeed have relevance for present efforts to contest practices of biopower. Nevertheless, instead of following Chandler (2010) in his attempt to reorient conceptualizing political community within the distinct sphere of politics that supposedly emerged with the modern state and the forms of mass participation, let us approach the assumption of (neo-)liberal governmentality's totality from another angle. Technologies of citizenship or the discourse of human rights, as it was shown in the previous section, are conceived by poststructuralist scholars to construct the rights-bearing subject and its freedom in a manner that renders it conducive to (neo-)liberal rationalities of government. Beyond these accounts' implicit assumption that the governed at large are unaware of the techniques that construct their freedom as a relationship between

themselves and those who govern, there is, of course, nothing in Foucault's (2000a) conception of governmentality to suggest that the "political technology of individuals" is irreversible. To the contrary, as I would like to extrapolate from Golder and Fitzpatrick's (2009) re-reading of Foucault's understanding of law, the juridical means of constructing the liberal subject of right – among the many techniques by which "we have been led to recognize ourselves as a society, as a part of a social entity, as a part of a nation or of a state" – can indeed be turned back against those who rule (Foucault 2000a, 404). What is more, in furthering Golder and Fitzpatrick's point, I show in the last part of this section how these technologies can give rise to the appropriation of excess freedom.

Contrary to most interpretations of the role of law in Foucault's conception of modern political power, according to which law as the privileged technology of classical sovereignty receded with the emergence of biopower ("the expulsion thesis"; cf. Hunt and Wickham 1994), Golder and Fitzpatrick (2009) argue that not only has law continuing relevance for Foucault's efforts to think the ways we are governed (see *Chapter 3*), it gains two interrelated but distinct dimensions in his work. In one dimension, it is featured as "a determinate law which expresses a definite content" and, as such, "a law to be resisted and transgressed" (Ibid., 71). Yet, in its second dimension, which corresponds to Foucault's conception of power as conditional upon its reversibility, law appears as "responsive", as "self-resistant, disrupting itself through becoming receptive of resistances that constantly challenge its position, its content, its being" (Ibid.). Crucially for the discussion to follow, from this second dimension, Golder and Fitzpatrick (Ibid., 79) derive a conception of Foucault's law that bears the "capacity to be otherwise". In line with this idea, it could even be said that it is the very character of law that allows for its factualization – in the sense of its increasing adaptation to economic and social dynamics – which leaves it open, which lets it be otherwise:

> Even the maintenance of a determinate position or the calibration of a juridical rule necessitates a constant responsiveness to that which lies beyond the law's positioning or to that which the rule cannot presently comprise. Put crudely, law, if it is to rule effectively and secure the requisite certainty and predictability in the world beyond, must constantly relate to the ever-changing nature of society, the economy, and so forth (Ibid., 80).

As such, it maintains a certain "vacuity", due to which it cannot be contained by a particular rationality of power. "[T]he 'strategic reversibility' of Foucault's law consists precisely in the fact that what makes it open to appropriation and domination simultaneously makes it open to a resignification and renewal that eludes the determination of a sovereign or a given regime of power" (Ibid., 84). Thus, human rights cannot "belong firmly and fully" to neoliberal rule (Odysseos 2010, 772). Instead, I want to suggest, like other political techniques of individuals with a universal referent, the freedom that they construct can be appropriated and resignified or counterposed to the freedom incited by other technologies of citizenship.

Such a possibility should indeed be considered in the context of the problem of excess freedom that I outlined earlier. As I argued in *Chapter 3*, neoliberal urban governance reaches its limit figure in the failed entrepreneur, in the flawed consumer, whose self-governance, according to the political rationality of maximum economy, is not advisable to encourage. Consequently, it introduces juridical practices that aim to contain the freedom of the surplus population made up of the masses of flawed consumers. In the process, as we have seen on the South African example of redefining the idea of "people space" and "business people" or, in fact, the very notion of the public realm, the referent of the subject of right is reconfigured, so as to fit the *homo œconomicus* who is presumed to practice its freedom to enterprise in a manner that suits the ideal of the world class city. However, to underline, this assimilation happens not only through uniformly creating the subject of self-governance, but also through

removing – by means of discursive and physical techniques of distancing and delaying – the unfit from the realm of this subject's referents. Thus, to argue that "[h]uman rights call into being the subject of self-government and provide a framework in which to claim and exercise minimal and often abstract legal entitlements" risks overlooking how the neoliberal deployment of collective referents of rights works, at the same time, as a dividing practice (Odysseos 2010, 764; cf. Chandler 2009). Therefore, instead of asserting the totality of the "structured fields of freedom" effectuated by the neoliberal rendering of human rights, we have to register the political nature of the claims that the freedom inscribed by human rights is not at all abstract (Odysseos 2010, 767). Indeed, the excess freedom of the surplus population is articulated precisely where, emerging as the part that has no part, as those who are liberated but abandoned, they expose the non-equivalence of the reconfigured subject of right and the subject of freedom, where they thus resignify the subject of right and, at the same time, restructure the "fields of freedom" by appropriating the inscribed freedom of the legal subject for their own use.

In this light, we might want to consider modern struggles for rights in terms other than the inescapable trap of biopolitics, "a tacit but increasing inscription of the individuals' lives within the state order" (Agamben 1998, 121). Contrary to the majority of the biopolitics literature and often of Foucault's (e.g. 2003, 39) own depiction of rights-struggles, then, it might even be, that the inscriptions of the "very real process of struggle" that Foucault (1978, 145) refers to in the famous last chapter of *The History of Sexuality I.* – "political struggles" that "were formulated through affirmations concerning rights", and through which "life as a political object was in a sense taken at face value and was turned back against the system that was bent on controlling it" – can give rise to the emancipatory disruption of the neoliberal ordering of freedom.

5.4 The excess of words

In line with the account of political subjectification offered in the present work, a possible way to think about the emancipatory disruption of the neoliberal order of freedom "through affirmations concerning rights" (Foucault 1978, 145), or through the invocation of such affirmations uttered in the past, would be through Rancière's idea of *literariness*.[179] Beyond underlining that the textual and discursive means by which liberal technologies of subjectification work are strategically reversible – as Golder and Fitzpatrick's (2009) notion of the vacuity of law suggests – thinking the emancipatory appropriation of these technologies in terms of literariness and the excess of words also allows us to understand how the inscription of rights and the process of litigation function within the surplus people's demonstration that they are part of the community of equals; that they share with the rest of the community the sensible order where its equality is inscribed.

Corresponding to his understanding of aesthetics as an ordering of that which presents itself to the sense experience (see *Chapter 1*), Rancière works with an idea of writing according to which written words have a materiality and, as such, are equally available to every speaking being. This, precisely, is why Plato banished sophists and poets from the city (cf. Rancière 2004c):

> The "silent" word of writing, according to Plato, is that which will sway no matter what – making itself equally available both to those entitled to use it and to those who are not. The availability of a series of words lacking a legitimate speaker and an equally legitimate interlocutor interrupts Plato's logic of "the proper" – a logic that requires everyone to be in their proper place, partaking in their proper affairs (Rancière and Panagia 2000, 115).

