The Shack Settlement as a Site of Politics

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Abstract

In South Africa the shack settlement has become a site of acute political intensity in recent years. However political action organised from the shack settlement is frequently presented as being outside of the domain of the political – as criminal or consequent to external conspiracy. This paper argues that liberal, as well as some currents of Marxist and nationalist thought, have carried certain limits with regard to the general inability, or refusal, of elites to recognise popular political agency in the shack settlement. It suggests that Partha Chatterjee's work on the idea of political society, and Ananya Roy's thinking about subaltern urbanism, provide useful analytical tools to enable more effective recognition of political agency in the shack settlement. However it notes that while it is necessary to think the shack settlement as a particular situation it is also necessary to be attentive to insurgent modes of political agency that transcend that situation.

Keywords

South Africa, Abahlali baseMjondolo, subaltern urbanism, ontology, political agency

[T]o recognise the open door of every consciousness.
- Frantz Fanon (1967, p. 232)

Introduction

In contemporary South Africa there is growing anxiety in elite publics about escalating popular mobilisation (Hart, 2013). This anxiety frequently settles on the unemployed young man, usually assumed to be in the city, as the subject that constitutes the most urgent threat to democracy (Mbembe, 2011) and the shack settlement as the most dangerous site for the expression of this threat (Pithouse, 2013). At the same time elite opinion, across a wide spectrum of political orientation, and expressed from various kinds of institutions, is frequently hostile to any suggestion that there could be emancipatory political agency on the part of the urban poor. The degree to which liberal elites have seized on the Marxist idea of 'the lumpen' (Pithouse, 2012) to present all poor people's politics as inherently and inevitably anti-social, if not *a priori* violent and criminal, is striking. Moreover both the ruling African National Congress (Gibson, 2011; Selmeczi, 2012b;, Zikode, 2006) and the official parliamentary opposition, the Democratic Alliance (Sacks 2012b), as well as some NGOs (Sacks 2012a, 2012b), and some currents in the middle class left, have tended to ascribe popular mobilisation to malicious external middle class agitation, often imagined to be white, (Buccus, 2012) even when the most cursory examination reveals that this is plainly not the case. There have also been cases where left elites have mirrored the worst excesses of both liberal moral panic and state paranoia (Church Land Programme, 2011).

There are a number of cases where the systemic inability of elites to comprehend the political agency of the urban poor, or the reality that it has, on occasion taken democratic and emancipatory forms (Chance, 2011; Gibson, 2011; Huchzemeyer, 2011; Patel 2008; Selmeczi, 2012a etc.) has been uncritically reinscribed in the academy rather than subject to careful analysis grounded in a credible grasp of empirical realities. For instance Daryl Glaser, in a piece on the xenophobic and ethnic pogroms of May 2008 that Michael Neocosmos terms "crass" (2010, p. xii), simply asserts that "popular democracy in action is not a pretty sight" and concludes that the pogroms were in fact "profoundly democratic, albeit in a majoritarian sense" (Glaser, 2008, p. 54). No mention is made of the popular organisations, in at least one case deeply democratic, that effectively opposed xenophobic and ethnic violence at the time (Gibson 2011, Neocosmos 2010, Kirshner 2012) with the result that the reader is left with the false impression that all poor people are xenophobic and violent – brutish. In an otherwise valuable article on Jacob Zuma's rape trial Shireen Hassim writes that:

> (T)here is also a challenge to rebuild relationships horizontally with the leadership of the social movements, who support Zuma as a 'pro-poor' candidate. Despite their professed commitment to poor women, the new social movements have revealed themselves as ready to ditch equality rights when 'more important' decisions about leadership are debated. Of the major social movements on the left, only the TAC has sided with women's organisations. Yet it is not the only social movement that has a majority female membership – the same is true of the Anti-Eviction Campaign, the Soweto Electricity Crisis Campaign [sic], and Abahlali 'Mjondolo[sic]. These movements, dependent on women for their grassroots character, seem willing to

> trade away women’s rights to dignity and autonomy for short-term political gain.

This author has no inside knowledge of how the Soweto Electricity Crisis Committee responded to the campaign in support of Zuma at the time. But it can be affirmed with certainty that both a number of prominent middle class left intellectuals, including academics, did support Zuma and that neither the Anti-Eviction Campaign nor Abahlali baseMjondolo ever expressed support for Zuma in any form. In the latter case the refusal to support Zuma cost the movement some support in some neighbourhoods, including support from women, and resulted in it being subject to serious intimidation from local party structures, as well as misrepresentation as having 'sold out' to its Indian and Xhosa speaking members that eventually enabled serious state backed violence against its leading members that was mediated through ethnic claims (Chance, 2009). Hassim's misrepresentation of the politics in the Anti-Eviction Campaign and Abahlali baseMjondolo at the time is not based on any attempt to make sense of empirical realities or actually existing practices but, like Glazer’s writing, does confirm to pejorative stereotypes about popular politics.

