CIVIL SOCIETY: ABANDONING A COUNTER-HEGEMONIC PROJECT

YVONNE MUTHIEN

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INTRODUCTION

Notwithstanding more recent theoretical approaches, such as post-structuralism and post-modernism, Gramsci's writings continue to enjoy a certain popularity in SA. This is especially so because his works are considered to represent an alternative understanding of social struggle and radical transformation, to the classical marxist-leninist model. Gramsci's understanding of civil society has been much drawn upon, especially in recent debates on safeguarding the autonomy of organisations and struggles in civil society as a guarantor to democracy in SA. This paper attempts to examine the issues in this unnecessarily polarised debate, which also has seriously detrimental implications for progressive political mobilisation in SA. The paper begins by (i) examining discourses around civil society in SA, then (ii) re-examines the Gramscian conception of civil society in all its ambiguities, (iii) thirdly it addresses a particular appropriation of Gramsci by post-marxism, and finally (iv) examines the political implications of reformist readings of Gramsci in SA.

THE USES AND ABUSES OF THE CONCEPT CIVIL SOCIETY: LIBERAL AND LEFT DISCOURSES

Gramsci, more than any other marxist theorist, features prominently in the discourses of semi-conservatives, liberals and marxists alike, especially in the last few years in SA. This is not

so peculiar as Gramsci's writing lends itself to populist sloganeering, as well as a particular reformist reading. So the popular phrases, "in the interregnum morbid symptoms appear"; "the old is dying and the new cannot be born" and "pessimism of the intellect, optimism of the will" are often bandied about on public platforms, with little reference to the revolutionary implications of Gramsci's writing. For example, Gramsci features prominently in the public speeches of the principals of the eastern seaboard universities. To illustrate:

> "The crisis in education was recently described as an interregnum caught between the ravages of the old order but not yet in the new... These are morbid symptoms appearing and beginning to shape the health of the university... If we are not to 'die in the waiting room' during the interregnum, while a new order is struggling to be born, there is much to be done".[1]

More significant has been the incorporation of this discourse into National Party policy documents, calling for the

> "autonomy of the non-political institutions of civil society: the effective application of this principle will guarantee self-determination in non-governmental organisations and institutions of civil society active in the field of eg. business and professional life, trade union affairs, education and culture, sport, religion, language and tradition".[2]

The concept of civil society neatly captures the area of private and semi-public life outside of the state and the labour process, narrowly defined. The richness and diversity of social life in civil society becomes the target for the exercise of democracy. To quote Swilling:

> "Civil Society has emerged as the codeword for the associational life of a society.. It is where everyday life is experienced, discussed, comprehended... a true civil society is one where ordinary everyday citizens... have access to locally constituted voluntary associations that have the capacity.. to influence... the allocation of material resources. In a word, building civil society is about building 'voice' at grassroots level."[3]

Both liberal and left discourses are agreed that by safeguarding the diversity of associations in civil society, this automatically becomes a safeguard for democratic practices. Struggles

in civil society are seen as expressions of democracy, rather than components of a hegemonic project that will fundamentally transform society. Thus they peculiarly share a reformist reading of Gramsci, to which we shall return later.

The notion of civil society has been used in SA debates without reference to its conceptually problematic and often contradictory use by Gramsci himself. On the whole, when the notion of civil society is linked to democracy, it addresses those organisations committed to an anti-apartheid struggle, but precisely ignores organisations in civil society that represent contrary forces, such as the AWB, Inkatha, etc. This neglects a crucial aspect of Gramsci's analysis of civil society: the fact that civil society is imbued with class power and ruling class hegemony and that associations in civil society are fragmented by class, race, ethnic, gender and other forces. Hence civil society itself remains a site of contestation of class and political forces. It is this interplay of class forces, the state and political society on the terrain of civil society itself, which has presented Gramsci with the difficult task of defining the boundaries as well as the interplay of these forces. This difficulty is displayed in the ambiguities of his formulations, to which we shall now turn.

AMBIGUITIES IN GRAMSCI'S USE OF 'CIVIL SOCIETY'

The concept of civil society, as derived from Hegel and Marx, is inextricably bound up with the existence of private property. The term thus refers to economic relations and its use hence coincides with the emergence of an independant (capitalist) economy. It is interesting to note that in classical English thought in the 16th and 17th centuries the term referred essentially to political relations. Its usage in the 18th century referred to the area of human relations that

were separate from the state, hence not public, but not quite private either. Hegel reconceptualised civil society to refer to economic relations, in his conceptual dichotomy of state - civil society. For Hegel civil society referred to the dominance of the bourgeoisie over the entire society and as such, constituted part of the prehistory of the formation of the modern state. In Marx's writings civil society also refers to economic/class relations, he however rejected the state - civil society dichotomy, arguing that the state embodied class relations in civil society and hence served as a predominantly coercive instrument of class domination.[4]

There are multiple and competing interpretations of Gramsci's analysis of civil society in the literature. More popular versions point to the notion that Gramsci's use of the concept civil society essentially denotes the 'ensemble of the private' -the family, community, associations, etc. Hence civil society refers to a level of the superstructure, rather than economic structure. Bobbio (1979) argues, for example, that Gramsci inverted the marxist use of 'civil society' in two ways: (i) asserting the prevalence of the superstructure over the base, and (ii) asserting the prevalence of ideology (consent) over institution (coercion). Such 'superstructural interpretations' of Gramsci have earned him the label of 'theoretician of superstructures'. Texier (1979) in a landmark debate with Bobbio in 1968, on the other hand, asserts a continuity between Marx and Gramsci, based on the latter's commitment to economic determination in the last instance. Finally Hoffman (1989) takes a more mediating position in arguing that Gramsci recaptured classical formulations by Marx and Lenin, and reinterpreted and applied them in an innovative manner.[5]

It can be argued that Gramsci locates civil society both at a superstructural level, as well as

at the intersection between economic base and superstructure. This can be illustrated by examining the ambiguities and often the distinctly different positioning of the concept civil society in relation to the state, political society and economic relations, in Gramsci's own writing:

(i) ***state - civil society - economic relations***

Here Gramsci arrives at a distinctly different conceptualisation of civil society compared to Hegel and Marx. He argues that

> "in Hegel's Philosophy of Right, civil society includes economic relations - and it is in this sense that the term is used by Marx, for example in the Jewish Question." and "precisely here lies the disagreement... Between the economic structure and the State with its legislation and its coercion stands civil society.."[6]

In the other usages the state is positioned differently in relation to political society and civil society.

(ii) ***state - civil society - political society***

In this formulation, Gramsci situates civil society between the state and political society - this has also been the most popular use/understanding of Gramsci. In this formulation civil society is surrounded by the forces of the state and class rule. Gramsci's classical deployment of this usage is taken up in his famous quote:

> "The superstructures of civil society are like the trench-systems of modern warfare" and "when the state trembled a sturdy structure of civil society was at once revealed. The state was only an outer ditch, behind which there stood a powerful system of fortresses and earthworks".[7]

It has commonly been misunderstood that the state for Gramsci represents wholly political

society. This is because Gramsci often collapses political society (ie. coercion) into the state:

> "What we can do, for the moment, is to fix two major superstructural 'levels': the one that can be called 'civil society', that is the ensemble of organisms commonly called 'private', and that of 'political society' or 'the State'"[8]

Gramsci however, more importantly demonstrates the operation of the state on both levels, ie. political and civil society. Hence:

(iii) ***State = political society + civil society***

In State and Civil Society, Gramsci presents his most famous formula: the

> "State = political society + civil society, in other words, hegemony protected by the armour of coercion". and
> "The analysis would not be accurate if no account were taken of the two forms in which the State presents itself in the language and culture of specific epochs, ie. as civil society and political society".[9]

(iv) ***political society - state - civil society***

In another sense however, the state stands between and above, representing a balance or mediation between civil society and political society. In arguing for an extended understanding of the role of intellectuals in civil society, Gramsci states:

> "This study also leads to certain determinations of the concept of State, which is usually understood as political society (or dictatorship or coercive apparatus...) and not as an equilibrium between political society and civil society (or hegemony...)... it is precisely in civil society that intellectuals operate... and thus exercise a hegemony as well as a dictatorship."[10]

(v) ***state = civil society***

Finally, in refuting economism Gramsci too collapses the state into civil society when he argues

> "the distinction between political society and civil society... is merely methodological... since in actual reality civil society and State are one and the same".[11]

This formulation crucially points to the presence of the state and political forces within the realm of civil society. Gramsci's collapse of political society into civil society takes place within the context of a particular polemical debate against economism, and should not be seen as evidence that Gramsci abandons the distinction between the two. It represents one of the ways in which Gramsci deploys the concept of civil society and attempts to articulate the relations between these analytically separate spheres. Moreover, while it reasserts the classical marxist notion that a strict separation between politics and economics cannot be maintained, it does not dispense with the utility of making an analytical distinction between the two, or civil society and political society in this case.

In addition, Gramsci also resorts to contradictory and confusing metaphors in the state-civil society relation, particularly when applied to his strategy of 'war of position'. In some instances the state is surrounded by civil society, as in

> "The superstructures of civil society are like the trench-systems of modern warfare... Hence it is a question of studying 'in depth' which elements of civil society correspond to the defensive systems in a war of position".[12]

In other instances civil society is surrounded by the forces of the state: eg.

> "The State was only an outer ditch" and "hegemony protected by the armour of coercion"[13]

These formulations remain part of the complex and ambiguous ways in which Gramsci attempts to come to grips with the relations between state - civil society - political society, ie. hegemony and coercion, and points to his important reconstruction of the base-superstructure metaphor, to a model of reciprocal and horizontal determination. It adds, rather than detracts, from a more complex understanding of social reality in class societies and defeats narrow, essentialist readings of Gramsci.