[179] Or *literarity* in other translations, see e.g. Rancière and Panagia (2000).

Literariness, then, denotes this potentially disruptive "excess of words" (Ibid.), with excess referring to their free availability to any potential reader's interpretation; availability that is given by words' capacity for circulation, which, in turn, the materiality of writing allows for. Clearly, by way of the threat to the proper order of discourse that this excess of words represents, the idea of the equality – and thus the equal politicity – of every speaking being returns, and with it, consequently, the imperative of depoliticization:

> Humans are political animals, then, for two reasons: first, because we have the power to put into circulation more words, "useless" and unnecessary words, words that exceed the function of rigid designation; secondly, because this fundamental ability to proliferate words is unceasingly contested by those who claim to "speak correctly" that is, by the masters of designation and classification who, by virtue of wanting to retain their status and power, flat-out deny this capacity to speak (Ibid.).

Literariness, thus, names the sensible existence of equality. In turn, it implies the potentiality of disruption because the materiality of written words, including words of equality inscribed as rights declarations, renders them equally accessible to all. Equality, therefore, "exists somewhere; it is spoken of and written about" (Rancière 2007, 47). This is what gives rights one of their "forms of existence" (Rancière 2010a, 67) and, hence, the possibility of their appropriation through demonstrations of equality, that is, through acts proving that those who demand to be treated equally share the very world within which equality is "spoken of and written about", they share the same configuration of the given with those that deny them equal treatment. Equality that is "enshrined as a potentiality in legal/political texts" is turned into emancipation through acts that prove the irrationality of the reality of social inequality through demonstrating one's equal capacity to speak, reason, write poetry, talk about participatory development, or interpret legal texts (Rancière 2007, 48).

> Whence the proliferation in the literature of workers' emancipation – as also in that of women's emancipation – of arguments aiming to prove that those demanding equality have a perfect right to it, that they participate in a common world where they can prove their case and prove the necessity for the other to recognize it (Ibid., 49).

Now, the relevance of previous struggles and, indeed, of their "document", emerges exactly here: the striking workers' reference in 1833 to the achievements of 1789 and 1830 lent their acts visibility and made their demands audible, since, by way of declaring that they are part of the community of those achievements', it reiterated the "forced-entry" of equality that the revolutions realized (Ibid.). Thus is the way that declaration of rights borne out by earlier struggles of emancipation might give rise to new political subjectivities and, therefore, to the disruption of a given sensible order. Thus, too, is the way rights continue to have reality according to Rancière (2010a, 68): instead of being mere abstractions, they exist in two forms, one of them being inscription, as the "writing of the community as free and equal", with the other appearing through this inscription's verification. "In the second place, the Rights of Man are the rights of those who make something out of that inscription, deciding not only to 'use' their rights, but also to build cases to verify the power of the inscription".

Viewed in the light of this conceptualization, which, arguably, unfolds an account of the "strategic reversibility" of rights as the process of political subjectification, the previously discussed claims of governmental technologies' subjectifying force seem to be unduly closed off by a presumption of the governed subjects' inequality in relation to these technologies. Illustrating the role of "specialized knowledge" within the process of the self-governing citizen's self-formation, Cruikshank (1996, 233) refers to the technology of self-esteem as "a literary technology". However, in her interpretation of Gloria Steinmen's self-esteem inducing "bibliotherapy" – due to which "[a] 'self' emerges out of confrontation with texts" – the process of reception seems to be under the complete control of the biblio-therapist (Ibid.).

Indeed, it seems that the field of the governed subjects' freedom is being structured through "liberation therapy" so as to inevitably establish a link between their personal development to the social good: "Narratives bring people to see that the details of their personal lives are inextricably linked to what is good for all of society" (Ibid., 233–234). But is such a certainty justified?

To be sure, "overt resistance is rare" (Cruikshank 1996, 249) – in Rancière's (1999, 139) words, "[p]olitics, in its specificity, is rare". There are, however, instances when the link between details of personal lives and the whole of the community is reassessed by the governed; when the power that is "exercised within the social body through extremely different channels, forms and institutions" becomes "ill-tolerated and continuously questioned"; when, that is, it becomes "no longer acceptable to be 'governed' in a certain way" (Foucault 1991, 144). What rendering the strategic reversibility of law through Rancière's concept of literariness here suggests is that in these instances, the governed enact their capacity to interpret the inscription of their freedom otherwise, to compare "the details of their personal lives" to the freedom and equality that is enshrined in the founding texts of the political order, and construct a "self" that is different from the one taking up the self-government of participatory policing. In other words, recognizing themselves as the subjects of these inscriptions, the governed might indeed take the liberty to "recast the very meaning of freedom" once over, proving that the governing regime's interpretation is not at all "irrevocabl[e]" (Odysseos 2010, 747).[180] Correspondingly, it is possible to question the statement according to which "[t]he incidence of resistance in the form of claims for (more) rights, as well as protestations about their abuse or for better enforcement may well signify the success of liberal ontogenesis" (Odysseos 2010, 771), and do so without having to fall back on the presumption of "an essential freedom" (Foucault 1982, 790). As the next quote

[180] Here I cite Odysseos' (2010, 747) claim that "human rights assist in the evolution of government as the conduct of conduct, and irrevocably recast the very meaning of freedom and the possibilities for agonism".

and the section to follow suggest, the sensibly available record of freedom and equality may well provide the surface upon which to enact the unjustified contradiction between the neoliberal order and the basic equality at the grounds of any order.

> Technical arguments are always used against us because it is assumed that technical questions can only be answered by experts. The state has their own experts on their payroll and so by making important social questions into problems to be resolved by experts they seize the right to answer these questions on their own – they expel the people from any chance to debate these questions. The Freedom Charter said that "the people will govern". It didn't say that the experts will govern. It didn't say that there will be democracy if the city managers decide to allow it (Abahlali, 21 March 2010).

5.5 "From shack to Constitutional Court" – The role of litigation in Abahlali's politics

Interestingly enough, the passage above is taken from a press statement that Abahlali published on "Human Rights Day", following a court decision that prohibited their march on the Durban City Hall scheduled for the next day. What prompted it was the argument with which the City won the case and was thus able to forbid the demonstration: "[The City] told the court that they could not allow us to march through the main streets and to the City Hall because the City Hall is being repaired and it would be 'dangerous' for us to come too close to it" (Abahlali, 21 March 2010). As the press statement makes it clear, the shack-dwellers have been used to being denied a place in the city on the grounds of technical reasoning:

> When we are evicted we are always told that it is because the land is "too steep", the soil is "not right" and so on. Of course once our shacks are demolished flats or businesses for the rich are quickly built on the same land that we were told was

> "unsafe" for us. When we are denied bail we are always told that it is because the police "need time to complete their investigations", or even to "type documents."