When there is an *a priori* assumption that popular politics is anti-democratic, reactionary or consequent to malicious external agency that trumps reasoned investigations of certain realities it is often rooted in what Michel-Rolph Trouillot terms “an ontology, an implicit organization of the world and its inhabitants” (1995, p.73). This implicit ontological organisation of the world is deeply rooted in enduring ideas about race and class but it also often has a profoundly spatial aspect.

None of this is unique to South Africa. On the contrary it is, across time and space, common to encounter an ontological division of the world that maps on to spatial divisions with the result that the urban poor are effectively expelled from the political. For instance in India Partha Chatterjee argues there is also widespread anxiety in middle class circles about “lumpen-culture”, about politics having been taken over by “mobs and criminals” (2004, p.47). He shows that although civil society is “restricted to a small section of culturally equipped citizens”, and is therefore a mode of engagement premised on exclusion, it is taken to represent “the high ground of modernity” (2004, p.41). This, he argues, has led to an approach in which elites have responded to the enduring presence of popular politics, conducted outside of civil society, by “walling in the protected zones of bourgeois civil society” (2004, p.49). This is exactly what a figure like Alistair Sparks, a leading liberal journalist in South Africa, is calling for when he argues, with reference to Marx, that "lumpen-radicalism … will continue to endanger our future until some new leader has the gumption and the guts to tackle it head on"(2012).

It is important to note that the political left often repeats the idea that the politics of the urban poor are, *a priori*, anti-social uncritically. In Latin America Janice Perlman famously argued that the myth of the marginality, of the moral degradation of shack dwellers in Rio was produced by the "constant attempt of those in power to blame the poor for their position because of deviant attitudes, masking the unwillingness of the powerful to share their privilege" (1976, p. 102). She noted that "the political left is also influenced to some extent by the myths of marginality" (1976, p. 250) and concluded that the myth was "anchored in people's minds by roots that will remain unshaken by any theoretical criticism" (1976, p. 242). Almost forty years later Raúl Zibechi reports that: "The Latin American left regard the poor peripheries as pockets of crime, drug trafficking, and violence; spaces where chaos and the law of the jungle reign. Distrust takes the place of understanding. There is not the slightest difference in perspective between left and right on this issue" (2012, p. 197). The language that is used by the left is sometimes extraordinary. In an interview in *New Left Review* on the mass revolt in Egypt Hazim Kandil, when asked about the "sub-proletariat of the slums in Cairo", replied that "fortunately, this menacing human mass was entirely absent from the revolt, which probably contributed to its civilized and peaceful character" (2011). Selwa Ismail (2006) has provided a very different, and carefully researched, account of political life in Cairo's popular quarters and Asef Bayat (2011a) contests the claim that residents of the ashwai'yyat were not present in Tahir Square.

We have to ask why it is that liberal elites, in India and South Africa, have enthusiastically taken up the Marxist idea of the urban poor as '*lumpen*', as an automatic social and political threat. Marx's critique of civil society, for instance, has no similar resonance. One answer could be the fact that Marx, for a period of his life, shared the liberal assumption that modernity would ultimately redeem its rendering of some people as waste, is useful for people seeking to give a progressive gloss to an attempt to police access to the agora in the name of modernity and, indeed, a conception of democracy that is clearly inadequate to the realities of the situation in the cities of what Chatterjee calls 'most of the world'. Part of this attraction lies in the conflation of modernity and capitalism.

The idea that progress requires that some humans should be rendered as waste has been central to influential currents of modern political thought. John Locke took the view that lands that, where ever they may be in the world, were still governed under an idea of a right to the commons rather than as private property mediated by money were 'waste' – 'waste' that can and should be redeemed by expropriation (Locke, 1986, p. 45; Cf. Caffentzis, 2008). One consequence of this, as Vinay Gidwani and Rajyashree Reddy note (2011), is that for Locke, 'waste' lies outside of the ethical ambit of civil society.