Thus in utilising Gramsci's conception of civil society we need to consider the totality of the relations between economic and class forces, the state and political society operating on the terrain of civil society that Gramsci was grappling with. The novelty of Gramsci's analysis of civil society was to point to the ways in which class power was diffused throughout society, without necessarily being concentrated in the state. Hence civil society is not a neutral arena, completely separate from the state. The battle for class power is fought on the terrain of civil society, albeit in subtle, ideological terms.

A CRITIQUE OF POST-MARXISM AND THE CONCEPT OF THE 'NEW SOCIAL MOVEMENTS'

Post-marxism disaggregates social reality into a fragmented "unfixity", in which there are no historical laws of motion and no privileged political subjects, and the social world is constituted through discursive practices.[14] In this they reject the centrality of class analysis for a non-reductionist, non-functionalist analysis of a plurality of social forces operating from a number of 'dissimilar points'. A central theme of the post-marxist analysis has been the celebration of diversity and plurality of social life. So the argument goes, civil society embodies a rich diversity of associations and struggles (the so-called new social movements), which include the family/household, trade unions, voluntary associations, churches, hospitals, etc, etc. The very existence of these relations outside the state needs to be safeguarded and at the same time places limits on the absolute power and operation of the state.

In the first instance the explanatory power of disaggregating civil society into a multiplicity or plurality of unstructured social 'instances' needs to be demonstrated. This exaggeration of

the fragmentation of the modern world begs the question of what holds it together and what makes it function. The fusion of economic and political relations into a myriad of equivalent 'conjunctural instances' seems to me to be weakening both the analytical and political force of our understanding of 'civil society'.

Furthermore, the celebration of civil society as an arena of freedom, obscures the fundamentally coercive (albeit subtle) nature of class societies. With the rise of individual freedoms under capitalist development, increasingly sophisticated forms of exploitation and domination have also been evolved. The celebration of diversity based on the existence of a plurality of interest groups ignores the extent to which these lines of fracture constitute the very basis of post-modern hegemony - ie. diversity secures continued bourgeois rule.

However, the more problematic claim is that this multiplicity of social relations and struggles are all equal in terms of their importance in securing democracy in society. This celebration of 'everything goes' appears to me to be collapsing categories and retreating from social analysis. Surely the strenght of explanatory analysis is to point out levels of determinations or causality among this multiplicity of social forces, and moreover, to distinguish and assign explanatory primacy to some of these elements on grounds of size, social relevance or historical impact. Indeed we need to ask why class, race and gender have historically been constituted as enduring axes of domination. The charge that the above argument constitutes a 'totalising logic' does not obviate the need to explain social reality and instead locks us in the double bind that we cannot adequately explain the 'post-modern' without a theory of the 'post-modern', which would in turn assume the status of a new totalising discourse, irrespective of whether we deploy 'little narratives' or 'grand narratives'.[15] What is

furthermore ignored is the extent to which the very existence of these differentiated pluralities reflect the very nature of capitalist hegemony in 'post-modern' societies. Hence what is being celebrated is essentially part of the elitist consumerist fetishism of post-fordist capitalism.

Laclau & Mouffe's (1985) simultaneous commitment to a counter-hegemonic politics and 'radical indeterminacy', in which no social agent is accorded any historical primacy in social struggle, is a contradiction in terms. For the very notion of hegemonic struggle, as articulated by Gramsci, involves the exercise of overarching leadership within alliance politics.

The tenets of post-marxism, especially the rejection of class analysis and the celebration of diversity and pluralism, combined with a liberal concern with individual rights and freedoms, rather than social justice, have unobtrusively crept into left analyses in SA. So Glaser laments

> "Civil liberties and political pluralism are critical components of human freedom"[16]

and Swilling pleads for the

> "democratic acceptance of diversity, uncertainty and pluralism"[17]

THE IMPLICATIONS OF REFORMIST AND PARTIAL READINGS OF GRAMSCI IN SOUTH AFRICA

The spectre of the collapse of 'authoritarian socialism' has come to haunt the SA left. This coincides with a hasty intellectual retreat from marxist analysis, which has strenghtened a reformist reading of Gramsci and opened up a liberal-reformist politics centred on the safeguarding of the autonomy of institutions of civil society and the urgency to place limits

on the future post-apartheid state. Without underestimating the importance of securing democracy in civil society, it will be argued that this is a deliberately incomplete presentation of Gramsci's notion of hegemony and counterhegemony in civil society, which is potentially suicidal politically for the democratic movements in SA, particularly the ANC-SACP-Cosatu alliance.

Reformist strategies utilise the notion of struggle and democracy in civil society as an accommodation to capitalism, rather than as a weapon against it. In a somewhat naive and contradictory vision, Swilling (1991) foresees the coexistence of various voluntary associations within a liberal capitalist economy as a step towards the achievement of "socialist principles". Hence he advocates the "strengthening of voluntary associations", through for example the development of

> "organisational infrastructure and necessary skills... to articulate interests... that can appeal in all possible social forums: on the streets, in mass meetings, in conferences, within the media and in the corporate boardrooms of state and business agencies"[18]

This assumes that there is a convergence of interests between these disparate groups and ignores the fact that their objectives might be fundamentally antagonistic, especially when talking about a transition to socialism!

A similar idealism can be discerned among those who uphold the 'new social movements' as the bearers of revolutionary transformation in SA. In a recent paper on civil society, Nina (1992) uncritically adopts the notion of the new social movements as a mechanism and safeguard to democracy in SA.[19] More startling in the SA context, is his reassertion of the post-marxist notion of the equivalence of these social movements. In SA clearly, a wide-ranging number of social struggles play themselves out in civil society, ranging from left to

right, and which includes struggles of the ANC on the one hand and the AWB on the other. Some struggles involve ten people, while other struggles are waged on the mass level involving hundreds of thousands of people. How then can all these struggles be of equal importance in the process of creating democracy in SA?

The immanence of post-apartheid reconstruction has raised the spectre of a decline of 'liberal democracy' amongst whites in SA. This has been echoed in some intellectual circles, followed by a knee-jerk reformism and a lament to protect bourgeois liberal freedoms in civil society. Fears are fanned further by deconstructing 'liberation discourse', pointing out pseudo-Stalinist concepts or practices.[20] Ironically, the very documents and programmes emerging from fierce struggle and which changed the political landscape of SA in its very scope of social mobilisation, are considered to be reflections of undemocratic tendencies. What requires deconstruction is the preoccupation with liberal freedoms on the eve of black majority rule in SA, to lay bare what Fitzgerald (1990) calls "unreconstructed prejudices"[21], combined perhaps with a serious 'decolonisation of the mind'.

Recently a considerable debate has erupted over the notion of the autonomy of organisations in civil society as a safeguard to future democracy in SA.[22] It is argued that organisations in civil society, such as civics, should remain separate and autonomous from political parties and concern themselves with confined local issues. This clearly abandons the notion of a national counter-hegemonic struggle which would weld together various struggles under a specific national leadership. It also represents a rather naive understanding of the nature of political struggle and social transformation.

Firstly, the mere existence of a myriad of autonomous associations in civil society does not in itself guarantee democracy, nor in fact does it alter the relations of power in the country. It is only a cohesive network of formations with a national hegemonic project that can alter the balance of power in SA. In this regard Mayekiso (1992) calls for a building of 'working class civil society', quite autonomous from political parties.[23] He advocates a "principled solidarity" between organisations that support the interests of workers and naively contends:

> "when a political party develops a programme that is in the interest of the organs of working class civil society, that programme will be well supported."[24]

This position carves civil society into two class spheres, but then assumes that the working class itself is ideologically unified and not truncated by race and opportunity or differentiated disadvantagement; and that those very organs of working class civil society are not fiercely contested by diverse class and ideological interests - as the recent electoral victory of the NP in Kimberley shows. This terrain will become even more crucially contested in future elections. The success of Nationalist Party mobilisation lies precisely in the capturing of crucial areas of civil society, starting from the Voortrekker and Rapportryer youth movements, to church institutions and Christian National Education. Its intellectual voortrekkers in the Broederbond occupied crucial positions in cultural organisations, such as the FAK and Taalfees and educational institutions.

Gramsci's articulation of counter-hegemonic struggles contained in such concepts as 'war of position', 'national-popular' alliances, 'historic bloc, involve a highly directive notion of leadership under the rubric of a mass working class party. Hence there can be no illusions that for Gramsci the contestation in civil society involves the 'exact reconnaissance' of the historical and political situation in a country and the deployment of a 'war of position' strategy for the ultimate aim of a 'full frontal attack on the state'. Gramsci's writings on the

tasks of a revolutionary party and his political strategising to capture state power have been deliberately silenced by such reformist readings of the current situation in SA and moreover in the debate on the autonomy of civic struggles. Nzimande & Sikhosana's paper (1992) appear to be the only in this debate that take as their point of departure, this ultimate political task of capturing and transforming the SA state.[25]

Given the debilitating havoc wreaked by violence and the volatility of political life in SA, it is certainly a worthy cause to attempt to weld political alliances and secure co-operation across the ideological spectrum in township struggles. However, this point is made to argue that the ANC should not lead/control civic organisations, since civic issues affect residents across political boundaries and hence civic organisations should represent all political parties. But we must be under no illusions that such alliances are conjunctural and tenuous and that political organisations outside the ANC alliance might regard them as a step to their own hegemony. Hence we must stop pretending that civil society is homogenous and that alliance partners across ideological boundaries are all committed to the same political project. It is precisely in the arena of civil society where political hegemony will be most fiercely contested, and by a greater diversity of political forces than have hitherto been the case. These struggles should also not be separated from the dynamics of politicking for individual positions of power.