To be sure, as the biopolitics/governmentality literature have substantially explored, references to safety and security are the staple of contemporary governmental practices.[181] However, as Abahlali's various encounters with the law also suggest, relations to law and legality get more muddled around the margins of the realm governed through freedom. Revealing of a rather variegated deployment of what we could understand as technologies of citizenship, people who populate these margins, that is, people governed *to* a distance, are enmeshed in a complex bundle of relations of exclusion and inclusion.

To recall, Partha Chatterjee (2004, 38) begins to elaborate his notion of the "politics of the governed" by describing the similarly contradictory status of marginal populations in the context of the Indian state (and "most of the world"),[182] where, despite universally granted citizenship, most inhabitants "are only tenuously, and even then ambiguously and contextually, rights-bearing citizens in the sense imagined by the constitution". Based on this consideration, Chatterjee (Ibid.) distinguishes two spheres of governmental action: one, which he calls "civil society", is driven by classical ideas of liberal constitutionalism and includes those whose status as rights-bearing citizens seems to fit these ideas, that is, that "relatively small section of the people" who navigate the institutions and practices of popular sovereignty and citizenship fairly unproblematically. The other, which Chatterjee (Ibid.) terms "political society", delineates a realm defined by a relation that emerges between the state and those falling beyond the boundaries of the civil society, upon the recognized necessity to govern these people: "As populations within the territorial jurisdiction of the state, they have to be both looked after and controlled by various governmental agencies". On this terrain, that is

[181] See e.g. Donzelot (1991), Merry (2001), Packer (2003), Stenson (2008) and, for a criticism, Lever (2011).
[182] Chatterjee's (2004) book is entitled *The politics of the governed: Reflections on popular politics in most of the world*.

shaped by the interplay between the state's assumed obligation to care for the poor and the electoral needs of the local political elite, then, demands of those who often secure their survival through illegal means (such as squatting or illegal connection to infrastructural services) are eventually, but certainly not always, met.[183]

Of course, such dynamics of negotiation are frequently at play on the fringes of the biopolitics of infrastructure in South African municipalities too (cf. Butler and Pithouse 2007, COHRE 2008). As Abahlali have often stated, at the local level where the party affiliations of those who are desperately in need are easily exposed, "party politics" can indeed determine the pattern of service provision or the allocation of housing.[184] Despite the frequency of these instances, nevertheless, as earlier chapters suggest, spaces of abandonment are generally formed precisely in the absence of a governmental "obligation to look after the poor" (Chatterjee 2004, 60). Accordingly, provided it is meaningful to conceive of such, relations of illegality construct a different kind of "society" within these spaces. Sketching a picture quite different from Chatterjee's, Butler and Pithouse (2007) approach this terrain through the manifestations of state criminality and the trivial assumptions that enable them. In fact, their findings based on a study of the "lived experience of formally granted socio-economic rights" in the context of urban land rights in eThekwini, exposes a darker side of Chatterjee's diagram:

> The evidence permits only one interpretation: the local state acts in a systematically criminal manner towards its poorest residents on the assumption that this behavior is within the norms of a shared social consensus amongst the social forces and institutions that count. That elite consensus is that rights formally guaranteed in abstract principle should not, in concrete practice, apply to the poor (Butler and Pithouse 2007, 2).

[183] For a reworking of Chatterjee's concept as "civil" versus "uncivil society", see Neocosmos (2011).
[184] See e.g. the case of the Joe Slovo settlement in Lamontville, KZN here.

As the report recounts, concerning informal settlements, beyond the regular intimidation and unjustified arrest of dissenting shack-dwellers,[185] state criminality most often takes the form of illegal evictions, that is, the forced removal of people who illegally occupy a piece of state-owned or private land, in a manner that violates the regulations of the PIE Act (1998), which is, in turn, supposed to secure the enforcement of section 26 (3) of the Constitution prohibiting arbitrary evictions. Beyond lacking a court order justifying the process, evictions usually executed by the police and/or the muncipality's Land Invasions Unit are illegal because they fail to consult and notify inhabitants in advance, or to advise them that they have a legal right to oppose removal. Finally, they are most often carried out with "casual violence" that includes tear-gassing people who are unwilling to move away from their homes, destroying dwellings while people's possessions are still inside and, frequently, setting the remains of the settlement on fire (Butler and Pithouse 2007, 29).

In light of such a routine of evidently illegal municipal practices, Butler and Pithouse's (Ibid.) previously quoted point about the "elite consensus" as a condition of possibility seems rather adequate. However, although it would be worthwhile to trace assumptions about the permissibility of illegal actions against marginal populations through the meshes of local politics and, in particular, to see how they interact with the more explicit governmental rationality of neoliberal urbanism, I wish to now turn to examples of how marginal populations make use of the law to contest such assumptions. As the following discussion of the shack-dwellers' "legal" resistance – the direct resistance to forced removals and Abahlali's constitutional challenge to the Slums Act – illustrates, the third aspect of their politics of proximity, that is, their litigious demand for a place in the city is lent power through transgressing the distribution of behaviors and capacities; in these particular cases,

[185] Beyond Abahlali's mentioned problematization of this charge, it is significant, that, as Butler and Pithouse (2007, 29) notes, "legal NGOs are not allowed to provide services for criminal cases and that most donors are not allowed to provide support for people arrested on criminal charges".

the assumption that links people's form of dwelling to their capacity to act as rights-bearing citizens.

To begin, then, is "that normal resistance" against evictions, the "verbal resistance without any backing" (TJ Ngongoma, interview, 3 October 2010). "[T]hat normal resistance", is, in fact, a rather apt definition as there is nothing complex about the way Abahlali have managed to stop or prevent evictions in the province of KwaZulu-Natal since December 2006. It could, perhaps, even be said that the shack-dwellers' litigation and the verbal references to their rights enshrined in the Constitution or the PIE Act "signify the success of liberal ontogenesis" (Odysseos 2010, 771), although, as I have argued above, due to the segmentary deployment of neoliberal technologies of subjectification, the shack-dwellers are not supposed to be these technologies' subjects. From the perspective of the obscure terrain of citizenship that spaces of abandonment represent, however, we could as well interpret such acts of defying the most direct form of their oppression – the imposition of forced mobility – as acts of political disruption realized through technologies of citizenship. This is suggested not so much by their actual legal successes against the City or the provincial municipality, although, of course these also play a role, but the subjectifying force that simply *knowing* their rights materializes in bringing about the shack-dwellers' resistant mobilization. As Butler and Pithouse (2007, 19) recall, after fourteen families from the Motala Heights settlement won an interdict against the eThekwini Municipality, and thus legally prevented the City from evicting them, with reference to the judgment and through mass mobilization, Abahlali successfully stopped the "armed, violent and illegal in-progress eviction" that the city attempted two weeks later, despite the judgment (cf. Abahlali, 11 December 2006). "This was given major and quite detailed attention in the *isiZulu* media and it became clear that across the city shack-dwellers, including those not organized in Abahlali, were gaining the

knowledge and the will to resist evictions" – which they have, from the Motala Heights event on (Butler and Pithouse 2007, 19).[186]