There is also an implicit idea of waste as a by-product of modernity in the work of Georg Hegel who described the urban poor as the 'rabble' (1821; Ruda, 2011). And there were moments in his life when Marx took the view idea that colonialism would, via the violent introduction of capitalism, be an ultimately redemptive force thereby implicitly rendering the majority of actually existing people and economies as waste in the name of a shared future to come. Of course he did shift his position on this question (Anderson, 2010; Mukherjee, 2010) but the idea that dispossession and proletarianisation are, ultimately, steps on the road to a progressive future continues to inflect some forms of Marxism. At home, in Europe, Marx, in the first half of his life, spoke of the '*lumpen-proletariat*', the urban poor living outside of wage labour, with astonishing vitriol. Marx first coined the term in *The German Ideology* – a text that was written in 1846 amidst the crop failure, escalating urbanisation and first stirrings of political ferment that would soon explode into the European spring of 1848. It, telling, moves from the assumption that it is the capacity for production rather than say, as Aristotle would have it, the capacity for speech that distinguishes the human from the animal. The term '*lumpen-proletariat*' is usually translated as the 'ragged proletariat' but the word '*lumpen*' meant both ragged and knave and it has been suggested that Marx had the second use of the word in mind (Thorburn, 2002, p.440) In *The Communist Manifesto* of 1848 he, with Friedrich Engels, wrote of "The 'dangerous class', the social scum, that passively rotting mass thrown off by the lowest layers of the old society (1985, p. 92). Four years later, in *The 18th Brumaire*, he railed against the "scum, offal, refuse of all classes" (1852).

Ernesto Laclau shows that, at this point in Marx's work, the proletariat is strictly delimited from *lumpen-proletariat* in order to affirm its position within capitalist development with the result that the *lumpen-proletariat* is given the status of the pure outside and its "expulsion from the field of historicity is the very condition of a pure interiority" (2005, p. 114). But in *Capital*, published fifteen years after *The 18th Brumaire*, Marx took a less hostile view writing that:

> it is capitalist accumulation itself that constantly produces, and produces indeed in direct relation with its own energy and extent, a relatively redundant working population, i.e. a population which is superfluous to capital's average requirements for its own valorization, and is therefore a surplus population (1976, p. 782).

He also presents the “combination between the employed and unemployed” (1976, p.793-794) as both a way for workers to combat the rendering of their own place within capitalist production as precarious and a real threat to the logic of capitalist production that, via the logic of supply and demand, relies on the existence of a large group of people without an independent livelihood or a wage to drive wages down. Here Marx’s political imagination can see a positive role for the urban poor, although he still thinks of labour solely in terms of work performed by men in the factory. But despite Marx's shift towards imagining a positive political role for the urban poor, albeit in a manner pre-determined by his own theory, Marxism, as both doctrine and political culture, often retains a deep current of hostility to the urban poor and often sustains a fetish of the industrial working class, often imagined as male, as the only subject capable of emancipatory political action.

Engels went so far as to speak of the urban poor as the “race...robbed of all humanity, degraded, reduced morally and physically to bestiality” (1887). Colonial discourses about race and the urban poor were enmeshed from the early nineteenth century and in this regard Friedrich Engels followed bourgeois thought of the day declaring the *lumpen-proletariat* to be a “race...robbed of all humanity, degraded, reduced morally and physically to bestiality” (2010, p. 326). At one point Engels repeats one of the key tropes of the bourgeois thought of the time, a trope that, in a racialised form, also became central to colonial ideology i.e. those “who do not wish to work” (Cited in Thoburn: 2002, p. 443). Nicholas Thorburn concludes that “Marx and Engels' most vehement assaults are saved for those who seem to revel in surviving outside productive relations” (2002, p. 443).

This is also apparent in more democratic currents of Marxism than those that descend from Vladimir Lenin. For instance Rosa Luxemburg presents the '*lumpen-proletariat*', under the heading of 'corruption', and with reference to terms like 'degeneration' and 'sickness', as a 'problem to be reckoned with', an 'enemy and instrument of counter-revolution' requiring the 'healing' and 'purifying' rays of a revolutionary sun' (1918). In *The Mass Strike* she wrote that “Anarchism has become in the Russian Revolution, not the theory of the struggling proletariat, but the ideological signboard of the counterrevolutionary *lumpen-proletariat*, who, like a school of sharks, swarm in the wake of the battleship of the revolution. And there with the historical career of anarchism is well-nigh ended" (2006).

But anarchism mirrored rather than opposed the objectification of the urban poor surviving outside of formal employment. Thorburn shows that while Marx saw proletarianisation as enabling revolutionary agency Mikhail Bakunin saw it as destroying revolutionary agency which, for him, was rooted in the peasant commune and its insurrectionary traditions and various groups in the cities that had not been subordinated to the discipline of work (2002, p.445). Bakunin sustained Marx and Engel's objectification of the urban poor while inverting its logic to conclude that "in them and only in them [the *lumpen-proletariat*], and not in the bourgeois strata of workers, are there crystallized the entire intelligence and power of the coming Social Revolution. A popular insurrection, by its very nature, is instinctive, chaotic, and destructive" (1873). As Thorburn notes Bakunin, "in a fashion not so different from Marx's account of *lumpen* 'spontaneity'", assumes that the '*lumpen-proletariat'* carries a "transhistorical instinctual rage" (2002, p.445).

