

Re-thinking Politics today: elements of a critique of political liberalism in Southern Africa {modified 12 October 2003 after copy sent to *Transformation* for consideration}

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Today, our 'democratic' totalitarianism is all the more firmly entrenched. It is now more necessary than ever that those with free minds rise up against this servile way of thinking, against this miserable moralism in the name of which we are obliged to accept the prevailing way of the world and its absolute injustice (Alain Badiou, 2001: iv).

Increasingly in our post-Sept 11th 2001 World, the hegemonic discourse emanating from the West as it interpellates the Third World 'other', seems to be saying that people should agree to Western, state-dominated, (neo-) liberal political thought and massive funding for human rights-based 'good governance' initiatives will be provided. If this 'other' does not submit to such one-way thinking by having the temerity to be different, the military might of the same liberal West could be deployed to physically obliterate difference. This may seem far-fetched, but what are we to make of the juxtaposition of militaristic thinking in the resolution of international differences on the one hand - a militarism which eschews all discussion and debate - to the aggressive pursuit of a human rights culture in Africa which purports to emphasise such debate on the other? This question is particularly pertinent when both of these perspectives emanate from what seem to be the same or similar state or supra-state institutions. Under such circumstances, one is entitled to ask whether militaristic and human rights/'good governance' discourses are not complementary discourses, two sides of the same liberal coin, rather than simple accidental juxtapositions. After all, the introduction of human rights discourse was first aggressively pursued in Africa only after the Western powers had retreated from direct colonial domination of the continent, but when they were keen for Africa to remain within their sphere of economic and political influence and when military might was deployed to ensure that they did so, within the period of the cold war. Today, more and more, politics appears as "the continuation of war by other means". We are therefore entitled to ask whether economic and political liberalism are not complementary, and whether militarism is not a way of ensuring the dominance of both? Doesn't such militarism tend to give rise to nationalist militarist thinking among the dominated, and as a result, aren't the possibilities of genuine democracy (and not just of human rights) developing thereby sacrificed all over the globe? After all, militarism whether of the imperialistic or of the nationalistic variety, does not and cannot distinguish between state and people so that, in its politics, it is contemptuous of human life itself. In order to be on the side of life today, it seems that we need to be on the side of human emancipation. The World we live in is dominated by systematic anti-democratic thinking. The hegemony of this mode of thought and politics must be challenged; liberal 'democracy' - which has always been fully entwined with imperialism - is not the high point of Western, let alone of human, civilization, neither is it the end of history as some maintain. The supposed upholding of human rights 'at home' has always been accompanied [some would say

necessarily so] by their systematic negation 'abroad'; isn't the imposition of 'rights' and 'freedoms' through force of arms, not a continuation, in new forms, of an old imperialist, and thus a fundamentally undemocratic, project?

This paper results from a longstanding dissatisfaction both with existing political alternatives in Southern Africa and with the manner in which they are conceived in hegemonic liberal discourse as reflected in the writings of journalists and academics in particular. The political alternatives of hegemonic neo-liberalism typified by South Africa on the one hand, and state nationalism as experienced perhaps most evidently in today's Zimbabwe on the other, are state-propagated alternatives. Yet irrespective of the ideology, the people of Africa are continuing to endure what seems to be a never-ending crisis of oppression manifested in daily violence emanating fundamentally from the state itself. From South Africa to Algeria via Congo, from Botswana to Sierra Leone via Kenya, the peoples of the continent live and attempt to survive within a culture of violence and intimidation (rather than within a culture of serious political debate), a culture which has characterised the relations between the state and its people since colonialism and which is seen as natural and thus beyond transformation. It is this arbitrary and routine nature of everyday intimidation and violence, so typical of state practices towards the people of Africa, which requires investigation and understanding, not by analogy with Western or other models, but in terms of its own history and process (Mamdani, 1996).

Moreover, it is becoming more and more understood among African intellectuals in particular, that the underlying causes of the general crisis which the people of Africa have had to endure for generations now, are primarily political (including the regular deployment of violence) rather than economic or social in nature. More precisely, it seems daily more apparent that the main cause of this crisis has been the character of the state itself rather than the prevalence of 'bad political leaders' - the account beloved of journalists and politicians. In fact, it is difficult for the 'bad leader thesis' to avoid charges of racism (racist essentialism), for how is the regular proliferation of such leaders to be accounted for other than in terms of an 'African psyche', 'African primitivism', 'backwardness' or 'tribalism'? In actual fact, 'bad leaders' simply seem to succeed each other with monotonous regularity, thus drawing attention to the conditions which produce them.

A serious discussion of political crises in Africa can thus only begin with an analysis of the state itself, rather than from an account of the psychology of its leadership. After all, it should not be forgotten that the African state has been overwhelmingly despotic since its formation during the colonial period, as the modern state which developed then was founded upon the systematic conquest of supposedly more 'primitive' peoples. The experiences of slavery and genocide which accompanied the formation of such states are even today still the subjects of intense and often acrimonious debate. Clearly, the authoritarian bureaucratic character of the modern African state has its roots firmly imbedded in the barbarism of the colonial (and apartheid) period. It is this colonial experience which also enables us to speak of an African state as a general type, for despite many differences in form, such states have been founded on a common colonial inheritance which has stamped contemporary state forms with fundamentally similar structural continuities (see eg Mamdani, 1996). From the proliferation of petty authoritarianism by state officials in

search of a fast buck to the genocidal practices of the central state, from the systematic control of women through the unofficial condoning of rape to the conducting of inter-ethnic or inter-state wars, from the regular oppression of ethnic minorities (or majorities) and state xenophobia to the plunder of treasuries by greedy and corrupt politicians, the African state is at the core of the crisis which the continent's people have had to endure since the historical period when its populations were enslaved en masse by merchant capitalists both domestic and foreign bent on 'primitive accumulation' (Davidson, 1992). It is also at the core of the failure of the statist nation-building project which dominated the immediate post-colonial 'developmentalist' period and of the alienation of ethnic and religious political minorities from that project (Olukoshi and Laakso, 1996).

Since the end of the cold war in particular, issues concerning authoritarianism and democracy, rather than those concerning competing economic systems, have become more the subjects of debate throughout the world as the focus of theoretical concern has moved from structure to agency. Changes at the global level, while delegitimizing the 'actually-existing' socialist alternative economic model to that of dominant capitalism, have provided an environment conducive to a critical non-reductionist analysis of politics and the state, not least in Africa. Before these developments, the character of the African state had only been discussed on the continent itself, and then only within circles on the left of the political spectrum. The proliferation of wars (internal and genocidal as well as external), poverty cycles, corruption and criminality in ruling circles, and continued underdevelopment in Africa, are all well known. Given the centrality of institutionalised power in these processes, there is now a large volume of critical literature on the character of the African state, and on the relationship between state, development and democracy on the continent in particular¹. If it is indeed the state in Africa which is at the centre of the crisis of the continent, we cannot expect the state itself and its leadership to provide the basis of a solution, as the neo-liberal thinking underlying the "New Partnership for Africa's Development" (NEPAD) prescribes (see eg. NEPAD: 30-32; Melber et al, 2002).

I shall be commenting here on theoretical problems inherent in thinking the neo-liberal state in an African context and also concerning the relations between this state and what has come to be referred to as 'civil society'. The dominant theme of this paper is that, in an African historical context, the liberal conception of politics, which forms the globally hegemonic discursive framework within which much of the debate on democratisation operates, and which outlines both 'problems' and 'solutions' for Africa, is authoritarian to the core. Moreover, it will be argued that both alternatives proposed by power for Africa, namely neo-liberalism and state nationalism are founded on liberal precepts and are fundamentally authoritarian. An alternative conception of emancipatory democracy has to reject liberal thinking on the state and politics and cannot just simply 'radicalise' liberalism (as in eg. Mouffe, 1992).

Central to liberal discourse, has been a conception revolving around the idea that politics is reducible to the state or that the state is the sole legitimate domain of

¹ Among the many works published on this subject since the 1990s of particular note are: Davidson (1992); Ake (1996); Mamdani (1996, 2001); Chole and Ibrahim (1995); Shivji (1991); Olukoshi (1998).

politics. For liberalism, 'political society' simply **is** the state². This idea has permeated so much into African political thinking for example, that it has become difficult to conceive of an opposition political practice that is not reduced to capturing state posts or the state itself to the extent that it seems to be universally assumed that "politics is the state and the state is politics" (Wamba-dia-Wamba: 1994: 250). In South Africa in particular, state fetishism is so pervasive within the hegemonic political discourse that debate is structured by the apparently evident 'common sense' notion that the post-apartheid state can 'deliver' everything from jobs to empowerment, from development to human rights, from peace in Africa to a cure for HIV-AIDS. As a result not only is the state deified, but social debate is foreclosed *ab initio* by a state consensus. The consensual discourse of 'common sense' then restricts politics to certain fields and practices, such as to opinions regarding the practice of 'delivery'. The idea then simply becomes one of assessing policy or capacity, in other words the focus is on management rather than on politics. For liberalism therefore, politics becomes largely reduced to managerialism and thus loses its specificity so that it cannot be thought as a distinct practice. At the same time 'debate' is restricted to a plurality of opinions regarding effective management or 'governance', with the result that there is no real effective pluralism incorporating competing conceptions or modes of politics, as alternatives to liberalism are excluded from the 'public sphere' (Lazarus: 1996; Badiou: 1998a).

My main intention here, is to establish the highly limited and limiting nature of this thinking, especially insofar as the process of democratisation is concerned. It is indeed important to stress that if the concern is to conceptualise a genuinely popular form of democracy in which popular institutions are sovereign, in which politics is truly emancipatory (Balibar, 1997), then an intellectual effort needs to be made to think politics in a different manner. In particular, as a first step, this means conceiving of a popular or subaltern domain of politics beyond the immediate purview of the state, over which the state needs to exercise some form of control and hegemony, but which conversely may also be in a position to influence state politics and hold the latter to account. I also argue that one of the effects of current neo-liberal forms of capital accumulation on the continent is to give rise to contradictions between neo-liberalism and nationalism. In the absence of a process of national development among the people, this contradiction militates against the process of state legitimation. Finally, I stress the often colonial character of liberal rights discourse as it confronts 'tradition' in Africa today. The idea throughout these arguments is to contribute to opening up the debate on the widely held belief for a necessary democratisation of the state and society in Africa, for the state is not the exclusive site of politics and it is clear that it is certainly not the site of an emancipatory politics on the continent.