Indeed, as Mazwi Nzimande (interview, 8 July 2009), chairperson of Abahlali's Youth League recalls, the municipality's attempt to evict the inhabitants of the Joe Slovo settlement, where he himself lives, knowing what the conditions of a lawful eviction are and that the community has the right to refuse relocation, could mean all the difference:

> So, when they came for the second time to threaten us, it was too late for them because we knew that no, they can't evict us in such a short notice, so we start resisting and then they did not return. […] But they did not come because they know now: "those people know something, unlike before", you know. Before, when they said anything, we should just do it, just like that, but now we know that we also have rights!

Or, as Shamitha Naidoo (interview, 30 September 2010), a prominent member of the Motala Heights branch explains:

> [Getting to know Abahlali] was actually a learning phase for me: it was like I was going back to school because I was learning all about my rights, and how it can be used. And it's like as if I've been illiterate all this time, I didn't know […] about this power that we had: we have this right to voice our opinion, we have this right to do things and stuffs like that. It was totally blank to us because my community here in Motala Heights: people lived in the dark ages, it's like we were covered, there [was] no civilization for us. If a landlord has to say: "Get out from here" it's like, you have to get out. And then some landlords, they don't just say to you get out, they say "you f. o.!" and, you know, then that's how it is, and then they even take your stuffs and throw it out, and then there is no police force that can assist you, there is nobody that can

[186] See the movement's press statement "Victory in Motala Heights" here.

> assist you… Like, we were being mocked because we were poor, [because] we're living in these tin shanty houses. It's like, you don't have a say!

Similar experiences were recounted in almost every interview that I conducted with Abahlali members, largely echoing TJ Ngongoma's (interview, 3 October 2010) opinion about the effects of joining the movement: "once a certain community joins Abahlali, they automatically claim their political space in the society". Again, resonating TJ's (Ibid.) explanation – "when you join Abahlali as a community, Abahlali educate you and remind you that 'look, you are a law abiding citizen of South Africa!'" – typically, the source of their resistance is described in terms of learning, of education: "We became wise through Abahlali […] they cannot evict us" (Motala Heights focus group, 22 October 2010). Thus, resisting relocation or being rendered homeless is linked to a process of claiming political space through acquiring and articulating knowledge, which is set against the local politicians' assumption that abiding by the law is not imperative when dealing with shack-dwellers.

In a sense, member's references to the process of becoming aware of their rights as having been "educated" (e.g. Nozuko Hulushe interview, 11 October 2010), or the comparison of joining the movement to "going back to school", refers to what we could understand as Abahlali's counter-conduct that, corresponding to the practical aspect of living politics and the way it attends to shack-dwellers' concerns, works to fill in the gaps left by the ambiguous relations of exclusion and inclusion characterizing the marginal societal position in which they dwell. Yet, even if this is to be considered merely the successful operation of technologies of citizenship, there certainly is an emancipatory element in the way shack-dwellers under the threat of eviction face the local agent of state power, and articulate themselves as the knowledgeable subjects of the Republic's laws. Law, in the form of section 26 (3) of the South African Constitution or the PIE Act, serves in these cases precisely as a common entity within the sensible order that the Land Invasion Unit and the shack-dwellers

share and, therefore, as the inscription which mobilizes an "obligation to hear" (Rancière 2007, 86). Asserting themselves as legal subjects, the shack-dwellers put these texts to work as the "forced-entries" of equality; they demand rightful treatment by projecting their equality back to a point anterior to their demand (Ibid.). Thus, on this shared sensible platform, through the inscribed referent of the projection of equality, they render the respect for their rights to stay an obligation, and thus give the inscription "social effect" (Ibid.).

> The *there is* of the event brings out the facticity of *being-there-together*. In the movement of the event replayed, of the text restaged, the community of equals occasionally finds the wherewithal to imprint the surface of the social body with the traces of its actual effects (Ibid., 87).

It is the sensible availability of equality enshrined as the illegal occupiers' rights in the Constitution's section 26 (3) and the PIE Act that "[tears] them from the nether world of inarticulate sounds" (Ibid., 49) and thus disrupts the allocation of voice and speech, of forced mobility and citizenship.

The extent to which the shack-dwellers' litigation works as a disruption of a certain "logic of the proper" is well illustrated by the antecedents of the Slums Act case. Famously, as an element of South Africa's attempt at realizing a regulatory framework for "participatory legislation", provincial legislatures are required to provide space for the exercise of public participation among the affected communities, in the form of "public outreach, public hearings, petitions, public education, committee proceedings and house sittings, [or] the use of constituency offices" (Scott 2009, 83). Although the publicization of the public participation exercise called to the Kennedy Road settlement's community hall was

apparently insufficient,[187] on 4 May 2007, the provincial legislature of KwaZulu-Natal did stage a public hearing about the Slums Bill, that is, "The Elimination and Prevention of Re-emergence of Slums Bill". Members of the provincial government arrived in substantial police presence, accompanied by members of local ANC-branches, whom, as it later turned out, were misinformed about the purpose of the meeting: they were told it would be about the allocation of houses (Chance 2007).

> Abahlali had a tremendous day on Friday ([4] May 2007). The provincial government came to Kennedy Road in their [convoy] of fancy cars to present their Slum Elimination Bill. It started with a police helicopter circling low over the settlement and riot police (and [Glen] Nayager [senior superintendent of the Sydenham Police] in his BWM) taking positions around the settlement to make it clear who was in charge before the "discussion" started (Abahlali, 11 May 2007).