The Paris Commune was a decisive event for the development of the political thought of both Marx and Bakunin. In 1979 Ranajit Guha, seeking to write in conversation with the "small voices which are drowned in the noise of statist commands" (2009, p. 307), and attentive to the "statism that prevails in Marxist and [anti-colonial] nationalist discourses" (2009, p. 311) - a statism located in a "power that is yet to actualise; a dream of power" (2009, p. 311) - described Marx's reading of the Paris Commune as an attempt to carve a concept of an emergent mode of proletarian power out of an inchoate and developing revolutionary experience. Guha, enthralled by the heat of Marx's chisel still warming the pages a hundred years later, didn't apply his more usual scrupulousness to Marx's view that it was the proletariat that had named this new aspiration the Commune. Marx certainly took the view that, against both the "stultification by rule of the priest" (2010, p. 255) and the state as a "parasitical excrescence" (2010, p.247) on society the Commune was "a revolution against the state itself" (2010, p.249) and "the whole sham of state mysteries and state pretensions" (2010, p. 251). And he was absolutely correct to conclude that, despite the fate of the Commune in Paris, "it will make its way around the world" (2010, p.249). But he also took the view that its goal was the emancipation of labour and, while paying tribute to the "heroic women of Paris" (2010, p.268) that it was, above all else, a government of 'working men' and their redemptive “manly aspirations” (2010, p.249).

Careful empirical work shows that the Commune was in fact a case of besieged city dwellers, primarily and explicitly organised in neighbourhoods, in revolt against the French state rather than a case of workers in revolt against capitalism. Marx was, it seems, too quick to read events in the light of his own theory rather than on their own terms. And, as Castells (1983) pointed out, Marx, took a statement by a socialist minority within the Commune as the position of the Commune as a whole. Nonetheless Marx's reading meant that, as Kristin Ross (2008) has shown, the Commune became a decisive moment in the political investment in the idea of the good worker, a man, by the modern left.

In 1965 Henri Lefebvre (2006) was the first to read the Commune as an urban insurrection. In 1983 Manuel Castells offered empirical evidence in support of Lefebvre's argument and also noted that it was “primarily a municipal revolution” (1983, p.20). In 1995 Roger Gould described the political agitation during the siege as an “intense neighbourhood localism” (1995, p.140) and concluded that it was primarily a demand for local autonomy. Castells also stressed that “the Commune was decisively an action by women” (1983, p.18). This point was, in a perverse way, recognised by the elites at the time who, along with the usual claims of criminals and foreign agents being behind the agitation also pointed, amidst a full-scale moral panic, to the radically gendered image of the woman Communard as the 'petroleuse' – a “bloodthirsty, slothful, drunken prostitute”(Ross, 2008:16).

Ross suggests that it was largely in response to these sorts of highly gendered right wing diatribes, that presented the politicised urban poor in monstrous terms, that the left presented the rebellion as a project of 'manly' workers. For Ross it was the break down in the idea that certain people should occupy certain stations, in politics as in work that was central to the commune. She cites Arthur Rimbaud declaring that “Bosses and workers all of them common....I have a horror of all métiers” (2008, p.19). She also notes that the construction of the barricades was directed by Napoléon Gaillard, a shoemaker, and that “a full half of the shoemakers in Paris were missing – massacred, arrested, in exile” (2008, p. 17).

For Plato “It is right for the shoemaker by nature to make shoes and occupy himself with nothing else, for the carpenter to practice carpentry, and similarly all others” (Rancière, 2003, p. 25). We still live the enduring legacy of the Platonic conception of the city rooted, as it is, in the idea of métier, the desire for people to be ontologically contained, named and instructed to remain in their places (Rancière, 2003, pp. 3-29). But the role of shoemakers in the Commune was far from being some sort of aberration. Hobsbawn and Scott begin their essay on political shoemakers by noting that "The political radicalism of the nineteenth-century shoemakers is proverbial" (1998, p.24). Their influence continued to be felt at the heart of political events of major international significance as late as the early 1970s when Salvador Allende's political experiment was crushed in Chile – Allende ascribed the broadening of his political horizons to his relationship, as a boy, with an anarchist Italian shoemaker, Juan De Marchi (Winn, 2005). However the Platonic hostility to the shoemaker as intellectual and activist also has a consistent history. Ross cites a French intellectual, writing in mid nineteenth-century, who insists that shoemaker intellectuals are "thieves, imposters, and forgers" (2008, p.14) which is more or less exactly what some middle class (and usually although not always white) left intellectuals say about grassroots (black) intellectuals in contemporary South Africa (Majavu, 2012). Left intellectuals have often worked within an essentially Platonic framework in which social progress requires people to keep to their places rather than to undo the notion of place. As Ross notes: "In Jacques Ranciere's reading of Marx, the Platonic myth of the artisan as he who can do nothing other than his metier is displaced, but essentially operative, in the Marx of 'mature' scientific socialism" (2008, p. 17; cf. Ranciere, 2003).