1.State and Civil Society

² Wallerstein (1995) shows that both conservative and socialist strategies in nineteenth century Europe gradually came close, from different starting points, "to the liberal notion of ongoing, [state-] managed, rational normal change" (p.96). He also notes that between 1848 and 1914, "the practitioners of all three ideologies turned from a theoretical anti-state position to one of seeking to strengthen and reinforce in practice the state structures in multiple ways". Later, conservatives were transformed into liberal-conservatives, while Leninists were transformed into liberal-socialists; he argues that the first break in the liberal consensus at the global level occurred in 1968 (pp 97, 103).

The central and initial point must be that in attempting to come to an understanding of political change in Africa, but not exclusively there, we need to consider the state and society in mutual relation. While this point may be considered somewhat obvious, it needs to be stressed as it is relatively easy to fall into a position where the state is seen as so powerful that it can fashion society to its own conceptions. This is particularly the case with a state form such as the colonial state in Africa which has been seen as going so far as to create societies ('tribes') *de novo* by *inter alia* writing up their cultures in systems of "customary law" for example. This particular conception, influenced as it is by nationalist concerns, constitutes in its extreme form the complete antithesis to a colonial anthropology for which African societies were simply given as tribal entities in close proximity to nature, and studied in complete abstraction from the effects of colonial state domination. Even though such arguments are rarely used today in such crude ways, more sophisticated and subtle forms of these arguments still fall short of accurately accounting for political change simply because of a failure to systematically encapsulate the relationship between state and society within their narratives and to one-sidedly stress the ability of the state to 'invent' and enforce social relations (see Ranger, 1985, 1993; Vail, 1989).

While the state cannot substitute itself for social activities, it should not be assumed *a priori* either that any social institutions can be substituted for the state itself. For example, although it seems to have been understood that state authoritarianism in Africa has been systematically suppressing and substituting itself for the popular self-activity of social groups and individuals, this cannot just be corrected through simply demonising the state and proposing that its functions be replaced by equally unaccountable 'non-governmental organisations' (NGOs) which are regularly taken to be the main components of civil society in Africa today (see Beckman, 1992).

The one-sidedness of a statist conception is thus not unconnected with its apparent mirror image, the tendency to analyse social relations abstracted from state activity. After all, a whole academic discipline of Western Sociology has largely been content to study society and culture while assuming their ability to reproduce themselves of their own accord, without state intervention in society - a position perhaps most clearly expressed in Durkheim's work (at least in its structural-functionalist readings). For such a sociology, political power could easily be seen as a feature of society abstracted from institutional control, thus diluting its political character. More recent approaches within the discipline, influenced by the culturalist writings of Foucault (e.g. 1980), Williams (1980) and Said (1979), under an understandable desire to correct overly instrumentalist conceptions of the state, have tended to see power as so widespread and pervasive within society that it may seem possible to understand its various manifestations in cultural practices and discourse without direct reference to the state, which is a *sine qua non* of the reproduction of culture and power within society. In this manner, recent (post-modernist, post-colonial) approaches have often moved far beyond the arguments of the founders of culturalism who did not dismiss social relations for a deterministic cultural essentialism.

It is indeed important following Foucault, not to see the state as the exclusive agent of power, and power as simply prohibitive, two problems which were central to the more vulgar versions of the political economy of Africa in its heyday of the 1970s.

Yet what may be said to have been only a tendency in some of his writings, appears as fashionable in the West today in much of postmodernism, namely an ambivalent attitude towards, if not an outright dismissal of emancipative democracy as such (see eg Butler, Laclau and Žižek, 2000). After all democracy was and still is a (quintessentially) modernist project. In Wallerstein's (1995: 77) words, the "new language of the sovereignty of the people is one of the great achievements of modernity". While this language has made it possible for us to talk about it, the realisation of this sovereignty, of course, still eludes us. While the liberal state was indeed a major achievement towards popular emancipation, it simultaneously blocked the process by placing itself above and, for many, beyond the reach of the people it purported to represent. From a theoretical point of view therefore, the difficulty in providing a coherent understanding of the state as the "modern regime of power" (as enabler and prohibitor) as well as of the concrete relations between state institutions and the "capillary" character of power in society (Foucault, 2000), arguably consists in overcoming the division between state and society. In recent literature, this is illustrated by an inability to coherently and consistently consider the state and society (and/or social relations and culture) in mutual relation³. If indeed state power cannot be reproduced without being sustained by various interests and reproduced within various institutions within society itself, then it seems impossible to understand this power outside of an understanding of this relation. In order to overcome all forms of essentialism, including cultural ones, this understanding would have to be founded on both historical and contextual analysis.

It is here that the concept of 'civil society' becomes useful. 'Civil society' as understood here refers to society insofar as its political character is concerned, ie. to the realm comprising the organisation of groups in society. It is its organisational and institutional forms which give that society a 'civil' (political) character. Theories of civil society have been discussed critically elsewhere (in particular see Gibbon, 1996) so there is little need to debate them here, but it is nevertheless important to make one point and that is that the use of the term does not imply any agreement with the way it is sometimes used in contemporary Africanist political science, as an 'arena of choice, voluntary action and freedom', and as necessarily liberatory in relation to a supposedly monolithically authoritarian and corrupt state. Neither does its use imply that the relations between state and civil society are always confrontational. What this does suggest rather, is that there is a dimension of society which is 'civil' and thus implicated with the state in the reproduction of political power. As such, any process of democratisation, a process that would have to transform the nature of power in society as well as in the state, along with the relations between them, must start from a perspective which sees state and society as fundamentally interconnected. It is the concept of civil society as Gramsci in particular understood, which expresses this interconnectedness. However, it is important to stress that for liberalism, civil society is the medium through which society attempts to influence politics within the domain of the state and is one of the main indicators of pluralism.

³ There is now a large volume of literature critically discussing the post-modernist trends in philosophy and social science which are prevalent in the academic disciplines of Cultural Studies. Alternative philosophical conceptions to post-modernism which put transformative politics at the centre of their analyses and which are gradually becoming more well known are the works of Alain Badiou (e.g. 1988, 1998a, 2001) and those of Lazarus (eg. 1996). These last two writers have been particularly influential on the ideas expressed in this paper.

Civil society is therefore the expression of societal agency within the public sphere; the more extensive this pluralism as manifested by the 'vibrancy' or 'diversity' of civil society, the more extensive supposedly is democracy itself.

A number of comments on classical conceptions of civil society are worth making at this juncture. While the mutual externality of civil society and the state stressed by the classics is worth retaining (so long as such externality is viewed as contingent), Hegel's notion in particular that civil society consists of a realm between the family and the state (a residual category between state and nature) must be modified in order to recognise the fact that families can no longer be conceived as natural domains but only as fundamentally social ones. As such, families/households must be conceived very much as a part of civil society, so that the private and personal can be conceived of as political, to paraphrase a slogan from the seventies. The private individual cannot be abstracted from her social conditions of existence, so that a rigid distinction between public and private is untenable.

Less obvious perhaps is the view put forward by Marx that civil society is itself the outcome of a process of capitalist development, more precisely one whereby the realms of politics and society/economy become separated and distinct so that rather than being combined as under feudalism (where the feudal lord, for example, is not only economically and socially dominant but is also politically so, as exemplified by his role as legislator and judge), politics now becomes relegated to the state while society and the economy (civil society) are largely de-politicised (see Meiksins-Wood, 1995: ch. 1). In the words of Holloway (2002: 32): "the separation of the economic and the political (and the constitution of the 'economic' and the 'political' by this separation) is...central to the exercise of domination under capitalism". This separation, of course forms the structural basis for the current 'debate' between state-led and market-led growth. The state-market dichotomy defines this theoretical terrain which is not only that of capitalist social relations, but also that of a specific way of thinking about politics and society whereby the two are seen as distinct, while politics is reduced to the state and society is reduced to the market. This separateness forms the basis of a consistent authoritarianism, as it places politics out of reach of society and the economy beyond the reach of politics. Thus, neither can be subjected to popular-democratic control, and in any case it is only via the medium of politics that society can exercise control over the economy. An emancipatory democracy and a democratic social contract can arguably only be realised if society acquires the means of making politics its own (including exercising control over the state) as a prelude to the creation of a social-economy.

While we now know that both society as well as the state are sources of power and that the latter cannot be exercised without the former and vice-versa (Foucault, 1980), this power only becomes a question or issue of politics when the state is involved in one form or another. Therefore, while power is omnipresent in society, civil society can be 'apolitical', 'apathetic' or 'unconcerned' with politics. Two consequences follow. First, politics (and one could add science) is thus exclusively relegated to the state, but in such cases the state itself tends to be, according to Marx, bureaucratic and authoritarian. The apparent 'externality' of the state from society thus masks its underlying links with society and the potentially political nature of the latter. As a result the state may also appear as a 'neutral' body 'above' society

while at the same time, the unequal and oppressive character of society is reproduced by the state. Therefore authoritarianism and the absence of politics in civil society may coexist more or less happily with a 'developed' civil society and a seemingly universalistic or 'neutral' state existing above the conflicts between the particularisms of society; state authoritarianism also coexists and may be dependent upon as well as reinforce authoritarianism within society and culture. Democratisation cannot therefore be reduced to any 'deepening' or 'vibrancy' process in civil society as contemporary Africanist social science maintains (Gibbon, op.cit.)⁴. Rather in part, "it consists in converting the state from an organ superimposed upon society into one completely subordinate to it" (Marx, 1875: 326).

Second, politics can only become democratised if as a necessary prerequisite, civil society becomes politicised. The basis for a democratic politics must be the recovery of politics within civil society, in other words the creation of a fully politicised citizenry, a process which presupposes pluralism but is not reducible to it. But such politicisation cannot be a sufficient condition for a democratic politics. After all, the state can itself politicise civil society 'from above'. For Marx, as Gibbon (1996) has shown, the politicisation of civil society should be supplemented both by the transformation of private property rights and by the democratisation of the state, in order for a democratic transformation of politics to be successful. To conceive of a democratic society, a fully active citizenship needs to be combined with a democratisation of the state and its apparatuses: the two are inseparable conceptually and politically.