Hence it becomes all the more crucial for the ANC-led alliance to exercise hegemony in civil society, by retaining its involvement in building civic structures and leading community struggles, with the aim of transcending 'economic-corporate' struggles, embarking on mass mobilisation and developing a 'national-popular' leadership. Given the stakes involved, the

ANC cannot afford to abandon the terrain of civil society to individualist competition among its members. The task of capturing state power and restructuring inequality in SA is an enormous and daunting project. The restructuring of local power relations is a national political project and civics which impede or sideline this process on the pretext of building parallel power positions, may still well find themselves subordinated to the political forces governing local administration. It is thus in their interest to be centrally involved in the overall restructuring of power and not to disclaim their national political tasks to secure a transfer of power in SA.

Furthermore, the current bid for either the SACP, civics or Cosatu, to capture the task of building so-called 'working class civil society' exclusively, but alongside the ANC,[26] simply serves to unneccessarily divide and disorganise the alliance. The task of transforming the SA state and society will require maximum unity, as well as the coordination of local and mass struggles into a cohesive national struggle. The attempt to circumscribe or reduce the 'national-popular' hegemonic project to mobilising working class civil society exclusively, seems to me to be an unneccesarily restrictive one and loses sight of the overall task of the national struggle. The issue of strengthening organisation and struggle in civil society is not simply one of carving out a division of labour among organisations operating on the same terrain, because it involves abandoning an entire class! It would simply be political suicide for the ANC to abandon working class struggle to more narrowly defined organisations, and to await their joining on a (tripartite or multipartite) corporatist level. The mass struggles of the 1980s, which interlocked civic, gender, educational, political and workplace struggles, reflected an organic alliance forged in struggle on the ground, rather than simply a corporatist alliance.

Finally, activists in the ANC alliance must remain alert not only to counter-revolutionary projects by other class forces, but also to counter-hegemonic projects by organisations opposed to the alliance. The ultimate goal of a cohesive national struggle against inequality in neo-apartheid SA requires an unromanticised understanding of the conjunctural nature of class and national-popular alliances and the undaunting welding of a national hegemonic struggle, which would displace the powerful political alliances currently forged between the neo-apartheid and neo-liberal forces. This would require more than the current switching on of 'rolling mass action', and involve strengthening mass organisation and welding together daily struggles into a strong national movement.

NOTES

1. J Leatt: "Gearing up for the new SA", **Natal Mercury**, 14/4/1992

2. National Party Submission to Codesa, Working Group 2, Feb 1992.

3. M Swilling: "The Case for Associational Socialism", **Work in Progress**, No 76, 1991.

4. see E Meiksins-Wood: "The Uses and Abuses of 'Civil Society'", **Socialist Register**, 1990.

5.see N Bobbio: "Gramsci & the Conception of Civil Society" & J Texier: "Gramsci, Theoretician of the Superstructures" in C Mouffe: **Gramsci & Marxist Theory**, RKP, London 1979; & J Hoffman: "The Problem of Coercion and Consent in Marx and Gramsci", in M Cowling & L Wilde: **Approaches to Marx**, OUP, 1989.

6. Gramsci cited by Q Hoare & G Smith in **Selections from the Prison Notebooks**, 1971:208

7. A Gramsci: **Selections from the Prison Notebooks** (SPN), 1971:235 & 238

8. Gramsci: **SPN** 1971:12

9. Gramsci: **SPN** 1971:263 & 268

10. Gramsci: **SPN** 1971:56

11. Gramsci: **SPN** 1971:160

12. Gramsci: **SPN** 1971:235

13. Gramsci: **SPN** 1971:238 & 263

14. E Laclau & C Mouffe (1985): **Hegemony and Socialist Strategy: Towards a Radical Democratic Politics**; Verso, London; E Laclau (1990): **New Reflections on the Revolution of Our Time**, Verso.

15. see J-F Lyotard: **The Post-Modern Condition**, 1987, Manchester.

16. D Glaser: "Discourses of Democracy in SA", Review of African Political Economy (ROAPE) paper, 1989:5

17. M Swilling: "The Case for Associational Socialism", **Work In Progress**, No 76, 1991

18. M Swilling: "The Case for Associational Socialism", **Work In Progress**, No 76, 1991.

19. D Nina: "Beyond the Frontier: Civil Society Revisited", **Transformation**, No 17, 1992.

20. see D Glaser: "Discourses of Democracy in the SA Left", ROAPE paper, 1989.

21. P Fitzgerald: "Democracy & Civil Society in SA", **Review Of African Political Economy**, No 49, 1990.

22. see M Mayekiso: "The Role of Civics", **Mayibuye**, No 3, 1990; B Nzimande & P Sikhosana: "Civics are Part of the National Democratic Revolution", **Mayibuye**, June, 1991; M Mayekiso: "Hands Off the Civics and Civil Society", **Work In Progress**, No 81, 1992; B Nzimande & P Sikhosana: "Civil Society and Democracy", **African Communist**, No 128, 1992; M Mayekiso: "Working Class Civil Society", **African Communist**, No 129, 1992.

23. M Mayekiso: "Working Class Civil Society", **African Communist**, No 129, 1992

24. M Mayekiso: "Working Class Civil Society", **African Communist**, 1991:36

25. B Nzimande & P Sikhosana: "Civil Society, Mass Organisations and People's Power in SA", SAPES Paper, 1992; Other papers which address the 'seizure of state power' in SA concentrate more on the immediate 'war of position - see G Bloch: "Insurrection in SA?", **Work in Progress**, No 74, 1991 & K von Holdt: "Insurrection, Negotiations and Transformation: Gramsci's 'War of Position'", Paper presented at UWC Conference on Marxism in SA, 1991.

26. see M Mayekiso: "Working Class Civil Society", ibid; A Bird & G Schreiner: "Cosatu at the Crossroads: Towards Tripartite Corporatism or Democratic Socialism?", **SA Labour Bulletin**, vol 16/6, 1992

PERFECTIBILITY & CORRUPTIBILITY

ALBIE SACHS

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PERFECTIBILITY AND CORRUPTIBILITY

The human rights concept is based in its substance on human perfectibility, and in its procedures on human corruptibility. That is why constitutions are optimistic and pessimistic at the same time. They encourage us to choose the best amongst us as our leaders, but prepare us for the fact that they may turn out to be the worst.

It cannot be repeated too frequently: all constitutions are based on mistrust. The more devoted we are to our leaders and our organizations, the more need we have to be constitutionally mistrustful of them.

It is not only the rascals, corrupt persons and assassins whom we inherit from the past that we have to mistrust. Nor do we have to beware of the millions of so-called ordinary people who have become so steeped in the values and assumptions of apartheid society that they automatically replicate them in slightly disguised form in the post-apartheid world.

We have to mistrust ourselves.

This is not to say that we must see our role only as that of critics permanently in the opposition. Someone has to take responsibility for helping our country regather its strength and begin to function in a decent way for the benefit of all. Nor should any of us regard ourselves as being somehow more holy, more sensitive, more progressive than anyone else.

We do what we are good at. Some of us are good at picking up the human dimension of a problem, at sensing dilemmas and difficulties. We enjoy searching thorugh words and phrases till we find the ones we want. Sometimes we even invent new words if that helps us. We are not afraid to be called romantics or idealists. We know we can afford to be soft because there are enough hard people around. We judge no one else, in fact admire persons who have qualities opposite to ours.
What matters is that we do not pretend iron qualities we do not possess, nor eliminate any special characteristics we might have for the sake of blending unnoticed into the collective. Rather, we express our thoughts as they come to us. The pleasure lies in placing them in the mix of ideas, sure that they will interact and clash with the thoughts of others. We take our stand on the right to enjoy the right to be wrong, that is, the right to have the satisfaction of advancing an idea and seeing it refuted by a better one.

We are not against leadership, not against government. We are anxious to empower a new government to undo the damamge of past governments and to undertake the responsibilities of all governments everywhere in the world to respond to the needs of the citizens.

At the same time, we must ensure that the new government functions well and fairly, that it does not become a new source of oppression, alienation and abuse. Oppression can come under any slogans, in any colours, and with any anthem. No one, neither king nor freedom fighter, has any divine right to rule. No one is automatically immune to the seductions of power.

Good leaders are conscious of this and struggle for good constitutions, aware of their own fallibility.

The biggest contribution our generation can make will be to provide an enduring link between our past aspirations for freedom and the lived reality of future liberty.

The constitution should be a glittering shield in which we all see our faces reflected. It is our constitution, for everyone, protector of the weak as well as of the powerful, of the former oppressed and of the former oppressors. It lays down the fundamental terms on which we all live together as equals and compatriots in the same country. It is the document which establishes that everyone matters, everybody counts, that no one is born worthless, or to be the slave or instrument of another.

In South African conditions, a non-racial, non-sexist, democratic constitution is the ultimate antithesis of apartheid, the embodiment of universal sovereignty and the epitome of the equal worth of each one of us. This is so independently of how we look, what language we speak, or where our ancestors came from.

A constitution is therefore not a deal worked out between new victors and new losers about how to share out the spoils of office. It is the fulfilment of an historic dream of the oppressed for irreversible deliverance from injustice; it is the reaching out for firm principles that will protect us all from mutual abuse and fratricide in the future; it is the declaration of a set of shared core values that will bind us together because we believe in them and not because they are imposed; it is the means for enabling us to pursue our different interests without knocking each other down, and to resolve our competing claims in a fair and non-destructive manner.

In preparing for the drafting of the terms of our new constitution, we try to involve the widest sections of the population. As Namibia showed, the process of constitution-making can bring out the best in a people and encourage a sense of shared nationhood based upon an acceptance of common values. A constitution is not a product to be sold to the people through skilful advertising. It is something that emerges from our innards, that expresses our highest idealism while protecting us from our basest temptations.

For those of us working for human rights in South Africa, the idea of constitutionalism is something new. Our legal tradition, taken from Britain, is one of parliamentary sovereignty.

Accordingly, the essence of our struggle has been for the right to be represented on an equal basis in Parliament. We fought for the vote, not for a bill of rights. Now we recognize the advantages of a bill of rights as a means of providing the framework of core values within which Parliament operates.