The fetish of the male industrial worker as the only political subject capable of emancipatory action produced other silences at the origins of the modern left. For Walter Benjamin the wreckage upon wreckage that undergirds the 'storm' of modern progress erected the Parisian arcades on the foundation of a permanent state of emergency. But while crude material need was systemically unmet the working class in Germany could still assume that being swept into the factory was, nonetheless, a movement with the current of history, with the 'fall of the stream', in which it would soon take its rightful place (1999, pp. 245 - 255).

But in the colonial world people were not only expropriated and proletarianised. People were also turned into members of races in a world that was, Fanon wrote "cut in two" (1976, p. 29) divided into "compartments … .inhabited by different species" (1976, p. 30). In the settler colony the production of race was highly spatialised and the production of space highly racialised. David Goldberg makes this point, albeit in a broader context, succinctly: "Racisms become institutionally normalized in and through spatial configuration, just as social space is made to seem natural, a given, by being conceived and defined in racial terms" (1993: p.185).

For Fanon in a profoundly spatial reading of anti-colonial insurgency, the event that would inaugurate the end of the colonial world of compartments occurs when the violence used to police the dividing line is "taken over by the native at the moment when, deciding to embody history in his own person, he surges into the forbidden quarters" (1976, p.31). He also provided a spatial metric for marking the passage from the colonial to the post-colonial and argued that the ordering of the colonial world, its geographic lay-out, must be examined in order to "reveal the lines of force it implies [which] will allow us to mark out the lines on which a decolonized society will be reorganized" (1976, p.29).

Aime Césaire's insists that in the colony 'the storm' is more about what has been trampled, confiscated, wiped out and brought into new regimes of abuse in "a circuit of mutual services and complicity" (2000, p. 43) than any sense of hard won but ultimately redemptive universal progress. Here neither the living nor the dead can be redeemed by a modernity in which capital makes concessions to society in a double movement, or a revolutionary proletariat seizes the engines of progress for itself, until racism is abolished and humanity known under a generic appellation. But the sorry state of the postcolony makes it clear that while the former is a necessary condition for the achievement of the latter it is not, on its own, not sufficient.

There is a rich body of literature, beginning with Fanon, that, like the work of the subaltern studies project in India, shows that in the postcolony social divisions continue and that they continue to be read in ontological terms. There is also a body of work that shows that both social divisions – economic and political – and the ontological divisions that are imagined to lie at their foundation are often acutely spatialised. Chatterjee argues that

> the language of modernity, of civic consciousness and public health space and interests, an order of aesthetics from which the ideals of public health and hygiene cannot be separated….is the language of modern governments, both colonial and postcolonial, and for that reason, it is the language, not only of imperialist officials, but of modern nationalists at well (2002, p, 66).

In Michel Foucualt's famous theorisation of how "the biological came under State control", (2003, p,54) of the shift from state actions on the body to life, biopolitical interventions are aimed at state mechanisms that can "optimize a state of life" (2003, p.55). When Foucault considers instances in which political systems centred in biopower also exercise the right to deny life he concludes that “it is at this point that racism intervenes” (2003, p.56). He defines racism as being “primarily a way of introducing a break into the domain of life that is under power's control: the break between what lives and what must die” (2003, p.57) and argues that “the first function of racism...(is)... to fragment, to create ceasuras within the biological community addressed by biopower” (2003, p.58).

When the postcolonial state refuses to provide lifesaving basic services to the shack settlement, takes no measures to ameliorate the risk of flood and fire, or seeks to ‘eradicate’ it altogether, we are not dealing with racism in the colonial sense but we are certainly dealing with that Foucault calls ‘ceasuras within the biological community’ or what Fanon calls the divisions of the world ‘into compartments’, inhabited by ‘different species’.