The public hearing started with the legislators reading aloud a summary of the Bill, after which the floor was opened up for the public to pose questions and comments at a microphone. Soon, however, some restrictions were introduced: although the Bill was not read out in its entirety at the public hearing, neither was it distributed in advance or at the meeting, noting that "too few speakers were addressing the Bill", legislators impeded attendees' questions concerning housing and services or the circumstances of the evictions that the Bill would prescribe, by imposing a rule, according to which

> [N]o one could speak at the microphone unless they first could cite a section of the Bill about which they intended to make a comment. When subsequent speakers could

[187] As a report about the exercise registers: "Members of Abahlali […] noted that the legislators did not publicly announce or advertise the exercise in advance, but instead notified S'bu Zikode (President of Abahlali). The one exception is that a member of Abahlali saw a single sign posted at Kennedy Road" (Chance 2007).

not first cite a section of the Bill, they were asked to refrain from further comment and to be seated (Chance 2007).[188]

In reaction to what they thought was their undue silencing, and in order to have their silenced questions responded to,[189] after the exercise, Abahlali formulated a "Slums Bill Elimination Task Team", organized a common "line by line reading and discussion" of the proposed legislation and invited everyone who wished to comment on it to a subsequent public meeting (Abahlali, 13 July 2007).[190]

As it is known by now, the long journey that started around the time of this meeting and proceeded from "shack to Constitutional Court",[191] through the rejection of their appeal at the Durban High Court,[192] and thanks also to the high level pro bono legal help that the movement received,[193] ended with the constitutional invalidation of the Slums Act, and thus Abahlali's victory (cf. Abahlali, 29 October 2009). That, however, was neither the beginning,

[188] See, in this context, Sherene Razack's (2011, 87) remarkable work on "how law operates as a site" for managing the relationship between Aboriginal people and the Canadian society. In particular the passages discussing the "unrelated" utterances of aboriginal people involved in a justice inquiry about the dispossession entailed by ongoing colonization.

[189] Again, Abahlali's reactions from Chance's (2007) report: "Abahlali members also noted that the legislators restricted participation by requiring speakers to first cite a section of the Bill. Among other things, they said, it made speaking a 'legal language' prerequisite for voicing questions or concerns; it prevented people from commenting on housing and services as they saw fit; it did not give due consideration to the fact that people had heard a summary of the Bill only moments before they were asked to respond; and it excluded those who were misinformed and had been told that houses were to be allocated at the exercise".

[190] In comparison, see Rancière (2007, 57) on the 1986 student strike in Paris: "Copies of the proposed legislation were massively distributed throughout the universities. The students bought it, read it, and discussed it. In our day, we did not read the proposed text of the legislation on the universities. We knew what they expressed: the submission of the university to capitalist power. […] This time, though, something took place which created total disarray in the ranks of the government and the majority: the students evaluated the law and pronounced it a bad law. They addressed the politicians as if they were people who could, after all, just as easily make good laws as bad ones. […] This 'naivety' of the students of 1986, whose reasoning resembled that of the striking tailors of 1833, enabled them, by playing the others' game, to create a quite new polemical space, taking their interlocutors completely by surprise and leaving them nonplussed – caught, in fact, in the trap of the reinvented syllogism of equality".

[191] "Shack to Constitutional Court" was the motto embroidered on the T-shirts that the movement have had made for the Constitutional Court hearing. See a short video of the journey by Sleeping Giant (2009).

[192] As President Judge Vuka Shabalala (in Abahlali, 27 January 2009) argues: "The province of KwaZulu-Natal must be applauded for attempting to deal with the problem of slums and slum conditions. This is the first province to have adopted legislation such as the Slums Act. The Slums Act makes things more orderly in this province and the Act must be given a chance to show off its potential to help deal with problem of slums and slum conditions. This Court can not strike the Act down before it has even being (sic) properly implemented".

[193] Both at the Durban High Court and the Constitutional Court, the movement was represented by the Center for Applied Legal Studies (CALS) based in Johannesburg, at the Wits University.

nor the end of their political struggle. In terms of the outcomes, as their press statement announcing the movement's celebratory event on the occasion of the judgment makes it clear, besides the devastation of the September 2009 violent attack on the movement in the Kennedy Road settlement, which members mostly attributed to the publicity that the case has received, Abahlali (Ibid.) were aware that the invalidation of the Slums Act will not impede the municipality either from acting illegally, or from introducing the Slums Act in a new form:

> The reason we are having this rally of celebration is so that the judgment can be read, discussed and analyzed, and a way forward can be given as to the meaning and effect of it. We, there at the celebration, can collectively put together the thoughts and ideas of the people about the judgment and its meaning directly from people who are living in the shack settlements, as well as the rural areas, and provide a way forward, especially because we know that municipalities and private landowners will continue to break the law, or use the buried Slums Act. We will caution communities and think through a way forward.

In terms of the beginnings, that is, Abahlali's political subjectification, let us return to the starting points of the chapter in the final section.

5.6 "So, with that knowledge, which, we think, is power, we will stand strong"[194]

As I mentioned at its outset, the main goal of this chapter was to demonstrate that the framework of liberal rights, or what governmentality scholars call "technologies of citizenship" (Cruikshank 1999), can, on occasion, be appropriated as excess freedom and thus give rise to the political subjectification of the governed. To question the top-down accounts of liberal subjectification found in the biopolitics/governmentality literature, I turned to

[194] S'bu Zikode (interview, 2 June 2009).

Golder and Fitzpatrick's (2009) interpretation of Foucault's law as strategically reversible, which I then reread through Rancière's notion of literariness, that is, the sensible availability of written words. The task, thereafter, was to see whether or not Abahlali's litigation, the most famous instance of which is their successful constitutional challenge to the provincial government's Slums Act, realized the political disruption of the biopolitical order of dispersal.

To rephrase the question: can we understand Abahlali's legal activism as the appropriation of their excess freedom to expose the contingency of the order that governs their lives? Certainly, we can regard the constitutional invalidation of the Slums Act as the effective disruption of the spatial politics of Durban's "facelift": the provincial government did not, on this attempt, succeed in the legal facilitation of the surplus population's removal from the city. However, as the previous account aimed to show, the disruption of Abahlali's political subjectification can be located at points anterior to the Constitutional Court's judgment, namely, on the occasions of speaking as they were not supposed to. Indeed, their instrumentalization of the law is a rearticulation of an early statement by the movement quoted in the previous chapter: "we know that we are not supposed to be living the way we do" (Abahlali 2006a, 7). Citing section 26 (3) of the Constitution, they resist forceful relocation because they have come to know that they are not supposed to be relocated the way they are, *and they know this even though they are not supposed to know*. Their excess freedom is hence taking shape in acting as rights-bearing citizens within spaces that are not supposed to be governed by the freedom and equal rights of citizenship "in the sense imagined by the constitution" (Chatterjee 2004, 38); where "rights formally guaranteed in abstract principle should not, in concrete practice, apply" (Butler and Pithouse 2007, 2). Thus, as described earlier, the moment of the shack-dwellers' disruptive emancipation is to be traced back to shack-dwellers' self-declarations as intelligent, speaking beings who are aware of the unjustified terms of their allotment:

> The Premier of KZN [KwaZulu-Natal] has rubbished us in public saying we are ignorant and haven't read this Bill – well, we will turn the tide and show him when we meet in court if this Bill becomes a law. If our challenge comes to court, we will mobilize in our numbers to fill the courts and create what they call "chaos" but which is actually the disciplined, democratic power of the people (Abahlali, 13 July 2007).