We regard the constitution as an agreed compact enabling people to live together in a context of secure equality. A bill of rights guaranteeing fundamental freedoms for individuals does away with the necessity for special group rights, which, in the circumstances of a country emerging from more than a century of explicit racial domination, would inevitably mean protection of group privileges. We need to ensure that democracy and the bill of rights work, and not to seek bizarre constitutional mechanisms to make the whites more equal than anyone else.

If we draw on global principles of human rights we do so not to prove that we can read the documents, or that we are civilized, but because they really speak to and for all of us.

Each freedom struggle is unique, yet the basic human experience of suffering and resistance is the same. Just as there is a terrible internationalism in torture and means of mass humiliation and destruction, so we can universalize the organized forces of hope and human goodness.

Bearing in mind the above, the following concrete scheme is proposed:

Principles

* Equal rights for all, without distinction of race, colour, gender or creed;

* The guarantee of all the classical so-called first generation human rights, including personal freedom, abolition of the death penalty, no detention without trial, and the rights of expression and assembly associated with a multi-party democracy;

* Secure constitutional space for religious, cultural, social, residents' and students' organizations and other non-governmental organizations, including human rights organizations;

* Acknowledgement of all the languages spoken in the country, with the possibility of designating particular languages for special purposes, such as legislation, at the national or regional levels;

* Recognition of the multi-faith character of the country, with the possibility of religious bodies collaborating with the state on a non-denominational basis and without losing their right to bear witness and criticize the actions of the state;

* Strong gender rights to protect the human rights of women;

* No discrimination on the grounds of single parenthood or sexual orientation;

* Clear defence of the rights of workers, including the right to have independent unions and the right to strike;

* Affirmation of the rights of children;

* Promotion of the rights of disabled persons not to be discriminated against and to have guaranteed access to employment and public amenities;

* Rights to land;

* Rights and duties in relation to the environment;

* Protection of personal property, and the right to just compensation in the case of any property taken in the public interest.

Derogation

There are strict controls on the power of the state to derogate from the principles set out in the bill of rights, the governing notion being that they be necessary, limited to their specific object, clearly defined and in accordance with principles generally accepted in democratic countries.

Principles of redistribution

* Equal protection, so that instead of spending of public funds being five-to-one in favour of whites, as at present, it is done on the basis of one person one rand;

* Affirmative action to overcome the legacy of structured racial and gender discrimination;

* Positive measures in the civil service, army, police force and prison service to bring about balanced structures based on the principles of representativeness, competence, impartiality and accountability;

* An expanding floor of minimum social, educational, health and welfare rights, based on the availability of resources;
* Transfer of resources from richer to poorer areas.

Mechanisms of enforcement

* The fundamental rights and freedoms to be secured by an independent and representative judiciary, headed by a Constitutional Court;

* Judicial review of legislation and executive acts in terms of their constitutionality, and of administrative acts in relation to their propriety and reasonableness;

* A Human Rights Commission to be established by Parliament with the function of research, recommendations and acting as an agency to receive and handle complaints of human rights violations;

* A Social Rights section of the Human Rights Commission to monitor the achievement of social rights, do research, make recommendations and obtain information for the legislature and the public. In addition, the courts will secure such social rights as are provided for by legislation, will take social rights into account when interpreting legislation and considering the reasonableness of subordinate legislation or administrative acts, and may act to restrain any diminution of social rights;

* A Land Court will deal with disputed claims to land;

* The question of just compensation for the redistribution of land or for the taking of property in the public interest will be dealt with by an independent tribunal with the right of appeal to the courts;

* The office of Ombud will be created to deal with questions of rude, abusive, neglectful, corrupt or nepotistic behaviour by public officials.

Areas of confusion

Tyranny and abuse in the name of evil are easy to detect and denounce; those in the name of the good are more worrisome. It is not cynicism that says: physician heal thyself, constitutionalist constitutionalize yourself, freedom-fighter make sure that freedom is always in your soul.

The more we entrust, the more we distrust. That is what constitutions are about, the mixing of empowerment and accountability, of endowment and suspicion. The answer is not to do away with government or to render government immobile. Nor is it government without constraint. It is effective government that functions according to constitutional principles.

Just as trust and mistrust balance against each other in the constitutional scales, so do certainty and uncertainty. The uncertainty principle is in fact one of the key elements of constitutionalism. So is the certainty one; each has its own sphere.

Certainty applies to rules and procedures, uncertainty to outcomes. Thus, the rules governing criminal trials must be certain, the results of any particular trial uncertain. If the

outcome of the proceedings were known in advance, it would be a show trial.

Similarly, the need to hold free and fair elections must be certain. The outcome of any election must be uncertain. If the result of the election was determined by the ocnstitution and not by the electors, then the election would be empty. On this apparently recondite point the whole of Codesa 2 broke down.

We must not be afraid of elections. Voting must make a difference. Outcomes must be uncertain. The people must have the right not only to 'chuck the bums out' but to put people into office whom they trust. The vote is necessary not only to disempower rogues and crooks but to empower good people with good programmes.

If the good people decide that at least for the period of historic transition part of their goodness will be manifested in the ability to work with and draw on the experience of others, even of those with whom they have fought bitterly in the past, their reputation for wisdom, and hence their re-electability, is likely to be enhanced.

The alternatives, then, are not government or no government, but open government or hidden government. What is sometimes called 'getting government off our backs' is simply replacing open government, with all its criticizable faults, with secret government and all its hidden vices.

Another area that has caused confusion in the debate about a bill of rights is that of privacy. From one point of view the right to privacy is at the very heart of constitutionalism. It connotes that all persons have a fundamental right to be themselves without dictation. It is the ultimate acknowledgement of personal self-determination.

A state that honours its citizens has no problem in respecting their privacy and individuality. Indeed, it can be maintained that an activist state that promotes health, education, employment and social security for its citizens gives them more choices and better chances to lead meaningful private lives than one which abandons them to the tyrannies of disease, ignorance and squalor.

At the same time, the concept of privacy is frequently used to deny constitutional remedies for the most flagrant abuses of personal rights. Private power is permitted to do what public power cannot. For the victim of violence and unconscionable exploitation, it makes little difference if the violator of his or her rights wears an official uniform or not. What matters is if there should be a remedy against avoidable tyranny.

Constitutionalism in its true sense abhors a vacuum. Constitutional rights do not stop at the front door. Nor are they

barred by the factory gate. Nor are they excluded by the farm fence. Constitutionalism may in the first instance be concerned with abuses of power by the government. Yet it cannot be exhausted simply by the notion of limits on the power of government.

Just because for certain historical reasons constitutional rights and civil rights in the United States emerged as two different concepts, it does not mean that they should be put on separate tracks elsewhere. Constitutionalism in its broad dimension deals with securing the fundamental rights and dignity of all. It recognizes that each and evey member of the community has the status of buman being with the right to life, liberty and the pursuit of happiness.

It declares that no one should live in terror or be made to feel worthless, that no one should be victimized in a way that violates his or her fundamental dignity; not by a husband or by an employer or by a gangleader or by a government official. Similarly, no one should be denied access to enjoyment of fundamental rights to education, employment, accommodation and recreation on grounds of race or gender or other irrelevant characteristic. It would be bitter indeed if through the doctrine of privacy the new constitution came to protect rather than eliminate discrimination.

There are areas where the constitutional right to privacy would be stronger than claims to non-discrimination. Thus, however unjust and illogical many of us might feel it to be, many religious denominations reserve certain offices to men. This would be a matter for the members of the religious organization themselves to debate and change if necessary, there could be no question whatever of the courts being called upon to declare that women should be ordained as priests, bishops, rabbis or imams.

Similarly, persons must be free to decide whom they want as friends or lovers or dinner companions or house guests or spouses. Hoever bigoted people might be in their preferences, the law will not interfere. Subject to reasonable limitations such as that of age, the law can neither compel nor prohibit free exercise of choice in these respects.

A third source of confusion in the constitutional debate is over what is negotiable and what is non-negotiable.

You cannot negotiate human rights.

If by their nature human rights are inalienable, then by the same token they must be non-negotiable. What you negotiate is not their essential content, but how to express them.

You discover them, distil them out of universal human experience, articulate them, find the best words in which to formulate them.

Yet you do not bargain over them. There is no give and take, no compromise, no trading in fundamental rights.

You seek flexible and efficacious means of realizing them. You acknowledge the concrete situations in which they become problematic. You realize that just as human beings develop and their societies change, so do their concepts of rights evolve. You appreciate that rights collide with each other and need harmonization on the basis of proportionality. Yet you do not broker them. Rights are for everybody. They are indivisible. They are not on the market.

In particular, you do not trade what some have called first generation rights for First World communities against what is referred to as third generation rights for Third World people. We are all South Africans. We all want to be free to speak our minds, to vote, to move without hindrance. It is a question of who we are in the world, of worth, of dignity, of status.

Equally, we all desire health and education and somewhere decent to live and education and reward for our efforts. Our concrete hopes might be influenced by the real possibilities that await us, but the essence of our expectations is the same.

It is this commonality of values and aspirations that makes it possible for us all to live together under one constitution.

2. a new government can institutionalise mechanisms that ensure media diversity (as in Holland and Sweden).

The 'nationalise' option is very tempting for a new, and insecure, government. It is simple, and effective, in that the existing imbalances can be overturned virtually overnight. However, it will not bring about a critical and diverse media, and will merely replace the dominance of one set of elites with another. Encouragingly, this is not an option that any of the major political players are considering (yet).

The second option has received increasing attention this year. At the level of broadcast media, the issue the relatively simple. The existing state-appointed broadcasting authority, which regulates the airwaves and controls the SABC, should be replaced by a truly independent broadcast authority (as in Britain and Canada), which will grant licenses to a diverse range of private radio and TV broadcasters, and which will appoint a widely representative and independent public broadcasting board, which will oversee the operation of a truly independent public (and dominant) television and radio network.