And in the postcolony the hostility that is frequently directed at the urban poor often exceeds the idea that they are insufficiently productive – an idea that is always rooted in the failure to recognise certain forms of labour.[i] Anxieties about certain forms of urban presence in the postcolony can be compounded by the way in which the urban is sometimes imagined to lie between the past and the fully modern future still to come. V.Y. Mudimbe notes that anxieties about the African presence in the modern world have often been particular concerned with the urban African: “Marginality designates the intermediate space between the so-called African tradition and the projected modernity of colonialism. It is apparently an urbanized space” (1988, p. 5). Moreover colonialism and anti-colonial nationalism have often shared a view of the subaltern, as Partha Chatterjee writes of the peasantry in India, “as an object of their strategies, to be acted upon, controlled, and appropriated within their respective structures of state power” (1993, p. 159). Chatterjee also notes that elite nationalist thought has often excluded the subaltern from the domain of reason and argues that “Nowhere in the world has nationalism qua nationalism challenged the legitimacy of the marriage between Reason and capital” (1986, p.68).

In his first published essay, *The ‘North African Syndrome’* (1967b), Fanon sets out to examine how French science, medical science, approaches the North African migrant with “an *a priori* attitude” (1967b, p. 7). He observes that: “The North African does not come with a substratum common to his race, but on a foundation built by the European. In other words, the North African, spontaneously, by the very fact of appearing on the scene, enters into a pre-existing framework” (1967b, p.7). For Fanon the solution to this problem is to 'reclaim the human' and this, he insists, in his first book, published in the same year as this essay, requires that we recognise “the open door of every consciousness” (1967a, p.232; cf. Pithouse 2013). The idea of reclaiming the human is also central to Achille Mbembe’s work on the rendering of the human as waste in the postcolony. He argues that “the human has consistently taken on the form of *waste* within the peculiar trajectory race and capitalism espoused in South Africa” and that “for the democratic project to have any future at all, it should necessarily take the form of a conscious *attempt to retrieve life and 'the human' from a history of waste* (2011a). For Mbembe this would require that “Techno-managerial reason will have to be supplanted by the rehabilitation of the political itself” (2011b).

The rehabilitation of the political in a manner that can retrieve the human from waste, from the ceasura of the biological, must require a conception of the political that is open to all. Liberalism may offer this in principle but is seldom able to do so in practice. In their meditation on monstrosity, Lewis and Jane Gordon argue that in anti-black societies, black people are rendered monstrous “when they attempt to live and participate in the wider civil society and engage in processes of governing among whites […] Their presence in society generally constitutes crime” (2009, p. 42). Lewis Gordon often uses the term 'illicit appearance' to describe this phenomena in his work. He also argues that when people's humanity has been denied the simple assertion of their humanity will result in them being read as “troublemakers to be forced back into 'their place'” (2006, p. 23). In contemporary South Africa popular struggle is often read in very similar terms by elites in various institutional locations and across the political spectrum.

The contestation over a land occupation in Durban, occurring at the time of writing, provides an example that can illuminate how popular politics is often excluded from the political. The land occupation in question, named ‘Marikana’ after the strike and consequent massacre of mineworkers in August 2012, has been destroyed by the City on nine separate occasions. These evictions have been in violation of the law and, also, court orders secured by the residents that interdicted the municipality from evicting them. Two activists have been assassinated, one shot and seriously wounded by the Land Invasions Unit and two shot by the police, from the back, one fatally.

From the beginning media coverage of these events has repeatedly presented shack dwellers as violent and as a threat to broader society even though there has been no claim that anyone has been killed or injured by participants in the Marikana land occupation. In March 2013 *The Daily News* ran a story with the headline 'Shack dwellers invade Durban' (Rondganger & Nene, 2013). The article, described the shack dwellers as an armed 'mob', and as 'invaders' and quotes middle class interviewees describing a 'mad racket' and speaking of the occupation as a 'tragedy'. The land occupation in question had in fact been organised by long standing residents of the city who had previously been illegally evicted from their homes by the municipality. It was hardly an invasion of the city. The 'weapons' with which people were armed were tools for cutting away the vegetation to clear space to build. In this article the evictions by the state, an act of illegal and armed state terror, are not presented as dangerous or anti-social.

Statements from the police have often displayed a clear disregard for both the law and the humanity of shack dwellers as well as their right to dissent. KwaZulu-Natal police Commissioner Mmamonnye Ngobeni justified the police shooting of Nqobile Nzuza, a 17 year old girl shot in the back of the head by the police, in terms of "a constitutional mandate to maintain law and order". He warned the public that the police "will use necessary force to execute this constitutional mandate" (Pithouse, 2013). He said nothing at all about the failure of the police to act against the unconstitutional evictions in the area or the equally unconstitutional violence by the state, death threats against activists from local party leaders and the murders at the hands of shadowy assassins. Ngobeni implicitly defined a whole group of people as outside of the law. The result of this is that violence against these people is made to appear legitimate to the point of not even requiring comment while their protest at gross, unlawful and at times murderous oppression is made to appear inherently criminal and anti-social.