2. Liberalism and Human Rights Discourse

Insofar as the contemporary liberal notion of civil society in particular is concerned, it is worth noting that it amounts to a formal conception from the point of view of the state. What I mean is that here, civil society is only said to exist when it is granted formal recognition by the state. For liberalism, a civil society of secret societies and illegal organisations cannot be conceived and civil societies are said to be incompatible with authoritarian states. In Europe, trade unions and other popular organisations for example were only conceived as belonging to civil society when they were legalised and when the state accepted the need for their existence. For this conception, and particularly in its American version, civil society is formally circumscribed by the state which also legitimises its existence, hence the fact that it is often equated with 'interest groups'. In this case, civil society can be said to be part of the state domain of politics, because its existence is premised on its legitimacy in the eyes of the state. It is to emphasise this point, and also to stress its

⁴ The approach in this paper must be fundamentally distinguished from those, popular in Africanist Studies in the West today which consist in searching for an essence of Africa which is then said to be the ultimate cause of all the features of the African state and society. Such ultimate explanations have recently included factors such as 'neo-patrimonialism', 'tribalism', 'belly politics', an 'economy of affection' or the 'absence of civic virtue' as *essences* of 'THE African malaise'. The problem here is not only an evident 'afro-pessimism' but more importantly an essentialism which conforms in most respects with the theorisations of the colonial period in terms of 'primitivism', 'backwardness', 'atavism' or whatever. An always contestable aspect of reality which itself needs to be accounted for is taken as given and transformed into an ultimate explanation; such essentialist accounts tend to lead to arguments which are fundamentally racist in orientation.

class-ideological character that Gramsci referred to it as **bourgeois** civil society - in other words a civil society well ensconced within a (bourgeois) state domain of politics and political consciousness (Gibbon, op.cit.).

However for a democratic emancipatory project, the state should not be allowed to dictate whether popular organisations are legitimate or not, and neither can intellectual inquiry allow itself to narrow the concept to adhere to state prescriptions; only society itself should be entitled to bestow such legitimacy. In this sense South Africa for example, can be said to have had an extremely powerful and 'vibrant', as well as politicised, set of popular organisations in the 1980s but these never formed a 'civil society', and were not described as such at the time because of their quasi-illegal nature and their illegitimacy in the eyes of the state. In fact, it was precisely the political distance of these organisations from the state, the fact that they had exited the state domain of politics and operated beyond the (obviously restricted) civil society of the time, which accounts for the 'vibrancy' of such popular organisations in the South African townships of the 1980s (Neocosmos, 1998, 1999). Conversely, it can also be pointed out that the contemporary liberal conception of civil society, also implies recognition by civil society organisations of the legitimacy of the state. This view cannot include explicitly revolutionary organisations within civil society. For such a viewpoint therefore, these same opposition organisations in South Africa in the 1980s (UDF, Civics, Youth and Women's organisations etc), which were fighting the apartheid state as such and which were thereby constantly testing the limits of legality (their activities were often wholly illegal), could not be rigorously said to form a 'civil society'. Indeed they only became described in such terms in the 1990s, when the state had no option but to recognise their legitimacy in the eyes of the people.

For liberalism therefore civil society exists solely under conditions of mutual recognition between it and the state, only under liberal democracy. It is this mutual recognition which defines the parameters of the state consensus and is itself the result of struggle. A state 'national' consensus is structured within a state domain of politics comprising the political relations between the state and its institutions on the one hand, and 'official' or 'formal' civil society on the other. Other forms of politics by unrecognised organisations can be seen as beyond the consensus and can thus be de-legitimised in state discourse. These organisations and politics therefore would exist outside or beyond the limits [at best at the margins] of civil society. Because of such partiality therefore, 'civil society' cannot be conflated with 'organised society' as the term necessarily implies some form of exclusion. The distinction between liberal democracy and say colonial/apartheid forms of authoritarianism can be said to concern the extent and forms taken by such exclusion *inter alia*.

Simultaneously this mutual recognition is given substance by 'rights' which are visualised as formal and universal (ie. ahistorical and acontextual), and therefore not subject to debate or contestation because of the fact that they are deemed to be scientifically, technically or naturally derived. These rights, even though fought for and achieved through popular struggles throughout society, are supposed to be 'guaranteed' by the state. They are taken out of popular control and placed in a juridical realm, where their fundamentally political character is removed from sight so that they become the subject of technical resolution by the judicial system. Human rights, therefore do not only depend on a dubious Western philosophical humanism

for their conception⁵; they represent the de-politicization and technicization of popular victories under the control of the state. The people are forced, if they wish to have their rights addressed and defended, to do so primarily within the confines of, or in relation to the state realm of the juridical. Thus, even though “rights discourses can both facilitate transformative processes and insulate and legitimise power” (Krenshaw, 2000: 63), the politics of human rights is, at best, a state-focussed politics and is predominantly reduced to a technicized politics, which is limited to a demand for inclusion into an existing state domain. Thus a struggle for rights, if successful, can end up producing the outcome of a fundamentally de-politicized politics. Technique and science (the bearers of which are experts and state expertise) are thus unavoidably abstracted by the state from the socio-political context and conditions which alone give them meaning, and thus acquire a life of their own, independent of that context and those conditions. To be accessed by ordinary people and democratised, they need to be re-politicized and their technical quality shown to be, at best, only partly independent of socio-political content (Foucault, 2000; Canguilhem, 1991).

It has been rightly mentioned on many occasions - this was the essence of the Marxist critique of ‘bourgeois rights’ - that the poor and oppressed were systematically excluded from exercising their rights because of unaffordability, lack of knowledge and access to all the resources which (bourgeois) state power monopolises and which are necessary for the realisation of rights. Equality of rights it was stressed, was simply impossible in an unequal society. Therefore the supposed universality of rights was fallacious as the ‘human’ in human rights (as indeed the idea of ‘Man’ as a transcendental human subject) was in fact, the Western, white, bourgeois male. But what was not always added by the critics was that this point implied that, generally speaking, the majority would tend to be excluded from formally legitimated politics under liberal democracy⁶. If rights discourse contributes to the maintenance of privilege for the privileged and to the exclusion of the oppressed majority from state politics, it also has the effect of absolving the latter from the responsibility of engaging in political activity themselves. This is because it is maintained that some external body such as the judiciary (or the criminal justice system as a whole), the health system, an NGO, political party or whatever - in other words a state institution - will resolve the political issue at stake on their behalf. As, for example, the judiciary will only deal with individualized subjects and not with the historical context of social structures, issues concerning power relations are rarely raised. The whole system, both materially and culturally has the effect of excluding the majority from official state politics on the one hand, while making it difficult if not impossible for them to mobilize politically on the

⁵ For a brilliant critique of human rights and the conception of ethics which underpins them see Badiou (2001).

⁶ The reasons for this ‘oversight’ were both theoretical and political, as inclusion of the working class into politics and civil society was generally equated with the attainment of legal status by communist parties - politics tended to be equated with state politics, and institution substituted for class. Such legalisation, of course, went along with the acceptance of the ‘rules of the liberal game’ by such parties, from which it was only a short step to turning fully into state institutions. It is in this sense of an absence of working class political representation that one must understand Marx’s reference to the working-class as “a class in civil society that is not a class of civil society” (Marx 1844: 127). As is well known, the main working-class struggles in the 19th century Europe were concerned with the establishment of independent working-class forms of representation in politics.

other. It amounts to a permanent system of political de-mobilization and dis-empowerment - a process of fundamental de-politicization of the majority. It leads to the complete antithesis of an active citizenship which is the necessary basis of democracy and gives a whole new meaning to the expression: "the rule of law". Citizenship is simply reduced to the possession of state documents which entitle the majority to engage in politics at most once every five years or so. Non-citizens, despite the setting up of international courts, are regularly excluded from rights which can only be claimed through one's 'own' state. Thus, despite the liberal view that it is universal human subjects who are the bearers of rights, these can only be accessed by 'citizens' of a state, as it is the latter which bestows that status upon them. Of course, the apparent benefits of citizenship, as feminist scholars in particular have noted, are differentially distributed, as the powerless are less able to secure them (eg. Yuval-Davis and Werbner, 1999; Hassim, 1999; Lewis, 1999).

The effects of political dis-empowerment must not be understood as restricted exclusively to civil life, as they permeate deeply into the constitutive social relations of the fabric of society itself, as the authoritarianism of social structure replicates and makes possible the authoritarianism of state power (Foucault, 2000). This is particularly obvious in conditions of post-coloniality in Africa, conditioned as these societies are by the authoritarian legacy of colonialism and apartheid. It is quite unsurprising then that personal responsibility based on power, and control over education, housing, work let alone over desire, sexuality, knowledge as well as self *inter alia*, is quite simply lacking. Neo-liberalism which provides the socio-political passivity of empty choices without power, and abysmally fails to even consider the conditions and capacity for its own induced (or 'interpellated', Althusser, 1971) subjects to make responsible subjective decisions, is itself the ultimate ideological source of child-like powerlessness. The simple fact that state (or other) power is expected to decide on one's behalf, and that this is systematically internalised in the process of identity formation, is arguably what lies at the root of issues of powerlessness as disparate as those of HIV-AIDS, the alienation of youth from society, the absence of people-centred development and poverty. Conversely and happily for the state, the 'common sense' apparent 'obviousness' of the immutable absence of power to make such decisions, means that an even weaker 'other' can always be found to provide a simple and obvious answer to one's powerlessness in those cases where the intervention of power in whatever form [state institutions, market, NGOs, family, etc] fails to live up to expectations which it has itself cultivated. Xenophobic violence, violence against women, children, babies, the elderly and so on [the weakest sectors of society], as has been noted on innumerable occasions, is closely linked to powerlessness. Paradoxically then, a rights discourse purportedly concerned with providing the enabling environment for freedom, within the context of liberalism in a post-colonial society, fundamentally and systematically enables its opposite - political and social dis-empowerment - through the hegemony of a state-centred consciousness.