However, when it comes to the print media, issues are not that simple. If the current commercial media is not going to be nationalised, how will press diversity in this sector be ensured? The answer lies in setting up an independent media diversity trust that will, through state and private funding, assist alternative media that have great difficulty surviving under existing market conditions. This has been practiced with great success in Sweden, Holland, Belgium and Austria.

The degree of state involvement here is critical. While revenue, derived for example from a special tax on advertising, could be collected by the state on behalf of the trust, and the state could exempt the media from VAT, the trust itself should be completely independent, and composed of individuals who are not office-bearers of any political party, and have no vested interests in the media.

The trust would seek to ensure that as wide a range of interests as possible are represented in the media. It would do this by assisting 'alternative' dailies and weeklies to become viable competitors with existing dailies and weeklies (with the goal of eventual self-sufficiency). In addition, it would assist publication which, because of their specialist nature, have no short-term or long-term prospects of complete self-sufficiency, but which can demonstrate a certain degree of viability and social worth.

If South Africa adopted such a diversity mechanism, it would be the first developing country to recognise the centrality of the media in creating a culture of democracy (in the deepest sense of the word). It would reject the myth that 'diversity' exists because, as in Nigeria, a few competing elites own newspapers, leaving the poor and powerless without effective voices.

Some, who have never exercised their independent (having always been crude ANC mouthpieces), may be totally unconcerned about future 'press freedom' in the expectation that they will become the scribes of a future ANC government (as has happened in Zimbabwe, amongst countless other countries).

But such a narrow perspective, often pursued in the belief that it will best serve the ANC, and by extension 'the oppressed', is too shallow to realise that if the ANC is seen as our best hope for democracy, then a sycophantic press will undermine the ANC's ability to act democratically.

If the ANC is only criticised from the right, then it will often ignore that criticism with the (often justified) view that it is ill-informed, or vindictive, criticism. But criticism from the left, especially from publications which share the ANC's fundamental principles (of non-racialism, social justice, etc.) has a qualitatively different value and impact. It is usually criticism inspired by the desire to build a culture of democracy, which at present means, amongst other things, strengthening the ANC as a democratic organisation. This entails making officials within the ANC accountable for their actions, exposing inept or corrupt officials, and alerting the organisation to flaws in its tactics and strategies.

It also means stimulating a climate of tolerance, by allowing competing political perspectives within the ANC, and between the ANC and other organisations (even if one has fundamental disagreements with their views), to express themselves in your publication.

Although the argument that establishment views are given ample space in the established media, and therefore should not occupy too much space in the alternative media, carries some weight, such views should also be heard. The alternative media should pave the way for what the media as a whole should strive for - fair and objective journalism which sees its foremost task as empowering and public with knowledge (a prerequisite for democracy).

Knowledge, ultimately, does not have a 'left' or 'right', 'black' or 'white' tag to it. Knowledge it knowledge and the public needs to be informed if it is to take part in shaping the country's future. An ill-informed public taking ill-informed decisions (like electing and re-electing corrupt power mongers to power) is a sure road to chaos and disaster (and ultimately authoritarianism).

A diverse press

The current media imbalance, where the interests of monopoly capital and the National Party reign supreme, can be addressed in one of two ways:

1. a new government can nationalise the media, or a substantial section of it (as in Zimbabwe), or

transformation. Other publications, by and large, were advocacy media, which felt impelled by circumstances to hit hard against the government (and at times the 'ultra-left'), and avoid any criticism of the ANC, UDF or Cosatu. During the latter half of the 1980s, even the *SALB* and *WIP* found it difficult to be as critical and independent as they would perhaps have liked.

The Weekly Mail was the first to break ranks, when in 1989 it exposed a truly 'hot' issue - the Winnie/Stompie affair (incurring the wrath of many within the ANC/UDF in the process). But the issue was of such grave importance to the national interests, that they were prepared to take the risk.

Since the unbanning of the ANC and SACP, there has been a slow acceptance by other alternative media that 'independence' means asserting the right to publish what you see fit, and not publishing what you feel is unworthy of publication. Despite this assertion of independence, self-censorship is still widespread. It occurs at two levels:

1. where editors feel obliged to portray the organisation they support in a positive light, and ignore the views and activities of organisations within the liberation movement that they do not support; and

2. where conditions in townships, such as naked intimidation of journalists by undisciplined (or sometimes, too 'disciplined') youth and other local political leaders, or more subtle 'persuasion' (such as Nelson Mandela urging the editor of the Sowetan not to publish articles critical of Winnie Mandela), causes a publication to avoid publishing issues which may be too 'sensitive' or compromising for particular elites or their organisations.

Underlying both levels is the 'revolutionary' understanding that the media are essentially propaganda organs, whether it be for the bourgeoisie or the 'working class'. Where publications are owned or controlled by the latter, then their function, according to this perspective, is to expose the ruling class, and promote the organisations of the 'working class', in this instance the ANC, SACP and Cosatu and their various allies. Cruder versions of this perspective posit that organisations deemed 'ultra-left' serve ultimately the interests of the ruling class, and must either be ignored, or discredited.

This understanding, of course, directly contradicts the official positions of the ANC-led alliance. The ANC's media charter goes further than any other political organisation in elaborating a media policy that places at its centre 'freedom of expression'. There is little doubt that a future constitution and Bill of Rights will entrench such freedoms. This has tended to disarm alternative media practitioners, and lull them into a false sense of security, believing that their right to free expression - which is being given unprecedented licence during the current transition period - will be guaranteed in the New South Africa.

Main Argument:

Radical transformation, and with it a culture of democracy and accountability in South Africa, is only possible if there is a free, critical, challenging and diverse press.

- The press must be free from external manipulation, whether it be government, political parties or capitalist interests. This is the only way to ensure that views are honestly expressed, and that news is not consciously distorted to serve narrow ends.
- The press must be critical and challenging, even when it supports the broad goals of a particular organisation.
- The press must be as diverse as possible, in order to meaningfully reflect the full range of opinion that exists in society.

Mechanisms therefore need to be in place to ensure the independence and diversity of the press. The current situation, where one voice (that of monopoly capital) reigns supreme, has to be meaningfully and drastically altered. But in tipping the scale the other way, it would not be in the interests of democracy or transformation if the press merely reflects the interests of a future democratic government (even if it represents the interests of the poor).

Debate and difference has to be institutionalised, and any government hasd to be held accountable, on a daily basis, for its actions. Only a free, critical and independent press can, in the end, ensure this.

The alternative press, the ANC and self-censorship

The ANC since its unbanning has committed itself to 'freedom of the press'. ANC president Nelson Mandela has even gone so far as saying that the ANC needs a critical press, because it needs a mirror through which to see its mistakes.

This commitment, which to a greater or lesser degree has been made by all the political parties in SA, must be weighed against two factors:

Firstly, the maxim that all political actors, especially those in power, do not take kindly to criticism, and would prefer to be portrayed in the best possible light to the public.

Secondly, the ANC and SACP (as well as the PAC, Azapo, etc.) have only recently emerged from a 'revolutionary' perspective which regarded debate and criticism (particularly about 'internal matters') as a privilege of the 'revolutionary elite', to be conducted within highly restricted circles, and only rarely spilling over to a broader audience (including its general membership).

Within the liberation movement, these two factors are intimately related. The excuse that 'we should not confuse the masses' is directly

related to the anxiety that 'I/we should always come out smelling like roses'. In this past this was compounded by the commercial media's general hostility to, or distorted understanding of, the liberation movement. This fed the belief that since there was already so much negative publicity, 'we need to always project the opposite'.

The result has been that the alternative press that re-emerged with the *SA Labour Bulletin (SALB)* and *Work in Progress (WIP)* during the 1970s, and mushroomed during the 1980s with more frequent publications[1], has been under tremendous pressure to 'toe the line'.

Apart from the various party organs, the 'independent' press found itself promoting the ANC and its allies (in particular the UDF, SACP and Cosatu). This coincided with the fact that those who took the initiative to set up alternative publications came from the (non-racial) Congress tradition, and found a sympathetic funding community whose perceptions were shaped by the ANC's effective international work, as well as the fact that the Congress position became overwhelmingly dominant during the 1980s.

SALB and *WIP* were, before the mid-'80s, notable exceptions. *SALB* emerged out of the trade union movement and the academic community that supported it during the early 1970s, and *WIP* emerged out of the student community in the later 1970s.

Their initial orientation was towards a 'New Left' Marxism that implicitly challenged the Soviet Marxism of the SACP. But this was not an explicit challenge during the 1970s. The Congress movement was, primarily for legal reasons, virtually ignored by *SALB*, which concentrated on trade union issues, and only addressed by *WIP* through the struggles of organisations that emerged legally during 1979-80.

As the Congress-aligned organisations began to dominate struggles inside the country during the 1980s, the more they came to feature in the debates in these journals. But their insistence on maintaining their independence, unlike the other publications which grew during the 1980s, was resented by many within Congress. They were suspected of being 'workerist'.

But whatever the political leanings of individual editors, the fact is that, during the 1980s, these two publications were the only ones (to be joined later by *Transformation*), which offered a forum for real debate about the nature of our struggle, and options for future

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[1] These include Grassroots and other community publications, the literacy magazine *Learn and Teach*, and the teenage magazine *Upbeat*, and later the weeklies *The Weekly Mail*, *New Nation*, *South*, *Vrye Weekblad* and *New African*, and the specialist magazines *Speak*, *New Ground* and more recently, *Challenge*. Journals such as *Transformation* and *Agenda* also appeared in the latter half of the 1980s. From the underground, of course, we had party organs such as *Sechaba*, *Mayibuye*, *African Communist*, and *Umsebenzi*, as well as various publications from the PAC, Unity Movement and the Black Consciousness Movement. All along there has also been the *Education Journal* of the Unity Movement-aligned TLSA, which for a while was one of the only alternative publications still produced legally (with a very small readership).