As the close reading of this quote suggests, the text of the law, in this case the Slums Bill, functions as the material basis – in Rancière's (2007) sense – for Abahlali to disrupt the sensible governmental order. At once physically and symbolically, they invade the space of the law: the shack-dwellers fill the courtrooms and, at the same time, by appropriating the name of the people, the realm where institutions of popular sovereignty and citizenship rights are presumed to operate (cf. Chatterjee 2004). In fact, the significance of the long journey "from shack to Constitutional Court" – literally a long bus-ride from Durban to Johannesburg that, in order to make it to the hearing scheduled for the morning of 14 May 2009, had to take place during the night because the movement could not afford to pay for accommodation – was, in large part, precisely to guarantee the shack-dwellers' physical presence at the place of the law: "to see and to witness the will of the people being brought forward in front of the highest Court in the land" (Abahlali, 29 October 2009).[195] Again, "the disciplined, democratic power of the people" is appropriated even before this physical "invasion," at the moment when, in the face of forced relocation, they "claim their political space in the society" by recognizing and articulating themselves as legal subjects (TJ Ngongoma interview, 3 October 2010).

[195] The importance of shack-dwellers' physical presence is emphasized in cases more minor than that at the Constitutional Court: "[I]t is very important for the people to be behind the legal representative, so that it carries weight. That's even when the legal representative is talking about people that are visible to the presenting judge. […] Normally, as Abahlali, if there is a case happening, we don't just send a lawyer to represent us but we put numbers in the court so that even when he's talking, he's talking to the people; he's pointing to the people directly" (Zodwa Nsibande, interview, 2 November 2011).

As we have seen above, Abahlali interpret these moments as an experience or process of education, which, in turn, links the discussion back to the University of Abahlali, that is, the construction of shantytowns as spaces of learning, as well as the implied self-affirmation as thinking and speaking beings. In one sense, even though the movement does, occasionally, organize "living learning" sessions about the Constitution and illegal occupiers' rights,[196] these formulations refer more to the process of coming to knowledge through shack-dwellers' encounter and involvement with Abahlali, or to what TJ Ngongoma (Ibid.) expresses as being reminded of their citizenship, of the idea that "if you fight back, you are being justified because you are a South African citizen!" Arguably, the direct resistance against eviction is linked to this kind of learning. Yet, in another but certainly related sense, and pointing towards what I alluded to as the movement's counter-conduct, Abahlali's engagement with the law, and their encounters with its text add further aspects to such processes of emancipatory intellectual self-construction. For one, as in the case of arrests on the charge of public violence, it exposes what they see as the unjustified contradiction between the collective referent of the law – the public – and those who are supposed to be evicted in the name of the public interest, that is, the shack-dwellers.

> The Bill reinforces our experiences that the state does not care about us and would rather we [disappear]. In fact, that it would like to legalize its use of violence to ensure that end. For example, the proposed Bill would allow Municipalities to evict people when evictions "are in the public interest", and we would like to ask: are we not part of the public? Do our interests not count (Abahlali, 21 June 2007)?

[196] The one I have attended on 10 October 2010 was called a "Popular Education Workshop", at the outset of which the then chairperson S'bu Zikode expressed his disappointment about the low turnout, as the point of learning should have been to have many people from many backgrounds; there is "no teacher, no student – everyone contributes" (research notes, October 2010).

As such, this collective engagement implies the shack-dwellers' assessment and problematization of the link between the "details of their personal lives" and the "social good", one that instead of triggering self-alignment, questions the ambiguous relations of their inclusion into the political order, and thus marks the subjectification of the part that has no part. At the same time, in contrast to the constrained discursive space of the provincial legislature's public participation exercise, Abahlali's engagement with the Slums Bill renders effective their declarations of equal intelligence – "we are able to read, we are able to understand" (Zodwa Nsibande interview, 27 May 2009) – by mobilizing, through claims for the shared entity of law, the "obligation to hear" (Rancière 2007, 86). So demonstrating that they "can play the same game as the adversary" (Ibid., 49), in a similarly naïve reinvention of the egalitarian syllogism as that of the Parisian students,[197] Abahlali takes "public participation" *literally*, and thus expose the patronizing "logic of the proper" driving the government's mocked exercise.[198]

Such are, then, the ways that rights and the law provide a sensible surface for the shack-dwellers' articulation of the freedom to be otherwise. By "[putting…] into effect", through textual interpretation and litigation, "what is true and not contentious from existing documents like the Freedom Charter and the 'Breaking New Ground Policy'" (Abahlali, 13 July 2007), on occasion, they defy that "[f]reedom turned out to be just a word" (Ntswayi in Perry 2009, n. p.). On occasion, I say, because most of the shack-dwellers' days remain structured by the spatiotemporality of unFreedom. Correspondingly, although everyone I

[197] Cf. Mnikelo Ndabankulu (in Sleeping Giant 2009, 1:20-1:36'') commenting on Section 26 of the Constitution: "'Everyone has the right to have access to adequate housing […] The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right'. So, we've got enough resources in the country, so we are not worried."

[198] "When the legislature came to Kennedy Road, it was the first time we had seen them in the shacks. They came with heavily armed and intimidating police […]. It was like they were going to a war when in fact they were supposed to be coming for a discussion. […] The legislature that came to Kennedy Road were doing this just because the law requires them to vet the Bill in the communities, but the concerns and analysis of communities were not taken into consideration. Once again it was made clear that our role is to listen and not to think" (Abahlali, 29 October 2009).

talked to hailed the Constitutional Courts' judgment,[199] their views on the power of litigation and rights are neither uniform, nor necessarily optimistic.[200] They are, mostly, strategic.[201] But that seems to be just enough for taking the relationship of freedom that the framework of liberal rights constructs between governor and the governed (Odysseos 2010), and use it to restructure the sensible order of biopolitical dispersal. With the inscription of equality as their vehicle, Abahlali transgress the supposed boundary between what, for instance, Chatterjee (2004) terms the "civil society" and the "political society". Thus, they prove that "the Rights of Man are the rights of those who have not the rights that they have and have the rights that they have not" (Rancière 2010a, 67). What the enactment of such rights from within spaces of abandonment implies for thinking politics against biopolitics, on the one hand, and what the fairly tangible relations of shack-dwellers' exclusion implies for thinking politics in Rancière's terms, on the other, are questions that I hope to have addressed in this dissertation. They certainly are questions that political thought critical of biopolitics must take on.

[199] Cf. e.g. Zama Ndlovu (interview, 12 October 2010): "I think that the Constitutional Court was the very best news that Abahlali have ever heard [laughs] from South Africa. The judges were so… I think they acted according to law and they are the only people who acted according to the Constitution, the Bill of the Constitutional Rights".