Under such conditions then, official civil society tends to become part of the state, or rather more precisely, of the state domain of politics, and it usually appears to be 'apolitical' in character. Under such conditions, interest groups if they are to be recognised and allowed to operate legitimately, are more and more forced by state logic (parliamentary or rights 'logic') to lobby for favours and for 'their share of the

cake', which they claim is not large enough⁷. They are less and less able to demand genuine rights and social entitlements (other than on strictly individualistic terms as humanity is equated with individuals), as the state can regularly (and often systematically) circumvent the latter because of its power even in the most liberal democracies. In other words, the basic authoritarian nature of the state (liberal or otherwise) tends to be not fundamentally questioned by them as, through 'engagement' with its politico-managerial logic and subjectivity, they are driven to demand access to its resources and its favours and to ensure that it 'delivers'. The claims made by such particular interests are fundamentally claims of integration into state politics and the existing socio-political order; but the existing order in Africa is so obviously oppressive of the majority that such claims cannot, of themselves, be emancipatory.

In addition, under these conditions, frankly political questions regarding the social entitlements and needs of various groups which may touch on the transformation of this order, become subsumed and hidden under issues of technical expertise, claims for greater access to state resources, and the deployment of state *largesse* within a discourse of state 'delivery'. In neo-liberal thinking in Africa, even power is to be apparently "delivered" through so-called "empowerment" projects funded by (Western or state) donors and enacted by NGOs, in which people are taught about rights they can rarely access and which therefore remain meaningless to them. Concurrently the extent of democracy in Africa is to be 'measured' by statisticians and thus both evaluated in relation to a universalised Western ideal and further technicized; of course aid will then be made conditional on the scoring of a number of points on a scale of 'good governance' (eg. see Kaufmann and Kraay, 2002). The employment possibilities for professionals and the power structures thus engendered in the new careers of *social entrepreneurship* are immeasurably expanded, while democracy is simultaneously emptied of any remnants of popular content.

In most cases in Africa, the problem of authoritarianism, irrespective of the number of political parties, interest groups or NGOs in existence, revolves around the absence of such historical and concrete entitlements (both individual and collective) and is linked to the absence of an active citizenship which corresponds to this state of affairs. The liberal view must therefore be jettisoned in favour of a different conception, which goes beyond the hegemonic notion of a civil society exclusively composed of politically neutral 'interest groups' within a unique state-dominated political domain or public sphere - a liberal view which amounts to one-way thinking on politics (*la pensée / la politique unique* as the Francophones put it). Any move forward towards emancipatory democracy in political activity requires a rejection of the limits of (neo-) liberalism in thought.

If civil society and the state can only be understood in relation to each other and affect each other, then at least three points follow: First the relationship between state and civil society changes overtime, it is flexible and its consequences indeterminate. It follows in particular that it is not evident a-priori how the boundary between the two is constituted and which institutions form part of the state and which

⁷ Badiou (2001:99) comments that the "theme of disappointment" which regularly arises after left-wing parties come to power is not because people change their minds, is not a matter of corruption but "because parliamentary subjectivity compels it".

part of civil society. For example whether churches, the academy or the media form part of the one or the other cannot be decided a-priori by definition, but only conjuncturally. Second, it is apparent that the character of civil society is fundamentally affected by the form of state rule and can only be understood with reference to it. Clearly, if state rule is liberal-democratic in form, we would expect a different form of civil society from that under a colonial state. We cannot expect the latter to possess a legally recognised plurality of organisations among the colonised population (although some did exist). Moreover, social movements emanating from civil society will be fundamentally affected by the relation between civil society and the state as will be the development of political identities more broadly. In addition, if the state affects civil society to various degrees and in various ways, then civil society also affects the state in different ways. It was in expressing this direction of the relationship that classical Marxism encountered major problems as we shall see. Third, a principle of legitimation of state rule expresses a particular relation between state and civil society, as does for that matter the deployment of violence and coercion as forms of maintaining state power. The equivalence of the state with the nation, a process of development as a state project, and national elections are all three examples of different principles of legitimation of the state by society, which have been deployed separately or concurrently by the post-colonial state in Africa. Finally, it must be stressed that all forms of civil society however pluralistic, limit the expression of popular politics and through their relations with the state, including their acceptance of a state consensus, exclude a number of popular organisations and/or limit the expression of popular voices and alternative modes of politics. There is always an exclusionary side to liberal-democratic pluralism.

3. Domains and Forms of Politics

For classical Marxism the links between civil society and state were expressed in terms of class. It was classes, social categories of society, which held power and thus controlled the state. As is reasonably well known, Marx used the concept of class in at least three different senses: first to refer to structural categories or 'places' within the antagonistic relations of production of capitalism, such as in the use of the terms 'capital', 'wage labour' and 'landed property', for example, not forgetting the various component parts ('fractions' in Poulantzas' terminology) of capital (merchant, industrial, bank, etc); second, to refer to the sociological groupings of capitalists, workers, peasants and so on, which constitute aggregates of persons filling the above 'places'; third, as historico-political actors or agents, for example the bourgeoisie, petty-bourgeoisie and proletariat in his historico-political analyses of France and Germany in the 1840s and 1870s.

While much debate took place within Western Marxism surrounding a notion of structural determination of classes as economic agents, the main problem concerned the relationship between the second and third conceptions. The problem of the dominant reductionist or essentialist conception ('classism') of the relationship between classes as socio-economic groupings and classes as political actors, remained largely unresolved in recent analyses (Hegelian essentialist, class 'in itself'/'for itself' formulations, the party as bearer of a 'working class consciousness', and so on). This essentialism often lent to Marxism a millenarian character and

made it difficult to think politics in its own terms, in a non-reductionist manner (see Balibar, 1991). In addition, the exclusive emphasis on the class character of the state remained insufficient for an appreciation of the complex nature of the latter, as it regularly embodied apparently non-class interests, while at the same time, the contradictions within it seemed irreducible to class contradictions. The problem therefore was not so much with the Marxist political-economic analyses which were regularly much more sophisticated than any alternative, but rather a reductionist theory of the state, politics and culture from which Marxism found it impossible to fully detach itself despite the valiant efforts of many committed theorists such as Nicos Poulantzas for example. Badiou (2001:105-6) puts the issue in this way:

The position of politics relative to the economy must be rethought, in a dimension that isn't really transitive. We don't simply fall, by successive representations, from the economy into politics. What kind of politics is really heterogeneous to what capital demands? - that is today's question.

The theoretical problem of class reductionism is not unique to Marxism and in any case, liberalism itself is crudely reductionist in that it sees 'market freedom' as a necessary prerequisite for democracy. Nor for that matter is this problem unique to class, as presumably any social grouping (ethnic, regional, gender, age-based etc) due to its collective involvement in politics or the state, could possess a collective political consciousness in given circumstances, so that the question of the relationship between its socio-economic attributes and the latter would have to be posed. The issue is one which can only be answered by a general theory in reductionist terms if we assume that classes are given in civil society as fully-fledged socio-economic entities with clear cut political interests. There seems little benefit therefore in appealing to the supposed essence of a social grouping in order to account for 'its' politics, as such a procedure is fundamentally essentialist ('classist' in this case). A class politics can only be comprehended in terms of the social relations and culture within which it is embedded. On the other hand, from a post-modernist perspective which simply adds race, gender and so on to class, there is no longer any possibility of thinking a politics of emancipatory transformation. Rather, Left politics becomes simply about the incorporation of particular claims (of women, minorities, environmentalists, etc, ie 'new social movements') into the existing order, a politics consistent with the problematic of liberalism⁸. At best, this consists of an apparent 'radicalising' of liberalism according to writers such as Mouffe (1992) and Laclau (1996) (see: Badiou, 2001: 109; Zizek, 2000: 97). At worst, postmodernist arguments systematically depoliticize politics, or as Zizek puts it:

Since the horizon of social imagination no longer allows us to entertain the idea of the eventual demise of capitalism...critical energy has found a substitute outlet in fighting for cultural differences which leave the basic homogeneity of the capitalist world-system intact....In the predominant form of

⁸ I do not wish to be interpreted as saying that gender, ethnic, racial, etc struggles are unimportant for politics, only that *in themselves* they usually amount to claims for inclusion and are hence not transformative of the relationship between the state and society and thus not *in themselves* emancipatory. What could make them possess a transformative character is the manner in which they are conducted, ie. the mode of politics within which they exist. This potentially transformative mode of politics is not present in these struggles automatically. Considerations of space preclude a discussion of this important point here.

postmodern 'cultural criticism', the very mention of capitalism as a world system tends to give rise to accusations of 'essentialism', 'fundamentalism', and so on. The price for this depoliticization of the economy is that the domain of politics itself is in a way depoliticized: political struggle proper is transformed into the cultural struggle for the recognition of marginal identities and tolerance of differences (Zizek, 1999: 218)⁹.

While liberalism generally tends to depoliticize politics, in an African context there is more to the question than this, as here it is autonomous political identities, including class ones, which seem to have taken precedence over socio-economic identities during the process of class formation and economic development itself. This has been the case particularly insofar as the ruling classes or elites have been concerned. In Africa, it is also the development of political identities not reducible to market-based identities which have become more apparent in the opposition and resistance to state authoritarianism. Even in those cases where economic issues have played an important role in the formation of political identities (eg. impoverishment, economic marginalisation, informalization), it is the former which have constituted the central aspect of the relations between various social groupings and the state. Moreover, the state itself possesses features (authoritarian, bureaucratic, managerial, etc) which are not reducible to class characteristics. In fact it is arguably the authoritarian nature of such state practices which has exercised a determining effect on the political character of the ruling class or elite, rather than the other way around as has regularly been assumed. This is because such a class or elite constitutes itself as a political unity through its melding with the state power, as I have argued elsewhere in the case of post-apartheid South Africa (Neocosmos, 1999).

On the other hand, the economic and social attributes of such a politically dominant class can be determined from within civil society, although in Africa, as is well known, the tendency has been for the state to have a dominant role to play in elite accumulation. However, it must be emphasized that it is state authoritarianism and the unaccountability of its institutions and practices which have historically enabled predatory accumulation and socio-economic class formation among members of the state personnel; in other words it is state practices, rather than class ones in the strict sense, which have been determinant in the process of ruling class formation. When it comes to the political as well as socio-economic characteristics of the popular or subaltern classes and groups, these have invariably been constituted from within society and as such, their political practices have tended to be much more contradictory. The depoliticization of the economy in Africa has largely been difficult to achieve because whatever the socio-economic class position in question, politics has evidently directly coloured the accumulation process.

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This should not be read as implying agreement with Zizek's perspective on politics, especially with what he terms himself his 'Linksfaschismus'; the message should not be confused with the messenger. It seems to me that Zizek is correct to maintain that "Laclau and Mouffe's 'radical democracy' comes all too close to merely 'radicalising' this liberal democratic imaginary, while remaining within its horizon" (Butler et al. 2000: 326, 325).