In a similarly cavalier fashion Police spokesperson Solomon Makgale removed the protest on which Nqobilie Nzuza, a 17 year old girl, was shot in the back of the head by the police, from the political sphere and placed it in the criminal sphere. "I don't think we can call it a protest. It stops being a protest when a crime is committed - then it is a crime. The police restrained themselves" (Pithouse, 2013). For Jay Naicker, also a police spokesperson, there was "some sinister motive" behind the protest. "The allegations (sic) that they were protesting at four o'clock in the morning in winter, in a dark corner, when everyone is sleeping; this can't be protest action" (Pithouse, 2013). Road blockades often aim to disrupt rush hour traffic and so usually do begin early in the morning. Here an act of civil disobedience is presented as sinister rather than political.

At times the police have spoken in a manner that clearly assumes that the citizens they are supposed to be protecting are middle class. Naicker claimed that "Law-abiding ratepayers from various communities in the province are also up in arms as these criminals are blocking roads to their neighbourhoods, damaging property and [ratepayers] are requesting police to deal decisively with these violent criminals" (Pithouse, 2013). Again no concern at all is expressed at illegal and violent state action against shack dwellers including evictions, beatings, shootings and murder or the assassinations of activists widely believed to have been organised by local party structures. The property damage that he refers to is that done to roads when tyres are burnt during road blockades.

Newspapers have frequently reported police accounts of their own violence as if they are fact. On the 4th of October a television news channel, ENCA, published an article on its website that declared that "On Monday a 17-year-old girl was shot and killed as two police officers, whose vehicle had been surrounded by protesters, fired live rounds to escape." This report not only uncritically reported the police statement on this killing as fact but it also ignored a press statement from Abahlali baseMjondolo, a shack dweller's organisation, issued on the 3rd of October in which it was reported that witnesses have an entirely different understanding of how Nzuza came to be shot in the back of the head. In a television report on the day on which Nzuza was shot the channel showed pictures of the police attacking fleeing protesters while a journalist described protesters as 'running amok'.

Statements from senior politicians have also sought to remove the struggle to hold the occupied land from the sphere of legitimate political disputation. At a press conference addressed by the Mayor of Durban, James Nxumalo, and the head of housing in the Municipality, Nigel Gumede, the media were informed that Abahlali baseMjondolo was 'a third force' (Memela, 2013) – an apartheid era term used to described popular violence against anti-apartheid forces that was covertly backed by the apartheid state. In the post-apartheid context the term implies that either forces wishing to return the country to apartheid, or foreign forces aimed as 'regime change', are secretly driving protest action. It casts popular organisation and mobilisations undertaken outside of the control of the ruling party as treasonous and sets the stage for repressive violence to be socially sanctioned.

The example of the Marikana land occupation in Durban shows the salience of Jacques Rancière insistence that, from the ancient world until today: “The war of the poor and the rich is also a war over the very existence of politics. The dispute over the count of the poor as people, and of the people as the community, is a dispute about the existence of politics through which politics occurs” (1999, p.14).

Following recent interventions by Chatterjee there has been considerable interest in the legal aspects of the situation inhabited by shack dwellers and how this affects their access to and position in civil society. In Chatterjee's estimation shack dwellers, living outside of the law are not just subject to stigmatisation but are also structurally excluded from the agora. They are, he argues, “only tenuously, and then even then ambiguously and contextually, rights-bearing citizens in the sense imagined by the constitution. They are not, therefore, proper members of civil society and are not regarded as such by the state” (2004, p. 38).

But he argues that it makes better sense to see the zone in which people do engage as 'political society', a space in which people may “transgress the strict lines of legality in struggling to live and work” but are, nonetheless, engaged in real forms of politics, some of which can enable “actual expansion of the freedoms of people”. Aditya Nigam, who is not uncritical of Chatterjee, has written that Chatterjee's “notion of ‘political society’ has provided an unprecedented opening, a possibility – that of thinking the ‘unthinkable’” (2013). Reading Chatterjee in South Africa one encounters an immediate shock of recognition. In South Africa civil society is, although this is not widely recognised by liberal opinion, certainly “demographically limited” as “an actually existing form” (2004, p. 39). There is often a striking split between the domains and forms of elite and subaltern politics with elites, liberal, Marxist and nationalist, frequently misreading the latter as pre-political or even criminal.