The Necessity of a Challenging Press

Devan Pillay
Editor, Work in Progress

Paper presented at the
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"CIVIL SOCIETY", MASS ORGANISATIONS AND PEOPLE'S POWER IN SOUTH AFRICA

BLADE NZIMANDE

AND

MPUNE SIKHOSANA

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Introduction and background

The crisis in Eastern Europe, the failure of democracy in Africa, and, in the shadow of the above two, the apparent 'success' and 'stability' of western bourgeois democracies have all led to extensive soul-searching amongst socialists and Marxists on how national and socialist democracy can be brought about in the contemporary period. This failure of democracy in Africa has been attributed to, amongst other things, the following:

a. In the case of Eastern Europe, the reasons for the crisis have been attributed to the development of bureaucratic socialism.[1] Perhaps even more significant for our purposes here is the assertion in Slovo's bold article that the crisis in Eastern Europe is, amongst other things, an outcome of the "steady erosion of people's power both at the level of government and mass social organisations."[2] Slovo further develops his argument by pointing out that in fact the crisis can be traced to some of the Marxist classics whereby the question of the nature of established socialist 'civil society' was never addressed. These comments by Slovo are fundamental to his paper and raise questions which perhaps have not been taken up by some of the respondents to this paper, the question of 'civil society' and socialist democracy. It is some of these issues that our paper intends to address.

b. The crisis in Africa has manifested itself most sharply in the economic underdevelopment or collapse of many countries.[3] The manifestation of the problems of democracy in Africa in recent times has been the movement demanding multi-party democracy in many African countries, even in the most protected enclaves of one-party states like Kenya and Zaire. However, many scholars have argued that the crisis in Africa cannot be separated from lack of democracy in many of the African countries. One-party states, in particular, have been cited as one of the reasons for the lack of democracy.[4] Although Mandaza is critical of explanations that attribute lack of democracy in Africa largely to the model of a one-party state, he argues that, for instance, the "Zimbabwe debate on the one-party state and democracy herein should give us deeper insight into the problematic of the state and democracy in the post-colonial situation".[5]

c. Some of the political successes and failures in Latin America in particular have been attributed to either the growth or suppression of 'civil society'.[6] In these and other 'third-world' countries, the growth of military dictatorships and the failure of some of the most bold experiments in democracy has also raised the question of democracy high on the agenda. And in most instances, these debates have centred around the role of the 'social movements' and 'civil society' in building democracy in general. As a matter of fact, there is growing usage of the concept of 'civil society' in both Western Marxism and in Eastern Europe.[7]

In South Africa in particular, these debates have some underlying common assumptions, some of which are:

i. An uncritical revival of, and trust in, the concept of 'civil society' as the solution to establishing democratic regimes.

ii. Related to the above, the notion that the development of strong independent, non-sectarian 'social movements' is a guarantee for democracy.

iii. A tendency to simply abandon some of the fundamental concepts of Marxism-Leninism (for example, 'dictatorship of the proletariat' 'vanguardism'), without adequate theorisation of why they are no longer applicable. This is sometimes accompanied by a very uncritical acceptance of some of the long-discredited liberal notions of democracy.

iv. An evolutionary, rather than a revolutionary, conception of the transition to socialism, which is a very fundamental departure from the Marxist paradigm. The development of this conception is not unrelated to the growing pessimism found amongst many socialists and Marxists after the collapse of East European socialism. Underpinning this evolutionary transition to socialism is the notion that the vehicle for this will be democracy, largely conceived in terms of liberal democracy.

v. Underlying most of these responses to the crisis of socialism is the stripping of the struggle for democracy of its class content, and the tendency to talk about 'democracy in general'.

vi. In virtually all of the interventions looking into the question of socialism and the democratisation of society is the absence of an analysis of the state and, more particularly, the role of the state in bringing about democracy. This seems to be an outcome of an implicit, sometimes explicit, assumption that a vibrant 'civil society' will act as a watchdog over the state to ensure that it behaves democratically.

vii. A rather strange assumption made in many of these interventions is the notion that 'organs of civil society' will create democracy only if they distance themselves from political organisations and, consequently, democracy to them means 'civil society' distancing itself or disengaging from the state.

It is some of the above issues with which this paper will engage, with the particular aim of highlighting in some detail the complexity of the issue of building democracy, both in the national democratic phase of the South African revolution and under socialism. This paper sets out to do three things, the first being to examine the concept of 'civil society' as used by Marx and Engels, as well as by Gramsci, who has come to be known as the main classical theoretician of 'civil society'. Secondly, the paper aims to critically evaluate some of the current usages of the concept 'civil society', basically showing that the way this concept is being used in South Africa at present is in a liberal sense and is based on a serious misunderstanding of what Marx, Engels and Gramsci meant. Thirdly, the paper

constructs an alternative conceptualisation of the process of democratisation of the South African society, paying particular attention to the immediate goal of building a national democracy, but relating this to the longer-term objective of building socialism in South Africa. The paper tries to argue for the necessity and urgency of building organs of people's power as the only means of ensuring a national democracy as well as for laying the foundations for a rapid advance towards socialism. The notion of 'organs of people's power' is also advanced as the more appropriate theoretical conceptualisation of the task of building the national liberation movement and democracy.

The concept of 'civil society' in Marx and Engels

Narsoo makes a very important observation about the debates around and contemporary usage of the concept 'civil society' in South Africa, post 2 February 1990. He correctly observes that:

> It has become ... fashionable to invoke the magic term 'civil society' as panacea for the ills of the failed East European regimes, the decline of the welfare state, the ailing economies of the African continent, and for the reconstruction in South Africa.[8]

More important is Narsoo's further observation that the term 'civil society' has become all things to all people. The use of the concept 'civil society' has permeated the national liberation and mass democratic movements, and has become a watch-word of the post 2 February 1990 phase of the South African struggle. It is for this reason that we find it important to interrogate this concept more closely, and the obvious starting point is to examine the meaning of the term in Marx and Engels' works.

The concept 'civil society' in the works of Marx and Engels, as will be shown below, goes into the very heart of the nature of bourgeois society and democracy. What is disturbing about the use of the term by analysts who claim to be Marxists is a lack of reflection on the theoretical status of the term in Marx's work and in Marxism as a whole. The term is used as if it only appeared in the contemporary period, and has no history in Marx's works. It is argued here, as we will try to demonstrate below, that the concept 'civil society' has a specific theoretical and historical meaning in Marx's works in particular. Marx's usage of the term in his early works and non-usage in the later works is based on a particular theoretical understanding and meaning of the concept.

Examining Marx's works is by no means meant to give such work the status of a catechism. Yet it is our strong belief that the way in which Marx and Engels used the concept cannot be passed over glibly or ignored because it impacts directly on the current debates. Over and above this, the understanding that Marx and Engels had of the concept affected the entire course of their work.

Therefore, the tracing of the meaning of 'civil society' in the Marxist classics is meant to provide the theoretical backdrop against which we can assess both the theoretical and political validity of the usage of this concept in contemporary South Africa.

The modern political usage of the term 'civil society' can be traced to Hegel. He used the term to distinguish between what he called 'political society', whose consummation was the state, and 'civil society', the sphere of private individuals pursuing their own interests. In Hegel's writings on this subject, the state is the rule of reason in society and the incarnation of freedom and, by implication, the state is the rationalisation of the otherwise 'irrational' 'civil society' which is characterised by egoism.[9]

Marx's entry point in his Early works is the reverse of Hegel's views. Marx points out that the real theatre of history is not the state but 'civil society' itself. The first thing that Marx does is to historicise this separation between political society and 'civil society', by firmly tracing it to the advent of bourgeois society. In his Early works he explains the separation in the following manner:

> The abstraction of the state as such belongs only to the modern time, because the abstraction of private life also belongs only to modern times. The abstraction of the political state is a modern product... In the Middle Ages there were serfs, feudal property, corporations of trade and of learned men, etc. This means that in the Middle Ages property, trade, society and men were political; the material content of the state was delimited by its form; each private sphere had a political character or was a political sphere or politics formed the character of the private sphere. In the Middle Ages the political constitution was the constitution of private property, but only because the constitution of private property was the political constitution. In the Middle Ages the people's life and the state's life were identical. Man was the real principle of the state, but it was unfree man. So it is the democracy of unfreedom, perfected alienation. The abstract, reflected opposition only begins with the modern world. The Middle Ages embodied the real dualism, and the modern time the abstract dualism...[10]

A number of points become clearer here as to what Marx at this stage understood 'civil society' to be. Firstly, 'civil society' was born out of bourgeois revolutions as part of the freeing of the capitalist productive forces. Secondly, the birth of civil liberties comes with bourgeois society, but these liberties do not constitute, according to early Marx, human emancipation and full freedom. At this stage, Marx was already fully aware of the abstract nature of this dualism in modern bourgeois society. He perceived this dualism to be as abstract in the sense that the state poses as an entity separated from 'civil society', and 'civil society' poses as an autonomous sphere where people can pursue their own interests without hindrance. In other words, the separation of 'civil society' and the state is an embodiment of human alienation and the more sophisticated forms of institutionalisation of capitalist exploitation throughout society. This separation also serves to mask the true nature and basis of exploitation in modern bourgeois societies. What Marx is pointing out here is that the 'freer' bourgeois society seems to be, the more exploitative it becomes. This is what we understand to be Marx's perception of the essence of the separation between 'civil society' and the state.

Although Marx in his early works refers to this distinction, it seems as if he is already sceptical of the formulation that the two spheres are actually separate. At this stage, he seems to have been using 'civil society' in a descriptive sense rather than an analytical sense, that is, taking its separation from political society as a given, an outcome of

bourgeois society. However, it is very clear from the above quotation that he was already giving an indication of how property relations, even in modern bourgeois society, are the foundations of 'civil society'.