It follows from this argument, that rather than simply reducing political forms, consciousness, identity and practice to the economic characteristics of various classes and groups in civil society, it is preferable to demarcate different arenas of political activity distinguished in terms of their relation to the state. This can be done by stressing a distinction between different forms and domains of politics characteristic of the state and of the elite/ruling class who are associated with it on the one hand (elite politics, state politics, dominant/hegemonic politics, etc), and those domains and forms of politics practised by those excluded from and oppressed/coerced by it on the other (popular politics, subaltern politics etc). This distinction must be undertaken on the basis of the social relations, cultural practices and discourses within which each exists¹⁰. This is the view taken for example by Partha Chatterjee and his colleagues in India who have analysed the relations between state politics and subaltern politics, and it is the view taken here (Guha, 1982; Chatterjee and Pandey, 1992). Chatterjee (1993:12) notes for example that, in the case of India, “each domain [of politics] has not only acted in opposition to and as a limit upon the other but, through this process of struggle, has also shaped the emergent form of the other”. He continues:

Thus the presence of populist or communitarian elements in the liberal constitutional order of the postcolonial state ought not to be read as a sign of the inauthenticity or disingenuousness of elite politics; it is rather a recognition in the elite domain of the very real presence of an arena of subaltern politics over which it must dominate and yet which also had to be negotiated on its own terms for the purposes of producing consent. On the other hand, the domain of subaltern politics has increasingly become familiar with, and even adapted itself to, the institutional forms characteristic of the elite domain (ibid.: 12-13).

He argues that in addition to “identifying the two domains in their separateness”, scholarship must also trace “in their mutually conditioned historicities”, the specific forms of the dominant hegemonic domain and the “numerous fragmented resistances to that normalizing project” (loc.cit.). Elsewhere (Neocosmos, 1999) I have argued that different forms of politics characterised the party of state nationalism in South Africa in the 1990s from those which were apparent in the popular nationalist movement of the 1980s. The latter included elements of, but were not reducible to, a democratic-emancipatory mode of politics. Although, both in the 1980s and in the 1990s, popular organisations of civil society can be said to have entered political society, in the first period they did so within a subaltern domain of politics, while in the second they became part and parcel of the state domain of politics. It was this latter process which required a systematic political ‘demobilization’, as entry into the state domain of politics, or into what Gramsci termed “bourgeois civil society” (see Gibbon, op.cit.), generally presupposes the absence (if not the fundamental defeat) of both popular activism and of the cultural attributes which accompany it. Thus, while the ‘domains’ of politics refer to the

¹⁰ The concept of ‘state domain’ of politics seems eminently preferable to Habermas’ (1991) concept of ‘public sphere’ as it is less tainted by liberalism and less eurocentric in its assumptions; in fact, the ‘public sphere’ corresponds exclusively to the state domain of politics and thus excludes subaltern politics.

different arenas in which politics takes place, 'forms' or 'modes' of politics refer to different political practices. The central points are that the state along with its officially sanctioned 'civil society' (together forming the 'public sphere') does not constitute the exclusive domain of politics, and that state forms of politics are not necessarily the only ones in existence.

In general, it can be argued that the fundamental reason for the difference between the politics of the hegemonic groups and those of the subaltern groups in society is related to the role which the state itself plays in each. In particular, the ruling classes and groups establish their hegemony through the state and hence through one form or other of authoritarian, bureaucratic or administrative political practice. These various forms of politics are by their very nature state-founded politics, if not wholly *étatiste* in nature. Such a politics always restricts democracy in one way or another and to some degree or other. These kinds of politics may differ along a continuum between say liberal democracy and militarism, but they always exhibit elements of a bureaucratic or authoritarian practice, simply by virtue of the fact that they are founded on the modern regime of power. The managerialist politics which have become hegemonic in the public spheres of today's liberal democracies, as well as in multinational organisations such as the United Nations and so on, are evident examples of this. The militaristic politics currently dominant in several African states such as Congo-Zaire, Rwanda, Eritrea, Angola *inter alia*, constitute an extreme form of statism or elite politics in which minimal or no concessions are made to democratic practices, while liberal democracy is more clearly able to make such concessions. It can be argued that the latter usually results from pressures from subaltern groups and subaltern politics and is usually a means to coopt or deflect these simply in order to produce consent (Rueschemeyer, Stevens and Stevens, 1992). In Good's words "liberal or representative democracy is a phenomenon of this century which expresses not the fulfilment of democratic aspirations but their deflection, containment, and limitation" (Good, 1997: 253). It often suggests a ruling class or elite which is secure and confident in its ability and in its right to rule (purportedly natural like all rights including the managers' 'right to manage').

The hegemonic project of the ruling classes or groups therefore is founded on a politics which is structurally and fundamentally undemocratic (irrespective of the complex contradictions between various interests or positions within the state apparatuses), as it has to manage state rule bureaucratically. Its undemocratic nature may be more or less tempered and restricted by popular pressures and especially democratic prescriptions emanating from within society. These subaltern forms of politics emanating from within society are clearly contradictory, including as they do both authoritarian as well as democratic forms of politics and may be expressed in completely different representational forms from those associated with the modern state (eg. religious, 'traditional', literary, theatrical, etc), but they may possibly form a distinct domain of a counter-hegemonic project (Chatterjee, 1993). If it is to be more than a state-centred project, this has to be founded on a popular-democratic politics and thus on a project for the democratisation of the state itself. Indeed it is an argument of this paper, that popular-democratic or *consistently democratic* politics are the kind of politics which are by their very nature emancipatory and which are of greatest interest to the majority of the people of Africa - the poor and the oppressed. The possibility for the development of emancipatory-

democratic politics therefore will tend to be found primarily within the popular domain of politics as, despite the contradictions within it, the domain of state politics is founded on administrative, managerial and bureaucratic concerns, the nature of which is anything but democratic. How state politics ended up being so dominant in Africa (*étatisme*) is fundamentally connected to the nature of the state and to the historically developed relations between state and civil society there. Space precludes a detailed discussion here, but I shall nevertheless concentrate on one point, the issue of legitimacy in Southern Africa today.

4. Neo-liberalism and State Nationalism: the legitimation problem

The issue of the legitimation of state rule and politics is central to any discussion of democracy or the lack of it in Africa today. I have argued that state formation takes place through the process of delimiting a state domain of politics (political society) in which the state determines who are its genuine interlocutors and who are not. It is thus within this 'public sphere' that attempts are made to define the parameters of the discourse within which the legitimacy of the state can be secured. Thus, despite the fact that the state attempts to secure its legitimacy in relation to society as a whole, 'official discourse' within this sphere lays down the limits of inclusion and exclusion in public debate and thus defines the discursive terrain within which legitimacy is achieved. Discourses or practices which may be seen by the state (accurately or not) to threaten its legitimacy are excluded from the state domain of politics and are de-legitimised in the eyes of the state - popular politics are here more evidently subjected to the deployment of state coercion. These discourses and practices may however be legitimate in the eyes of society, or very significant sections thereof. There may therefore be an ongoing struggle over establishing the legitimacy of different forms of politics in the eyes of the state and that of the people. It is in this way that a ruling class attempts to establish its hegemony. The process is both ideological and political.

In South Africa the post-apartheid state attempts to secure its legitimacy around a state-defined consensus centring on liberalism (including human rights discourse, corporatism, statism and predominance), in conjunction with a nationalist discourse (overcoming the poverty among the previously disadvantaged racial groups, equalising access to economic resources between races, economic leadership in Africa etc) (Neocosmos: 2002: 25-33). Two broad sets of contradictions have emerged from this process. The first is an attribute of liberalism in general, the second is a characteristic of liberalism in an African historical setting.

In South Africa as noted, a rights discourse has developed as part of a liberal relationship between state and people; concurrently, a neo-liberal economic discourse has presented the solution to poverty as a particular kind of technical intervention by both capital and the state. The former discourse relegates questions of political entitlements to the juridical sphere of the state where claims to rights can be settled by an apparently impartial and technical juridical system; the latter relegates other political entitlements to an economic or managerial field where they are exclusively reduced to objects of state policy devised by again apparently impartial experts. In either case, these issues are removed from an arena or domain

of legitimate independent political intervention (and often even contestation) by society itself, and placed within the confines of a state-controlled domain where they are systematically 'technicized' and thus made out to be politically neutral and to be handled exclusively by apolitical experts. They are thus de-politicized in form while still remaining highly political in content. The exclusion of society from making decisions on these frankly political issues is justified on the grounds of lack of expertise and knowledge (in South Africa a 'consultation' process is often ritualised, but has little democratic content). This has the effect of further restricting not only information but also democratic interventions themselves.

Similar discursive procedures are followed with regard to other political processes. For example, the state discourse on rape and other forms of violence (eg xenophobia) relegates these issues to the criminal justice system, the discourse on AIDS reduces the question to the field of medical science (although it was recently forced into the public sphere in South Africa). As a direct result of this process of de-politicization, the issues of concern to society, namely gender, generational and ethnic oppression, the difficulties of household economic reproduction and the politics of 'tradition' and 'belonging' *inter alia* are not critically addressed. At the same time, other fundamentally political questions around which democratic struggles could be mobilized are ignored and considered beyond the realms of legitimate political discourse - beyond a state-imposed consensus.

While this process is common to all forms of liberal and authoritarian rule, there is another problem which only comes to fruition in an African historical setting, where the social grievances which fuelled the national liberation struggle such as access to land, jobs, greater social equality among classes, races and genders seem incapable of redress. As noted already, the 'pure' free market and the individualistic liberalism so fashionable globally today and dominant in South Africa also, are incapable of addressing these issues of social justice. The consequences of this problem in the current global conjuncture of accumulation can be far reaching as they affect the legitimation of the state throughout the continent.