[200] But, cf. Zama Ndlovu (Ibid.) again: "To be a rightful citizen of South Africa […] I thought it meant that I'm having an equal right to the resources and I have a right to benefit in everything that happens in South Africa – but that's not what's happening. I'm totally excluded. Maybe because I'm living in an informal settlement, you know. I think that the Bill of Rights, yeah it's a good rights, when you read it, you feel like, yeah, South Africa is one of, you know, the best countries [...]. But in [practice], they don't follow it, they only talk about it.

[201] "Unfortunately the judge allowed the City to use a technical argument to take away a basic democratic right. We have asked our lawyers to explore the option of launching an urgent appeal first thing tomorrow morning. But irrespective of the outcome of that legal process we will be marching tomorrow. The marchers will decide, democratically, when we are all together, how to respond to this attack on our basic political rights. But one thing that we are very clear on is that *amandla* [power] remains with us. We go to court to confirm the rights that have been won in prior struggles but we are very clear that the only real defense for these rights, and the only way to win new rights, is through the power of the organized poor. For example everyone can see that organized communities are not evicted. Unorganized communities are evicted, illegally, every day" (Abahlali, 21 March 2010).

Conclusion

Based on the observation that urban restructuring under globalized neoliberalism realizes processes of unprecedented social and economic marginalization without establishing the trusteeship of development, which, in earlier versions of liberal political rationalities, was meant to secure that the grievances, aspirations or interests of the marginalized do not interfere with the principle of economic government, I began the present inquiry by asking how the current order of neoliberal urbanism contains the surplus population. Framing the question in terms of the *excess freedom* of the surplus people – a notion that Duffield (2007) employs to conceptualize the relationship between liberalism, biopolitics and development – I pointed out that beyond the absolute economic redundancy of the poor and permanently unemployed, this problem at the same time refers to their political superfluousness. The question that therefore emerges is this: in their effort to observe the circulatory imperative of globalized neoliberalism and to create the ideal milieu of competition, what means do global cities deploy to reconcile the obstructive uselessness of the surplus population and their political freedoms when the establishment of an educative trusteeship is no longer pertinent? With the equalizing measures of urban development discarded, how can the "world class" city contain the movement of people who are, albeit poor, as free to be mobile as the rest?

Certainly, as critical geographers' notion of the "revanchist city" suggests, the primary means of containing the movement and eliminating the presence of those who cannot buy themselves into the circulation of goods, and the increasingly customized and privatized infrastructural networks, are ever stricter frameworks for regulating the usage of urban spaces and, correspondingly, the ever more vigilant policing and incarceration of those who (potentially) violate these regulations. But do these measures suffice, in themselves, to solve the problem of the politically surplus? While they certainly reinforce a segmentary spatial order – especially in such cases as that of South African cities where the neoliberal tendency

to splinter the networks of service provision falls directly into the patterns of apartheid urban planning – can they fully capture the political force that the freedom of movement carried, again, in the South African struggle against racial oppression? Or does excess freedom require more than the spatial and disciplinary containment of excess mobility? What are the conditions of possibility for re-inscribing into the political order the forced mobility of liberated but poor people?

As I mentioned at the outset of the thesis, the direction of my response to these questions was largely defined by a methodological and (thus) political choice regarding the initial concern of the research project, namely, the effort to think possible forms of resistance to the biopower that disallows life. My encounter with the South African shantytown movement Abahlali baseMjondolo's struggle for a place in the city, and their approach to being involved in research suited, at first, the Foucauldian perspective that I originally intended to take – i.e., an ascending analysis of power relations – but then pushed further. The choice to conduct fieldwork and, consequently, to engage with the movement more substantially have, of course, molded my understanding of the means and effects of biopolitical abandonment and, in conversation with the conceptual research, set the vantage point for the process of their interpretation. More specifically, the parallels between Abahlali's political and intellectual practice centering on the shack-dwellers' demonstrative self-assertion as thinking and speaking beings, and Rancière's notion of politics as the disruption of a sensible order that defines what is visible, audible and what is to be considered political entailed, on the one hand, a re-reading of neoliberal urban technologies of abandonment along questions concerning whose presence and speech the "world class" city's spatiotemporality works to distance and the corresponding notion of the public it defines. On the other hand, these parallels fostered a re-articulation of the Foucauldian notion of resistance. In the resultant rendering, the element of freedom upon which power relations are

conditional, and upon which their strategic reversibility and, thus, the possibility of resistance rests according to Foucault, is synonymous with the equal capacity of every speaking being to expose the contingency of the order to which s/he is subjected. Hence, re-interpreting Foucault's freedom understood as the capacity to diverge from the way we are made to think, speak and act through the notion of the equality of speech central to both Abahlali's politics and Rancière's work triggered a move from thinking in terms of resistance toward political subjectification.

The significance of this move is manifold. To begin, as opposed to the majority of Foucauldian literature that ontologically privileges power relations over practices and discourses associated with political institutions and the relationship tying the political community to sovereignty, it requires that we conceptually distinguish between the reversal of power relations and the occurrence of politics. In this work, adopting Rancière's conception of politics, which refers to the litigious formation of a political subject that disrupts the given sensible order – the police – which, in turn, defines what is visible and sayable, and incorporates most of what is commonly understood as "politics", was meant to facilitate this distinction. Whereas the strategic reversal of power relations is as ubiquitous as power itself, politics occurs when those who reverse the relations of their conduct, and thus disrupt the order that defines what one should think, say and do, claim to be part the community of equals and thereby expose the order of inequality as unjustified. While affirming the importance of accounting for less explicit practices that divert or subvert rationalities of government, in the theoretical scheme built in this dissertation, the disruption of the biopolitical order is conceptualized as the exposure, by a collective political subject, of practices that distribute spatiotemporal positions and capacities for political appearance unequally.

Outlining a second potential import of moving from resistance to political subjectification, in relation to conceptualizing the order of abandonment and its disruption, as

Chapters 2 and *3* explored, the sensible distribution of the global city emerges from this perspective as the product of governmental efforts that are continuous with the ancient attempts of political philosophy at constructing the ideal order of the city; efforts to efface the contingency of the difference between ruler and ruled by dispersing the people, that is, by distancing from the center those who are as free as the rest but have no qualification to rule (Rancière 1999; 2004c). Thus it is that the spatiotemporal order of abandonment entailed by neoliberal urban governmentality can be approached as the biopolitics of dispersal, and the homogenizing, distancing and delaying effects accompanying abandonment revealed as depoliticizing. Therefore, the disruption of the biopolitics of dispersal has to take shape as appearance and speech, as the mobilization of an obligation to see and to hear (Rancière 2007). This, third, sheds new light on presumptions that frequently direct accounts of poor people's resistance.