What still remains unclear at this stage is whether this separation, which Marx acknowledges, is real or apparent. According to Marx's concept of abstract dualism, we would argue that the separation is both real and apparent. It is real in so far as it is an expression of the actual liberation of serfs, turning them into modern citizens with voting rights, but at the same time, it is apparent in that the separation between 'civil society' and the political society does not abolish inequalities based on property. It is important to quote Marx in full in his essay On the Jewish question to illustrate this point:

> And yet the political annulment of private property has not only not abolished private property, it actually presupposes it. The state does away with difference in birth, class, education, and profession in its own manner when it declares birth, class, education, and profession to be unpolitical differences, when it summons every member of the people to an equal participation in popular sovereignty without taking the difference into consideration, when it treats all elements of the people's real life from the point of view of the state. Nevertheless the state still allows private property, education, and profession to have an effect in their own manner, that is as private property, as education, as profession, and make their particular natures felt.[11]

Whilst the state, especially as embodied in bourgeois constitutions, claims to have abolished class, property and other social distinctions by giving 'equal' status to all its citizens irrespective of these distinctions, it is, in actual fact, an embodiment of these distinctions in 'civil society'. From the above quotation it can also be concluded that Marx was becoming acutely aware of how bourgeois political institutions reify 'civil society' into a 'private sphere'. Such reification is projected ideologically in the separation of the political state from 'civil society'. We would argue that already from these early works Marx begins to anticipate the dissolution of this separation with the dissolution of bourgeois society. In fact, he makes the following conclusion in On the Jewish question:

> The actual individual man must take the abstract citizen back into himself and, as an individual man in his empirical life, in his individual work and individual relationships become a species-being; man must recognise his own forces as social forces, organise them, and thus no longer separate social forces from himself in the form of political forces. Only when this has been achieved will human emancipation be completed.[12]

In The German ideology, Marx and Engels begin to move closer to the actual material basis of 'civil society' as they begin to examine the material foundations of society. What is distinct, though, about The German ideology, where the foundations of historical materialism are explicitly articulated, is that 'civil society' constitutes the entire social intercourse of individuals based on their economic relations. We would like to differ with Hunt when he argues that Marx's usage of the term can be divided into three watertight stages.[13] In fact, there is a common thread that runs throughout. As shown above, it is very clear that Marx was anticipating the ideological nature of the separation between

the state and 'civil society', which he then clearly articulates in The German ideology.

It is clear from Marx's use of the concept in his very early works that a full understanding of 'civil society' will lead to an analysis of property relations. In other words, it is not by chance that Marx moves to economic studies; rather, it is a further development in his analysis of the basis of 'civil society'. It is not his study of the capitalist economy that leads him to discover the real nature of 'civil society', but it is his study of 'civil society' that leads him to unpack the 'hidden abode' of 'civil society' as the real motor of history. It is this particular understanding that leads Marx to a materialist analysis and grasp of the state as simultaneously acting above society and as an institutional expression of relations in ('civil') society.

One very important piece of evidence for this is the way Marx defines 'civil society' in The German ideology:

> The form of intercourse determined by the existing productive forces at all previous historical stages, and in its turn determining these, is civil society ... Already here we see how this civil society is the true source and theatre of all history, and how absurd is the conception of history held hitherto, which neglects the real relationships and confines itself to high sounding drama of princes and states.[14]

In fact, what is very clear here is the continuity from Marx's earlier point that the separation between state and 'civil society' does not abolish private property and social relationships based on such property. By implication, such a conceptualisation would have led Marx to examine how private property constitutes the foundation of society.

From the above assertion we would then like to assess why Marx hardly ever uses the term 'civil society' in his later works. There are two possibilities here. Either he abandons the term because it is ideological and no longer a useful concept with which to understand the development of society, or he intended coming back to the concept after his study of the 'economy'. In fact, the reason why Marx, particularly in The German ideology, begins to expand the term to mean 'social relations' is because 'civil society' cannot be disconnected from the state. In other words, at this stage, the term 'civil society' is only used in order to show that to make the separation shows a fragmented view of society. Already in this text he is laying the foundations for his later works and a more proper conceptualisation of what has been referred to as 'civil society'. The following quotation is evidence of this:

> Civil society embraces the whole material intercourse of individuals within a definite stage of the development of productive forces. It embraces the whole commercial and industrial life of a given stage and, in so far, transcends the state and the nation, though, on the other hand again, it must assert itself in its foreign relations as nationality, and inwardly must organise itself as state.[15]

What this means, therefore, is that the counterposing of the state with 'civil society' represents a distorted understanding of the nature of bourgeois society. It also means that the question of the nature of the state is inextricably linked to 'civil society'.

Therefore, 'civil society' cannot be conceptualised independent of the state. Similarly, though, this assertion should not be read to mean that the state can simply be reduced to 'civil society', in that under bourgeois society it tries to act above and mediate relations in 'civil society'. It is because of this nature of bourgeois society that Marx abandons the term, and prefers to talk of social relations in general, with the mode of production as its underlying force.

On the other hand, we cannot rule out the possibility that Marx would have returned to the concept, particularly given the fact that he left Capital Volume 3 at the point when he was about to discuss social classes. However, our reading of the development of Marx's conceptualisation of 'civil society' leaves us with no other conclusion than that his conceptualisation at his mature stage would have led to the abandonment of the concept.

In reaching the above conclusion, we differ in particular from Althusser's very strong argument that:

> The concept of 'civil society', as found in Marx's mature writings, and constantly repeated by Gramsci, to designate the sphere of economic existence, is ambiguous and should be struck from Marxist theoretical vocabulary - unless it is made to designate not the economic as opposed to the political, but the 'private' as opposed to the public, ie. a combined effect of law and legal-political ideology on the economic.[16]

For us, the abandonment of the use of the term does not derive from the ambiguity of the term as such in Marx's writings. In fact, we do not think that the term is used by Marx in an ambiguous way, but represents a progressively mature view of 'civil society', which leads him to see the limits of the term in understanding capitalist society.

Gramsci's conception of 'civil society'

Usage of the term 'civil society' in contemporary Marxist discourse is normally associated with Gramsci. It is therefore important to try and understand what Gramsci meant by this concept. Althusser is, in fact, incorrect in attributing to Gramsci the notion of 'civil society' as meaning the economic sphere. Gramsci seems to have used the concept in a manner not inconsistent with that of Marx and Engels, although he definitely enriches the concept.

It is argued here that in order to fully comprehend Gramsci's usage of the term, one needs to understand the context within which he was using it. Gramsci's primary concern, particularly in his Prison notebooks, is the understanding of the question of contestation over state power. It is in this context, for instance, that he comes up with his concept of hegemony. We find this to be Gramsci's central concern, and even his understanding of the role of the state, intellectuals and the Communist Party is firmly grounded in this concept.

With regard to the role of intellectuals, it is important to quote Gramsci in full, in so far as this quotation clarifies his understanding of 'civil society' in relation to hegemony:

> What we can do, for the moment, is to fix two major superstructural 'levels': the one that can be called 'civil society', that is the ensemble of organisms commonly called 'private', and that of 'political society' or 'the State'. These two levels correspond on the one hand to the function of 'hegemony' which the dominant group exercises throughout society and on the other hand to that of 'direct domination' or command exercised through the state and 'juridical' government.[17]

Apart from the confusion introduced by the use of the concepts 'civil society' and 'political society' in inverted commas, here Gramsci is using the concept in a classical Hegelian way: distinction between 'civil' and 'political' society. However, the most important point that Gramsci is making here is that the dominant class exercises power throughout both 'civil' and 'political' society. Hegemonic domination is primarily exercised via 'civil society' and direct domination through direct state repression.

Like Marx, Gramsci sees 'civil society' as the theatre of struggle and a terrain where real power is contested. He compares 'civil society' to the trenches in modern warfare:

> ... in the case of the most advanced States ... 'civil society' has become a very complex structure and one which is resistant to the catastrophic 'incursions' of the immediate economic element (crises, depressions, etc). The superstructures of civil society are like the trenches of modern warfare. In war it would sometimes happen that a fierce artillery attack, seemed to have destroyed the enemy's entire defensive system, whereas in fact it had only destroyed the outer perimeter; and at the moment of their advance and attack the assailants would find themselves confronted by a line of defence which was still effective.[18]

However, there is a new element introduced by Gramsci with regard to the concept of 'civil society' and that is its resistance to change even in the face of serious political and economic changes or crises. It is not only the resilience of 'civil society' per se to which he refers here, but also to a more fundamental phenomenon: the dominant group's hold over institutions of society, even if only ideologically, in spite of crises and changes.

Given the above, one would assume that Gramsci had a dualistic understanding of bourgeois society, as one consisting of both a 'resilient', sometimes 'autonomous' 'civil society', as well as a repressive political society, when in fact he is merely illustrating the different ways in which a ruling class exercises power. Gramsci himself criticises the separation of 'civil' and 'political' society, and merely uses this as a methodological, rather than a structural or organic distinction, to demonstrate how hegemony operates. Gramsci himself makes this point clear in his critique of ideologues of the free market system. He says:

> The ideas of the Free Trade movement are based on a theoretical error, whose practical origin is not hard to identify; they are based on a distinction between political society and 'civil society' which is made into and presented as an organic one, whereas in fact it is merely methodological. Thus it is asserted that economic activity belongs to civil society, and that the state must not intervene to regulate it. But since in actual reality civil society and the State are one and the same, it

must be made clear that laissez faire too is a form of state 'regulation', introduced and maintained by legislative and co-ercive means. It is a deliberate policy, conscious of its own ends, and not the spontaneous, automatic expression of economic facts.[19]

The similarities between Marx and Gramsci's understanding of 'civil society' are striking, and have usually been underemphasized in Marxist discussions of this concept. However, Gramsci uses the concept to highlight aspects of political and ideological domination in much more precise terms than had been developed by Marx himself.