The dominant contradiction which African states face at the level of establishing their hegemony and legitimacy revolves around the issue of changes in forms of accumulation. Ruling class accumulation today, in the era of globalization, takes place overwhelmingly through the world market in alliance with foreign transnationals. As a result it often (but not always) amounts to an undermining/plundering not only of state assets (as in the immediate post-colonial period) but also of national assets (eg Democratic Republic of Congo, Angola). This changed political economy provides the basis for a possible crisis of legitimation. During the early post-colonial period (1960s - 70s), ruling class accumulation took place through the state and was ideologically supported by nationalist developmentalism. In other words, although state resources were plundered for individual accumulation, there was a congruence (uneven and regularly contested to be sure) between national development goals which provided the vehicle for state-led development on the one hand, and the exigencies of ruling class accumulation on the other. This clearly corresponded to a 'Fordist' regime of accumulation at the global level. In sum, ruling class hegemony was relatively easily secured through presenting private class interests (accumulation) as equal to or concomitants of the general or national

interest (development). Indeed in Africa, development during this period took - despite its many problems - the form of a genuine national project which was not perceived in popular discourse - unlike in Latin America for example - as a simple importation from the West.

In the current 'post-Fordist' phase, there is the constant possibility of a crisis of hegemony looming on the horizon for the ruling classes of Africa and their states. This is simply because the national interest (development) no longer corresponds with the interests of ruling class accumulation. Both are said to take place through the World market with the result that elite accumulation is apparently and obviously in contradiction to the national and popular interest. The plunder of national assets (and the state itself insofar as it also condones and supports this plunder) is obviously (for all to see) an obstacle to national development. Development is no longer part of the hegemonic discourse (even 'developing countries' seem now to have been replaced by 'emerging markets'), and the national interest seems now to be supported only by those social forces making up the working people. In cases such as the DRC (and other 'warlord states'), this contradiction cannot be resolved without a fundamental realignment of social forces as the state itself is providing conditions for the plunder of national assets, with the result that we have an intense opposition between nation and state. In countries such as South Africa (where the 'patriotic bourgeoisie' so-called is accumulating through financial links with transnationals, local or foreign), a related contradiction finds expression **within the state itself** between liberalism and authoritarian nationalism.

This particular contradiction arises because political liberalism (unlike state nationalism) cannot even pretend to satisfactorily resolve the national question. Market and rights focussed liberalism is quite incapable of confronting issues of social justice (Mamdani, 1998). For example, the Truth and Reconciliation Commission (TRC) in South Africa has been quite unable to provide compensation to the victims of apartheid state violence as it had promised¹¹. In general, this seems to confirm the idea that the notion of 'justice' associated with the liberal state is limited in that it is more concerned with "the harmonisation of particular interests", than with the universal principles of truth and equality which it professes to espouse (Badiou, 1988: 113; 2001). At the same time, economic liberalism cannot provide the conditions for national development, but only for greater and greater inequality and authoritarianism as it has done throughout Africa in particular as a result of the implementation of Structural Adjustment Programmes¹². The tendency to revert to statist authoritarian nationalism to address these issues is a direct result of this incapacity. This nationalism has the support of a Black middle class and of a new elite who want access to jobs, perks, and so on (hence pressures towards corruption); in South Africa, this process goes by the name of 'Black Economic Empowerment' in particular. Nationalism also has the support of the working people and poor as their demands during their 'struggle for liberation' for jobs, land and the basic means of survival have

¹¹ In his speech to parliament on 15/04/2003 reacting to the TRC report, president Mbeki announced the provision of US\$ 4000.00 as final reparations to individual victims designated by the TRC, a sum seen as derisory by most commentators.

¹² The evidence regarding the nefarious effects of neo-liberalism on Africa through its Structural Adjustment Programmes is overwhelming. Some of the best material on these programmes was produced by researchers linked to the Nordic Africa Institute in the 1990s. See <http://www.nai.uu.se/>

not been addressed, as 'jobless growth' contributes to the increase in poverty in that country. For the majority in South Africa, for example "the land question resonates profoundly with histories and memories of racialised dispossession and the meaning of citizenship rights, as well as with the basic material conditions of life" (Hart, 2002: 323). The failure of a liberal state discourse to address such issues (in the public sphere) affects problems of economic survival as well as political ones of citizenship which, among the powerless especially, can easily find expression in xenophobia. Ultimately then, state politics is obliged to confront these issues in order to secure its legitimacy among large sections of the population, but it is only capable of doing so through the medium of state authoritarian nationalism.

Krista Johnson (2002) has shown how vanguardism (with its attendant 'democratic centralism') and liberalism are perfectly compatible, and how the ANC is perfectly at ease in both. The state/party is seen as the vanguard, the head, equipped with knowledge, the "mass organisations" (trade unions, civics etc) are simply the body which must follow the former's leadership:

The issue [the role to be played by the people in a liberal-democratic state - MN] turns on the combination of the expertise and professionalism concentrated in the democratic state and the capacity for popular mobilisation which resides with the trade unions and the genuinely representative non-governmental popular organisations (ANC, 1996: 6).

In consequence of their particularistic character, the conceptions of trade unions or other "genuine" civil society organisations hold the danger of being "subjective" (egoistic) and not 'objective' like those of the state which has the benefit of 'science' and the interests of the whole nation at heart. It follows that:

If the democratic movement allowed that the subjective approach to socio-economic development represented by "economism" should overwhelm the scientific approach of the democratic movement towards such development, it could easily create the conditions for the possible counter-revolutionary defeat of the democratic revolution (ibid.: 10).

Particularistic interests, even 'genuine' ones run the risk of being labelled "counter-revolutionary" simply because of their particularism. We have heard this language before, it is the kind so common in Africa whether expressed in Marxist or Nationalist terms; it is the language of authoritarianism. Whatever the content of utterances emanating from society, if these are deemed to be critical of the state (=party=people=nation), then they are *ipso facto* counter-revolutionary because they are "subjective". In sum, the state is 'objective', the people are 'subjective', the state is 'correct' the people are not; or in the inimitable formulation of president Paul Biya of Cameroun: "*la vérité vient d'en haut, les rumeurs viennent d'en bas*" (truth comes from above, rumours from below). The characterisation of labour unions as 'economistic', which had pointed to their limited politics in the context of democratic struggles against the state in the 1980s, is now used as a way of ensuring that they desist from criticising the new government and the state itself, both of which are uncritically referred to as "democratic" simply because the former has been elected by universal suffrage. The "democratic revolution" is thus to be achieved 'from above' through the 'correct'

application of policy - by administrative-authoritarian means¹³. Politics have now disappeared. This state perspective simply conforms to the post-colonial trend in Africa, regardless of whether the formal trappings of liberal 'democracy' exist or not.

Here the question needs to be asked seriously as to how African state institutions, directly derived from an unreconstructed colonial past (ie. de-racialized but not democratized - Mamdani, 1996) and founded on modern bureaucratic structures and norms themselves derived directly from the European military (as Foucault has shown), can possibly lead society towards genuine democracy. One only has to pose the question in order to understand how absurd it is. Only society can democratize the state, not the other way around, at most all the state can do is to provide some of the conditions for society to democratize itself. Surely **this** is the fundamental lesson of the failure of both 'actually existing socialism' and of 'post-colonial Third World developmentalism' [not to mention that of Western social democracy]; it is the lesson of the failure of statism whereby the state substitutes itself for popular self-activity, and is a direct consequence of the authoritarian character of liberalism. This double failure thus results from the evident failure of liberalism which forms its basis. This clearly shows that a politics of emancipation, the embodiment of freedom, equality, justice and truth, can no longer be seen as attainable through the state.

Clearly this should not be taken to be an argument against the state as such, but only an argument against reducing politics to the state. A state founded on popular sovereignty must be founded on respect for the social contract to be developed within society itself and must ensure that accumulation takes place within the limits set by this social contract. Many of its functions would have to be shared with popular communities of active citizens (eg. education, housing, social welfare, security) and this would imply that it would have to conform to a number of features of social democracy. However, there were two major problems with social democratic states (and with 'actually existing socialism') which I have referred to here: first a substitution of the state itself for popular political activity, and second the technicization of the state's political functions which thus became unaccountable to society. Both of these had the effect of de-politicizing politics; neither is tolerable under popular-democratic forms of state, which means *inter alia* addressing and overcoming the contradictions between mental and manual labour.

Returning to our discussion of South Africa, we should not therefore be surprised to discover that, as a result of this state-defined consensual discourse, criticisms of the ANC/state can be labelled as beyond the national consensus, as either the utterances of racists or ex-racists if such criticisms are made by Whites, as disloyal or narrow egotistic remarks if made by Blacks, or simply as foreign inspired. Of course, the labelling of someone as standing outside the state defined national consensus is very difficult to answer as one South African commentator has recently stressed:

¹³ Part of the problem here is the party mode of political organisation itself which is always elitist and vanguardist in several ways. Although there is no space to develop the idea here, it can be argued that a new democratic mode of politics has to think alternative forms of political organisation to that of the political party. One possible example of such an alternative in the recent past from which it is possible to learn is the United Democratic Front in South Africa in the 1980s, which was not organised like a party with a 'central committee' and branches, but was an 'umbrella' organisation of independent affiliates.

Whenever freedom is to be curtailed, restrictive actions are justified by patriotism, *boerehaat*, anti-Soviet activities, communist activities or racism. The censure is powerful for it identifies the critic as someone standing for perversion of the consensus and, accordingly, defence is almost impossible (*Mail and Guardian*, vol 16, No 9, March 3 - 9 2000).

In consequence, we have a major contradiction within state discourse between state nationalism and liberalism. Current events in Zimbabwe are a clear example of a similar problem, where the popular demand for land cannot be addressed under Western liberal discourse and thus ends up being easily manipulated by a power hungry elite waving the nationalist flag, with the consequence that the nationalist authoritarian utterances of corrupt leaders actually (and sadly) resonate among the people. In South Africa, the contradictions between liberalism and nationalism have not yet reached crisis proportions but their effects can be seen in the furore surrounding the recent attack on the liberal press which was accused of racism by the Human Rights Commission, in the way the oppressive regime in Harare is not forthrightly criticized for its contempt for democracy, and also in the way the state has addressed the AIDS issue, which has consisted of a (failed) attempt to develop a policy appropriate to African conditions followed by a complete capitulation to technique. Medical science is now the 'neutral' and exclusive expertise drawn upon by the state to combat AIDS, and the issue has exited from the 'public sphere' after having been brought there by the state itself.