As I have shown in the second part of this thesis, the conceptual approach of "everyday forms of resistance" that traces the practices of dissent in abject groups' disguised acts and hidden discourses may itself reproduce the politico-philosophical rationale of dispersal when it assumes that their precarious status limits poor people's capacities or aspirations for effecting major social or political change. The risk, of course, is not in taking account of tactics and strategies by which people in marginal social positions doubtless manage to contest and mold their lot day by day (although one might wish to consider the hierarchy between ways of knowing that this research program establishes: to decode the hidden discourses and unconscious acts of the abject, the work of the specialist is necessary.) Instead, the danger lies in stopping short at these tactics and strategies for the lack of a conception of emancipation, and concluding that politics – understood as the norms and institutions of liberal constitutionalism – is both irrelevant and illusionary (cf. Chatterjee 2004). Rationalizing the distantiation of the poor from both the world of politics understood in

its traditional institutional sense and their political capacities understood, with Rancière, as everyone's equal capacity to appear in the shared visible order and mobilize an obligation to hear, scholars of "the weapons of the weak" risk the enclosure of politically equal but socially and economically marginalized people into a sub-political terrain.

The account of Abahlali baseMjondolo's living politics, the practice of living learning, and the movement's litigation against the legal facilitation of shack-dwellers' "ruralization" that I offered in the second part of this dissertation was meant to show that, in fact, poor people's politics works against the distancing and delaying effects that coincide with technologies of abandonment, and that the aim of such politics of proximity is precisely to demonstrate that although rendered disposable, the shack-dwellers still share the sensible order where the political principles of freedom and equality are supposed to be in force. In fact, by assuming the name of the collective referent of these principles, they put them in force. Hence, in the moment of the shack-dwellers' assertion of equality, "the People" and "the people" coincide.

To be sure, at this point the argumentation leaves the comfort zone of the biopolitics/governmentality literature. Whereas thinking the hidden tactics of everyday resistance falls in line with the claim that the People (political existence)/people (bare life) division articulates the "fundamental biopolitical fracture", which rights-struggles inscribe deeper and deeper into the political order (Agamben 1998, 177–178), Abahlali's emancipatory struggle, among many others, calls for a new take on the relationship between biopolitics, freedom and the political order. Dismissing the possibility that principles of freedom and equality can give rise to the disruption biopolitical rationalities of rule, we may render ourselves unable to see how these rationalities keep mobilizing and reconfiguring the collective referent of equality, and how such reconfigurations reinforce a spatiotemporal order that continues to carry the task depoliticizing. Indeed, without a conception of politics that is

distinct from the constant agonism of power relations (Foucault 1982), the literature that has done so much for exposing how biopolitical rationalities shape our conduct through diffused networks of power relations, risks furthering these very rationalities.

That millions of people around the globe engage in struggles for accessing urban amenities doubtless signals the operation of biopower that, under globalized neoliberalism, radically tightens the scope of its care. However, inferring, as the majority of the respective literature does, the totality of biopolitics from the fact that much of contemporary popular mobilization centers on issues of life necessities, arguably suggests the conceptual operation of a particular idea of the political; one that is implicitly counterposed to the presumed reign of the social that lends modern biopolitics its shape (cf. Rancière 2010a). As the South African topos of "service delivery" exemplifies, while such ideas of the political as pure or, alternatively, as absolutely indistinguishable from the necessities of material existence might be completely disjointed from ideas of freedom and equality motivating those who engage in urban struggles today, they certainly seem to be activated when such struggles are dismissed as irrational and (yet) instrumental. Tracing within the struggles around the service delivery discourse the specific conceptions of the political based on which protests of marginalized and displaced people are gauged and deemed pre-political, following up on the contradictions that appear in Abahlali's discourse with regards to demanding service delivery *and* aiming for much more than that and, finally, inquiring into the discursive offensive on Abahlali by prominent intellectuals on the South African Left questioning the movement's claim that it struggles for much more than service delivery, is a an endeavor that I could not take up in the present work. It is, however, one that could help thinking politics in the face of biopolitical abandonment.

Among the questions with which the account of Abahlali's politics presented in this thesis could contribute is, to begin, the question of temporality. As I have shown, a crucial

aspect of Abahlali's challenge to the rationality of biopolitical abandonment is their construction of living politics as temporally proximate to the shack-dwellers' suffering; as "the politics of the present tense" that articulates a practice which reflects the immediacy of their concerns. Although it would seem to be more resonant to this temporality than the idea of the messianic overcoming of biopolitics (e.g. Agamben 1998), I would caution against building on the notion of *kairos* (the right or opportune moment) as the appropriate time for the tactics of the powerless too (e.g. de Certeau 1984; cf. Dillon 2005b). I would do so along the lines of the previous criticism of the everyday resistance approach. Conceptualizing the resistance of the weak in terms of tactics formulated by a practical intelligence to be deployed at the right moment to crack through the spatial strategies of the powerful stops short of thinking the disruption of the order that determines who has power over space and who is to resort to the power of the moment. Relatedly, the conception of knowledge that I associated with Abahlali's self-declaration as the professors of their own suffering promises a fruitful path for thinking further the disruption of the patronizing pedagogy of neoliberal governmental rationality and its apotheosis of economic expertise that are, as the quoted reflections of the living learners have shown, firmly at place even in the absence of the educative trusteeship of liberal development. As opposed to the notion of *mētis*, that is, the practical intelligence deployed throughout the tactical resistance of the powerless (e.g. de Certeau 1984), the form of knowledge whose metaphor is the University of Abahlali baseMjondolo is, I suggest, an empty knowledge or, more exactly, a knowledge that is absolutely actualized and connected to its knower. As such, it is a knowledge that, while shared, is not transmitted. Consequently, it does not reproduce the distance of explanation that reinforces and endlessly suspends the intellectual hierarchy of the developed and underdeveloped.

Doubtless, Rancière's adaptation of Jacotot's presupposition of equality, by which most of the above ideas are informed, is not without problems. Most importantly for the discussion in this thesis, it does not allow for thinking the sustained practice of emancipatory politics. Although the critical approach that Abahlali members articulated during the living learning sessions could serve as a potential point of departure, in itself, it does not suffice to direct the practice of equality either. Nevertheless, as this dissertation intended to demonstrate, the presupposition and assertion of equality outlines a perspective from which the political subject disrupting the order of biopolitical abandonment could be (re-)thought.

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In July 2011 *Dear Mandela* (Sleeping Giant 2011), Dara Kell and Christopher Nizza's documentary about Abahlali's struggle for a place in the city, with particular focus on the Constitutional Court case against the Slums Act, was awarded the "Best South African Documentary" prize at the Durban International Film Festival. According to the jury (Dear Mandela, Facebook post, 30 July 2011; emphasis added): "A movie about courage, this documentary is beautifully shot, socially relevant and still manages to offer humor as it reveals *a growing grassroots political literacy* in South Africa's informal settlements". Equality is certainly not everyone's presupposition.

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