As the example of the Marikana land occupation in Durban shows the expulsion of the urban poor from the agora, and the presentation of their political engagements in terms of criminality and conspiracy, cannot be reduced to the strict letter of the law. In this case the actions of the state constitute far more serious violations of the law than those of the people that organised the land occupation. The construction of the shack dwellers as inherently criminal, and the state as inherently lawful, may present itself in legal terms but, given that it operates independently of any actual relation to the law, is clearly ontological. And Trioullot argues it is, precisely, is “an ontology, an implicit organization of the world and its inhabitants” (1995, p.73) that renders political initiative by certain people ‘unthinkable’.

Chatterjee’s notion of political society is rooted in a conception of a particular situation[ii] rather than a particular ontology and enables politics to be recognised beyond the limits of civil society. Once this is established an examination of what Ananya Roy calls ‘subaltern urbanism’ – an examination of the shack settlement as “a terrain of habitation, livelihood and politics” (2011, p.224) that focuses on both the actuality of a particular situation and the practices undertaken within that situation is possible.

For Roy subaltern urbanism is “an important paradigm for it seeks to confer recognition on spaces of poverty and forms of popular agency that often remain invisible and neglected in the archives and annals of urban theory” (2011, p.224). It also, she argues “recuperates the figure of the slum dweller as a subject of history” (2011, p.228). However she wishes to look beyond what she terms itineraries of recognition, vital as they are, in order to make a decisive break with both topological and ontological conceptions of subalternity. In this regard she offers four concepts – periphery, urban informality, zones of exception and gray spaces - each of which is an attempt to better understand the situation inhabited by the subaltern rather than to understand the subaltern as such – a project that always risks collapsing back into ontology.

But to make a decisive break with ontological readings of the shack settlement it must be understood that the shack settlement does not constitute an absolutely fixed situation. Insurgent engagement on the terrain of civil society can also, especially when there is sustained organisation, be possible. For instance in South Africa it is notable that, as in Brazil (Holston, 2008), one of the primary continuities between every major upsurge of successful organisation by shack dwellers in South Africa has been an enthusiastic embrace of the courts as a platform from which to engage both the state and private interests. It was true of the Industrial and Commercial Workers’ Union (ICU) in the late1920s and early 1930s, the Johannesburg movements of the 1940s and the United Democratic Front (UDF) in the 1980s and its true, despite a range of quite different approaches to the courts, of the movements that developed after apartheid. The ICU's victories included the lifting of the curfew on African people, ending the power of the police to make arbitrary arrests of African people, and, most famously, ending the system by which African people were dipped, like cattle, in tanks of disinfectant on arrival in Durban (Hemson 1979, p 200). All accounts of the movement stress that legal victories were central to the development of its huge popular support. Similarly access to lawyers and victories in courts were central to the prestige of the squatter movements of the 1940s and they all retained their own lawyers, with the bigger movements having dozens of lawyers. James Mpanza, leader of the largest of these movements, declared "I love the law" (Bonner, p. 101) and Phil Bonner concludes that this "was a sentiment in which all of his squatter colleagues would have concurred" (1990, p. 101).

In the case of the Marikana land occupation in contemporary Durban a series of victories in court did not translate into victories on the ground. It has largely been the persistence with which people have rebuilt their shacks despite repeated evictions and violence, including three murders, meditated through the state and local party structures that has enabled them to hold their ground. However other modes, also insurgent, of engaging in the domain of civil society have also been effective. For instance S'bu Zikode, the chairperson of Abahlali baseMjondolo, was, via a connection to the Mexican philosopher John Holloway, able to write about these events in *The Guardian* (Zikode, 2013). On the day that the article was published there was a marked shift on the part of the local state towards negotiation and away from repression.

An adequate recognition of political agency in the shack settlement requires the scholar to be simultaneously attentive to both what Ranajit Guha calls the "politics of the people" (1997, p.xiv), a subaltern sphere of political thought and action, as well as to Jacques Rancière's sustained demonstration (1991; cf. Ross, 2002 & 2008) that people move between their allocated spaces and that moments of political insubordination are frequently characterised by a disregard for allocated places.

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Notes

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[i] As Vinay Gidwani notes "what counts as 'labor' or value-creating practice has historical, geographical and cultural dimensions, such that capitalism itself could then be described as a social formation where the abstracted money form of value-making continuously strives to sublate other existing regimes of labour use and value-making" (2013, p.7).

[ii] And we should recall that for Sartre "there is freedom only in a situation" (1984, p, 629).