This contradiction is also most apparent in the NEPAD which is quite evidently a neo-liberal economic programme being touted as a recovery programme for African economies (Taylor, 2001). While clearly such neo-liberal policies can only open up Africa to even greater plunder by Western (and South African) capital, and to greater authoritarianism as the state imposes them against the popular will, this one is clothed in nationalist garb. While the programme is doomed to failure precisely because all the evidence points to the fact that it is (neo-)liberalism which keeps Africa in chains, it serves a useful short-term ideological function: keeping the (regionally powerful) South African state in tune with global hegemonic discourse and with the Western powers, while the nationalist gloss resonates at home. Elsewhere on the continent, people are less sanguine and less liable to be fooled by the pseudo-nationalist rhetoric of an 'African Renaissance' within a neo-liberal globalized capitalism, as they have experienced neo-colonialism for much longer, and view South African (White) capital's economic ambitions in African economies with justified suspicion and cynicism. A genuine African Renaissance cannot be driven by South African capital or Foreign Direct Investment (FDI) by Western multinationals; the history of development in post-colonial Africa has been a history of the failure of developmental statism before the 1980s and of neo-liberal statism through SAP after that period. Both these forms of accumulation have been found wanting, economically and politically. It must be understood that to have any chance of success such a recovery programme has to be founded on popular social forces. A prerequisite for this must be the development of genuinely representative states and genuinely democratic relations between states and society, for these popular forces in Africa have never been allowed to make any state 'their own', simply because since the colonial period, states have regularly been, or have gradually become, more or less coercive impositions on them. Such impositions have been ones in which Western interests, in

alliance with local elites, have played the dominant role. NEPAD seems to propose little that is new in this regard.

5. Modernity vs Tradition, Human Rights vs Democracy

Despite the drawing of our attention sometimes to the limitations of human rights discourse, it is regularly assumed that the latter is of unquestioned benefit in transforming 'tradition', in enabling the previously 'rightless' under tradition to 'acquire human rights' and thus to assert their humanity vis-a-vis a presumed 'state of nature' which in the famous Hobbesian formulation is seen as "nasty, brutish and short". This assumption of the liberatory character of liberal democracy relative to tradition is today reflected, more or less implicitly, more or less explicitly, and particularly in South Africa, in a number of inter-related discourses concerning the continuing importance of tradition in modern society¹⁴. Of relevance here is the issue of traditional political institutions such as the chieftaincy in a modern secular state, as well as the issue of women's 'rights to land' under 'traditional tenure' in conditions of legally prescribed gender equality. Both of these issues are regularly the subject of discussion within liberal democratic discourse in post-apartheid South Africa (eg. Konrad Adenauer Stiftung, 1997, Meer, 1997). These issues seem to have relatively 'obvious' answers from a democratic perspective, yet in both cases I will suggest that, such 'obviousness' is superficial and ultimately misleading. This will draw me to a brief critical assessment of the opposition between 'human rights' and 'tradition' which I will argue is founded on liberal and fundamentally colonial-type assumptions regarding the nature of political activity which end up opposing rights to democracy.

While the authoritarian nature of the 'traditional' institution of the chieftaincy as produced during the colonial and apartheid periods is scarcely defensible (Ranger, 1985, 1993; Vail, 1989; Mamdani, 1996), it has simultaneously and regularly provided peasants with a vehicle for the expression of their grievances vis-a-vis the authoritarian and often corrupt nature of central and local government. In most of Southern Africa with the possible exception of Swaziland, stories abound of how chiefs whose powers are usually untrammelled by popular constraints, as traditional community assemblies (*pitso*, *kgotla* etc) have gradually lost their powers, are nevertheless able with popular support to take a stand against the depredations of secular authorities bent on imposing 'development' from on high (Alexander, 1993). Its genuine representative character in relation to such issues does not in any way diminish the despotic nature of the chieftaincy in the region as the institution combines in one office administrative/police powers with legislative and judicial ones and is not subjected to popular mandate (Mamdani, 1996).

Thus the main question for democracy is not one which concerns the undemocratic nature of the institution, neither is it one concerning the 'agency' of individual chiefs; rather the issue reflects on the false assumption that somehow, the *practices* of the central, regional or local state are democratic simply because its executive members

¹⁴ Of course this statement is obviously ambivalent when it emanates from the ranks of the new elite in South Africa as, even though the virtues of liberalism over tradition are uncritically extolled, the latter is simultaneously equally uncritically asserted to form the basis of an authentic African culture to be opposed by nationalist discourse to Western (ie liberal) dominance.

have been elected. In fact the debate regarding whether the chiefs or the central state in Africa is the more democratic, or whether the chieftaincy is compatible with liberal democracy (eg. Dowling, 1997), is a spurious debate which should rather lead us to an assessment of the importance of genuine democracy. For rural inhabitants, it is regularly more a question of which of the secular state or of the chieftaincy is the lesser of two evils in circumstances of poverty and systematic oppression. There can therefore be little to choose between 'rights' and 'tradition' in such a context. The issue is rather the extent or absence of genuine democracy both within the 'modern' and the 'traditional' state systems.

A similar point can be made with regard to the often outlined argument that the South African constitution, by allowing for property ownership irrespective of gender, is in a position to 'empower' rural women to access land rights otherwise denied them by traditional tenure systems. Here a number of points need to be made. Of course women can actually access land under traditional tenure in Southern Africa but usually through a man, although at times even direct access can be negotiated (Meer, 1997: 3). However women are also dependent on men to access, cattle, bank loans, collateral, ploughs and so on; in other words rural women are generally dependent on men to access most resources, and it is only human rights discourse which arbitrarily picks out land access as an apparently more 'fundamental human right' while ignoring other aspects of this dependency¹⁵. Of course giving the poor, women included, access to freehold tenure would be disastrous as it would easily enable land alienation and concentration and would without doubt lead to increased rural poverty (Neocosmos, 1995). It is important to note that to use a liberal constitution in this manner is to undermine tradition [including its popular character] from beyond tradition's boundaries, and to substitute for a democratic contestation within tradition, the imposition of top down state-judicial de-contextualized rights which in the long run can only undermine democracy. Apart from anything else, this makes more likely a backlash from those who wish to entrench authoritarianism within tradition such as many chiefs, whose power of course is dependent on authoritarian conceptions of custom. There is in fact little difference between this procedure and the well-known colonial one of *outlawing* traditional practices such as forced marriages or bridewealth on the grounds of their 'repugnance' to Western liberal sensitivities (see eg. Schmidt, 1990, Mamdani, 1996). Thus it is not that difficult to understand the common perception in Africa regarding the link between human rights discourse and neo-colonialism (see Mamdani 2000). It must also be recalled that there are many communitarian and democratic aspects to tradition which this kind of top-down intervention can help to undermine (such as communal forms of land allocation).

It may be important to illustrate the consequences of this argument by temporarily moving away from the Southern African context. In fact, a similar point was made public recently concerning the liberal reaction to the case of Amina Lawal one of the women condemned to death by stoning by a Sharia court in Nigeria. While this news was greeted with justifiable outrage by human rights organisations worldwide, the response regularly stressed the supposed 'barbarity' of Islamic culture and tradition¹⁶. It was noted only later that Nigerian rights activists were pursuing the issue of appeal

¹⁵ I am grateful to Pauline Wynter for this point.

¹⁶ Leading to letter campaigns, the boycotting of the Miss World pageant by self-righteous South Africans and so on, and more recently [sept 2003] by the reconstituted leadership of the ANC women's league.

from within the Islamic judicial system itself. In other words, a democratic struggle was taking place from within tradition to contest not only this particular judgement, but ones concerning Sharia and women in general in Nigeria. The local organisation of activists (BAOBAB for Women's Human Rights) noted that none of the sentences of stoning to death in Nigeria had been carried out because either the appeals had been successful, or the appeal process has not yet been exhausted. Moreover they stressed in a letter widely circulated on the internet, that the immediate danger to Ms Lawal was more likely to come from deliberate action to defy international pressure by those in power. In addition, they noted:

Dominant colonialist discourses and the mainstream international media have presented Islam (and Africa) as the barbaric and savage Other...Accepting stereotypes that present Islam as incompatible with human rights not only perpetuates racism but also confirms the claims of right-wing politico-religious extremists in all of our contexts...Muslim discourses and the invocation of Islam have been used both to vindicate and protect women's rights in some places and times, and to violate and restrict them in other places and times...the point is for us to question who is invoking Islam (or whatever belief/discourse) for what purposes, and also to acknowledge and support internal dissent within the community involved, rather than engaging in a wholesale condemnation of peoples' beliefs and cultures..." (BAOBAB, 2003: 3-4)

It was important to cite this document at some length as it makes the theoretical point which I am stressing extremely well (see also El Saadawi, 1997 chs 8&9 and Mamdani, 2000 *inter alia*). Human rights discourse takes on a colonialist character when it is substituted for a democratic struggle within traditional culture. The universalism of rights can only exist through its particularity within the social context which contributes to making humanity human. Therefore to assume a universal human subject founded on a Western liberal ideal, and to then impose this notion on tradition through state legislation or international pressure, is to undermine democracy, not to advance it. The issue then is not one of modernity (or post-modernity) versus tradition but rather one of democracy whether within the liberal civic sphere or within that of tradition. Liberalism which is premised on such an identification of a universal subject with (state) power cannot possibly address this issue democratically and ends up thereby opposing human rights to democracy.

Conclusions: towards an alternative understanding of politics

The development of an alternative democratic and emancipatory politics requires a new way of thinking about politics and the state, a mode of thought which seems to suggest the impossible. I have only been able to sketch a few pointers here. The idea however should be to understand that a new way of thinking is indeed possible. A democratic social contract between state and people is possible, but it must be founded on a systematic critique of liberalism. We should not be fooled by the platitudes of a post-modernist 'celebration of differences' (or 'Africanist' celebration of 'vibrancy' in civil society) as the basis for an alternative politics. Given that the present globalized capitalist order is characterised by diversity, celebrating such diversity can scarcely enable the thinking of such an emancipatory politics. As Badiou

argues at length (eg 2001, but especially in his 1988) differences are simply what exists (ontologically). On the other hand what there could be, in other words what is possible, must go beyond/exceed what exists, and must be concerned with what is valid for all and not only for some. To cite the translator's introduction to Badiou's *Ethics*:

If there is a task *specific* to politics, it must be to find clear and universal principles of justice that *break* with the infinite complexities and complicities of history, the interminable 'negotiations' of culture and psychology. And thereby to allow something *else* to take place (2001: xxx, emphasis in original).

A brief sketch of Badiou's thinking is necessary at his point. His concern is to provide a political philosophy (his preferred term is "metapolitics") within which an alternative politics, a politics "heterogeneous" to capital can be thought. Although his arguments are very complex I will try to outline some of the basic points to the best of my ability. If an alternative truly emancipatory politics is to be thought, it has to have in a sense, one foot in existing conditions (the realm of 'being') and one foot in a possible alternative situation to that which exists. The realm of being (society etc in specific infinite situations) is governed by a potentially infinite plurality of interests regulated by a state which operates within a political field of contestation over power. Politics however is not about power; "its essence is the emancipation of the collectivity, or again the question of the rule of liberty *within infinite situations*" (Badiou, 1998b:54, emphasis in original). Politics must therefore combine what is with what could be. Therefore, such emancipatory politics, in order to exist, must transcend the given interests of the situation and the negotiations between the infinite plurality of heterogeneity along with the concomitant 'common sense' of a liberal state consensus (as such interests are regulated in conformity with the needs of capital) by stressing at least two fundamental precepts.

First, a political distance from the state, from which follows *inter alia* an attempt to think political organisation outside the political party form as parties are state organisations. This point is made in the following manner:

It is the complex of the state and the economy which occupies the totality of the visible. Modern parties whether in single or multiple systems, only receive their true legitimacy from the state. The state is certainly an essential item of the field of politics but it is in itself apolitical. This is the fundamental conclusion which I deduce from the Polish insistence on society (in the 1980s - MN). In truth, the issue is not one of the Hegelian opposition between state and civil society. Rather it is a question of naming a site for the reconstitution of politics, which only have a chance of operating on the basis of independence from the state, not because the state is the opposing or adversarial item, but because it is apolitical (Badiou, 1985: 109 - my translation MN).

The state is fundamentally apolitical because whether "in the parliamentary systems of the West or in the despotic bureaucracies of the East, politics is in the last instance conflated with the management of the state" (1998b: 50). The state, as I have argued in this paper, is concerned with management not with politics.

Second, politics must possess a prescriptive rather than a descriptive character, meaning that politics must always refer to something else than just to what is, it must refer to a future possible. “These prescriptions are always relative to a concrete situation. They are singular prescriptions; they are neither ideological nor expressive of a party line” (Badiou, 2001: 96).

Let me try to illustrate, from what is clearly an extreme example from an African context. To my mind, the best attempt to explain the genocide in Rwanda is Mahmood Mamdani’s book *When Victims Become Killers* (Mamdani, 2001). In this book Mamdani outlines a brilliant and complex argument in which the genocide is explained fundamentally in terms of the historical development of political identities of ‘Hutu’ and ‘Tutsi’. These identities result from the manner in which the colonial and post-colonial states ‘interpellated’ (not Mamdani’s term) people as ethnic or tribal subjects and institutionalised such identities over time. These identities then provide the conditions for mass slaughter. Now, despite its undoubted brilliance in that it accounts for the genocide in terms of political identities (as opposed to economic or psychological forces), what this argument cannot account for is the politics of those Hutu who protected and saved Tutsi from certain death (and vice versa), and there are many instances of this in the literature (see eg. Gourevitch, 1998; Cohen 2001). In other words, what remains unaccounted for is the possibility of an alternative politics in the specific situation of Rwanda in 1994 because Mamdani’s overriding concern is state politics and state induced subjectivities. It therefore becomes difficult if not impossible to think an emancipatory politics from such a perspective. But this alternative is precisely the politics which Badiou sees as emancipatory, the politics of acting beyond the narrow interests of the situation, a truly universal politics. This politics is one which from the context of the specific conditions of the particular situation, stresses alternatives on the basis of universals (justice, equality etc). This is unavoidably so because such universals are central to what makes humans human (to imagine something different from what is, for everybody). Of course the precise nature of this alternative is governed by the specific situation but its universal relevance is clear. In sum therefore, the essence of an emancipatory politics is not to celebrate diversity/capitalism but to think alternatives to what exists in the multiplicity of the particular, a politics which from the perspective of the situation and its interests may seem impossible but which is not. “Emancipatory politics always consist in making seem possible precisely that which, from within the situation, is declared to be impossible” (Badiou, 2001: 121). In this way we can understand that the world can indeed be changed for the better, it is a matter of developing new forms of politics.

Clearly such politics do not always exist, for Badiou they are made possible by chance “events” which show the possibility of an alternative and by activists (*militants*) being faithful to the truth of an event; in fact, such politics exist outside and beyond the numerous interests of social life. The absence of such politics is quite simply disastrous as it allows free reign to oppression and precisely to the possibility of genocide and similar disasters¹⁷. For Badiou, there can be no human subject without such politics, and no [contextual] rights without such an activist subject. It follows that rights cannot be alienated to a state power without losing their prescriptive character

¹⁷ The absence of critical thinking and questioning of authority is one of the features of German bureaucracy which Primo Levi has seen as a condition of the holocaust - clearly this situation can be understood as a prime example of the absence/defeat of politics in society.

altogether as they become abstracted from the context which alone gives them meaning. This process both de-contextualises and de-politicises them, with the result that rights, politics and subjects all get lost through their abstraction as they become universalised and essentialised and become justifications for retaining the status-quo. In other words rights have become conservative; from concrete contextual rights they have become abstract 'human rights', so that rights and entitlements have to be fought for all over again, although now in different contexts. Thus, without such an emancipatory politics there can be no rights properly conceived. Here politics is clearly not about power, here politics refers to popular-democratic prescriptions on the state and to a critique of what exists towards the emancipation of the collectivity. Here, rights and entitlements are no longer attributes of a universal human subject, but fought for by people (anyone) in a context of contestation of what exists. What Badiou produces then is an intricate philosophy of political activism and militancy.

Lazarus (1996), who argues along similar lines to Badiou, refers to "historical modes of politics", 'historical' because they rise and pass on over time within specific historical contexts. For him, politics has *sites* in which it occurs and activists (*militants*) who express it. All modes of politics which have been emancipatory in content have been prescriptive, ie. they have raised the possibility of alternatives to what exists. Clearly this only amounts to a very rough sketch of what is a detailed and complex set of arguments, yet it seems that it offers very important insights for the development of new thinking regarding politics on the continent. What it suggests *inter alia* is that an analysis of alternative emancipatory politics should attempt to discover the sites from which such a politics is possible today. The point made here is that such sites do not include the state. Indeed I wish to suggest that it is only from such a new perspective on politics that the limits of current modes of thinking can be apprehended. In the context of our continent today, such a new political thinking can only begin from the universal demand and need for human emancipation and hence from the rejection of all forms of militarism. I have argued here that the starting point for developing such an alternative politics, must be the *distancing* of politics and political thinking from the state and from state subjectivity. It is for this reason that I subjected liberalism to critical scrutiny as liberalism consists precisely of a state-focussed manner of thinking about politics.

In actual fact, indications of different ways of imagining politics are becoming more common. It should be apparent that this alternative cannot begin from taking as its focus the attaining of state power, but that it has to be concerned with the altering of relations between state and society in a genuinely democratic direction. Democracy cannot emanate from the state (nor can it be defined by state logic), but only from altering relations between state and society as a result of political prescriptions emanating from society itself. In the words of the Zapatistas of Mexico: "we know that the struggle for power is the struggle for a lie. What is needed in these times of globalization is to build a new relationship between state and citizens" (Sub-Comandante Marcos, *Le Monde Diplomatique*, Paris, March 2001). Holloway (op.cit.:19, 20) formulates the same idea thus: "the world cannot be changed through the state...The only way in which revolution can now be imagined is not as the conquest of power but as the dissolution of power". The novelist Arundhati Roy emphasises: "the only way to keep power on a tight leash is to oppose it, never to seek to own it or have it. Opposition is permanent" (*Mail and Guardian*,

Johannesburg, August 10-16, 2001). In Africa, Wamba-dia-Wamba (1994: 257) points out that: "instead of society serving the state, the empowered society should make the state serve it".

Of course, such statements only represent the beginnings of a new understanding, evidently it is not sufficient to 'oppose', but it is necessary to 'prescribe' something different from what is. But such new understandings of politics are important in order to shift the debate onto a new non-statist plane. As a minimum, these new conceptions must allow subaltern politics a vehicle of expression, as in the absence of this, there can be no regeneration of democratic ideas. Popular voices must be heard as they are currently silenced by liberalism, and only by being heard and listened to can such voices help to push the debate forward onto another plane. The sites of a democratic politics in Africa today must be sought outside the state domain. This is not because all politics in civil society are democratic (viz Boeremag in South Africa) and all state politics are anti-democratic (viz progressive legislation in South Africa), it is rather because the limits of state 'political subjectivity' are set by managerialism and those within society are not. It follows, that an alternative perspective, in order to transcend the statist limits imposed on thought, must transcend the 'good governance' paradigm, which concerns exclusively the state and its official civil society 'in consensual debate', in order to include the excluded politics and organisations of the subaltern domain. This is also because, contrary to 'habermasian' conceptions:

the political struggle proper is...not a rational debate between multiple interests, but the struggle for one's voice to be heard and recognized as the voice of a legitimate partner: when the excluded...protested against the ruling elite...the true stakes were not only their explicit demands...but their very right to be heard and recognized as an equal partner in the debate (Zizek, 1999: 188).

The intellectual project here must be one of developing a non-state-reductionist theory of politics founded on a conception of subjectivity which eschews a transcendental human subject (Badiou, 1988, 1998a, 2001, Lazarus, 1996). The political basis of an alternative to neo-liberalism, in Southern Africa, as on the continent as a whole, must be sought in the first instance within popular-democratic forms of nationalism which in the present conjuncture remain the only perspectives capable of addressing issues of social justice in the interests of the majority. These perspectives must be helped to develop in opposition to neo-liberalism as well as to a state nationalism which have both shown themselves incapable of resolving the national question in the interests of the majority by addressing issues of social justice. This is because, in Africa, there can be no democratisation process which does not resolve the national question to the benefit of the majority, and liberalism in any form cannot do so. This popular-democratic nationalism must also be able to provide a critique of statist-militaristic discourses, and develop an alternative mode of thinking which would have as its objective the peaceful resolution of differences and disputes. In other words it must be capable of thinking a different mode of politics which is not state-centred or state-focussed. Once we understand the need to develop such a new democratic relationship between society and the state, the details of that relationship can only become apparent in struggle.

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