'Civil society' as a liberal and one-sided concept

For our purposes, surveying the meaning of the term 'civil society' in Marx and Gramsci's works leads to the following conclusions:

i. The distinction between 'political' and 'civil society' in Marx and Gramsci's works is a methodological (descriptive) and not a theoretical distinction. In other words, one cannot treat 'civil society' without simultaneously addressing the question of the state, and the entire social relations underpinning society.

ii. The current conceptualisation of separating the state and 'civil society' in most of the contemporary debates in South Africa is a Hegelian one, and is rooted neither in Marx's nor in Gramsci's use of the concept. However, this conceptualisation is also a mechanical inversion of Hegel. If for Hegel the state was the incarnation of reason that had to mediate over the 'selfish civil society', for the protagonists of a 'vibrant civil society', 'civil society' is the incarnation of reason that has to act as a watchdog over the state. In fact, the current usage, as will be illustrated below, is a liberal usage, and is a misreading of Marx and Gramsci.

iii. An argument for a 'civil society' independent of the state cannot be theoretically sustained because it obscures the fundamental role of the state in bringing about democracy.

Based on the above assessment it is important to concretely illustrate how contemporary usage of this concept in South Africa indicates a very one-sided approach to the question of building democracy.

Democracy and 'civil society': An overview of contemporary South African debates

The discourse of 'civil society' has been used in a variety of ways, both in the everyday language of the national liberation and mass democratic movements, as well as in some of the theoretical reflections on the crisis of Eastern European socialism. However, some of the more significant published debates have raised this question within the context of the broad umbrella of 'democratic socialism'. From our survey of this literature, there

are a number of variants of democratic socialism, including Swilling's notion of 'associational socialism', Glaser's 'logic of democratic participation', and the variant found within the ranks of the South African Communist Party.

The intention of critically evaluating these is not aimed at an overall assessment of the totality of their arguments on various aspects of the crisis of Eastern European socialism, nor is the aim to evaluate the concept of 'democratic socialism' as such.[20] Rather, our primary concern here is to evaluate the usage of the concept of 'civil society' and its relation to democracy. A brief evaluation of Swilling, Glaser and Slovo's ideas will be undertaken, as examples of the way the concept 'civil society' has come to be used.

In order to illustrate some of the core ideas informing Swilling and Glaser's variant of 'democratic socialism', a few quotations will suffice. After criticising what he calls naive visions of 'civil society' as expounded by proponents of a free-market economy, Glaser presents his vision of the relationship between 'civil society' and democracy:

> This positive vision of civil society, goes beyond the call for individual freedoms, since it urges active use of otherwise formal 'rights' to establish the richest possible array of voluntary activity, perhaps supported by the state ... It is also distinct from the (also important) demand for 'direct democracy', since it does not render individuals and voluntary organisations accountable to local majorities or spontaneous crowds ... Freed of its naive free market connotations, the idea of an autonomous civil society is a crucial counter-weight to the ambitions of any state.[21]

Swilling advances arguments that are similar to those of Glaser. It is important to quote him in full as well in order to fully grasp the essence of his arguments about the role of 'civil society' in building democracy and socialism:

> Civil society has emerged as the codeword for the associational life of a society that exists somewhere between the individual actions of each person (what some might call the 'private realm') and the organisations and institutions constituted by the state (or 'public realm'). It is where everyday life is experienced, discussed, comprehended, contested and reproduced. This is where hegemony is built and contested ... The New Right, liberal intellectuals and even sections of the liberation movement are of the view that civil society should include the profit-driven shareholder-owned, industrial-commercial sector. This author is of the view that a true 'civil society' is one where ordinary everyday citizens, who do not control the levers of political and economic power, have access to locally-constituted voluntary associations that have the capacity, know-how and resources to influence and even determine the structure of power and the allocation of material resources.[22]

Although it might be regarded as unfair to criticise Slovo for things he does not say as his paper could by its nature not encompass everything, it is important to interrogate his usage of the concept of a 'socialist civil society'. Slovo argues that:

> Lenin envisaged that working class power would be based on the kind of

> democracy of the Commune, but he did not address, in any detail, the nature of **established socialist civil society**, including fundamental questions such as the relationship between the party, state, people's elected representatives, social organisations, etc.[23]

We believe that Slovo's use of the term 'socialist civil society', without any theoretical clarification is a serious omission on his part. In fact, by so doing, Slovo is committing a similar mistake to that of the other 'democratic socialists' as highlighted above, ie. he sees the development of 'civil society' as one of the key elements in democracy, without demonstrating how this is so. The fact that Slovo specifically uses the concept of 'socialist civil society' is important, in the light of what Marx, Engels and Gramsci said, to assess the theoretical validity of this concept.

The first weakness in the above accounts and conceptions of 'civil society' is the separation of 'civil society' from the state. Furthermore, particularly in the case of Glaser, is the counterposing of 'civil society' with the state, arguing that an independent 'vibrant civil society' can act as a check against the state. This is a distortion of Marxism and its conception of the state, whereby the state is seen as the institutional, political expression of relations in ('civil') society. In fact, we would argue that the theoretical strength and perhaps the scientificity of Marxism lies precisely in having exposed the fact that the state in capitalist social formations is the political expression of relations in 'civil society'. Marxism also exposed the fact that the separation between 'civil society' and the state is largely an ideological one, hiding the true character and source of exploitation and oppression in capitalist social formations.

The second weakness related to the above is that of narrowly presenting the task of building democracy only in terms of 'civil society'. This is extremely one-sided, and the question of democratisation cannot be separated from the question of the contestation and seizure of state power. It is our argument here that unless the national liberation movement gets hold of state power, the process of democratisation in South Africa cannot even begin to be set in motion. These variants of 'democratic socialism' end up limiting the issue of building democracy to the task of developing an 'autonomous civil society', as if this on its own is adequate for purposes of building either a national or a socialist democracy.

The absurdity of these arguments is even more sharply revealed when Swilling makes the suggestion as to what should be included and excluded in 'civil society'. It is as if institutions of capital and its reproductive organs could easily be removed from 'civil society'. The end results of these arguments are no different to those of liberals. In the same way as liberals want a private sphere free of state intervention, these 'democratic socialists' also want a 'civil society' free of state interference.

The third area of weakness in these arguments is that there is an underlying assumption that the state has no role at all to play in the process of democratisation. The state, by its very nature, is presented as being incapable of playing a role in the democratisation process. This is simply incorrect. However, even more serious is that this assumption prevents us from exploring the question of the nature of the national democratic and socialist states that should be constructed in order to deepen democracy.

There is also a related argument that 'civil society' will act as a watchdog over the state. The net outcome of such an approach is, in fact, the opposite of what it claims to be fighting for, that is, abandoning the terrain of the state to the whims of state bureaucrats and capitalist institutions. Thus an important issue is obscured: How can what these 'democratic socialists' call 'organs of civil society' play a role both inside and outside the sphere of the state? In other words, for them, the state ceases to be an arena of contestation, but simply requires pressure groups from outside to act as a check against its inherently undemocratic and bureaucratic character. If the state is unable to contribute to a process of democracy (whether it be a national democratic or a socialist one) we might as well forget about struggling for the capture or seizure of state power. The fact that the socialist states of Eastern Europe became bureaucratic and oppressive towards the very classes they claimed to be representing does not mean that a socialist state is inherently undemocratic.

The fourth and very serious omission in these arguments is their disturbing silence on the role of political parties and organisations in the process of building democracy. No matter how much one can engage in the wishful thinking that the building of democracy is the task of an 'independent and vibrant civil society', political parties do play a very significant role in this process. Political parties, whether they be bourgeois, petty bourgeois or socialist should play a role in the process of democratisation of society. Bourgeois and petty bourgeois political parties always intervene to shape 'civil society' in a manner that will reproduce the type of society these parties stand for. It is also incumbent upon, and perhaps the most important function of, a political party of the working class (such as the South African Communist Party (SACP)) to unashamedly struggle for the hegemony of the working class and a socialist agenda throughout all levels of society. To suggest that the building of democracy is a task for 'civil society' and its organs indicates plain naivete of the nature of political struggle. In fact, it is such a conceptualisation that has led to the problematic practice that is beginning to emerge in South Africa within the national liberation and mass democratic movements: for instance, issues around services and development in townships are for civics, and 'political issues' are for political organisations and parties.[24]

To develop the above point further, it is important to note that political parties are class parties, ie. they represent the interests of particular classes in society, whether it be the bourgeoisie, the petty bourgeoisie or the proletariat.[25] This is the essence of the class struggle, in that this struggle throws up political parties which stand for the interests of this or that class, or coalitions or fractions of classes. Even in colonial societies the national liberation movements that spring up contain within them a number of classes who are always vying, within those movements, for political hegemony and supremacy. Political parties and national liberation movements always strive to shape society in a manner consistent with their own interests. It is therefore inadequate to tackle the question of democracy without relating this to the question of class struggle and the role of political parties or movements thrown up by that class struggle. The notion of the development of democracy primarily, and sometimes exclusively, through the building of a 'vibrant civil society', without taking into account the type of movement or political party that should be the political vanguard of this process is idealistic. This argument can be harmful since it disarms the liberation movement or working class parties by encouraging them to desist from building mass organisations or intervening in so-called

'civil society'.

The fifth and perhaps most obvious weakness of the argument that the development of 'organs of civil society' within an independent sphere of 'civil society' is a guarantee for democracy, is that oppressive and capitalist institutions are also independent organs of 'civil society'. In fact, the coincidence between this argument and that of the ideologists of the free market is particularly striking. Furthermore, even the apartheid regime's programme of privatisation can be regarded as an attempt to relegate political and economic power to the sphere of a 'civil society' without state interference. By so doing, the regime is hoping to reproduce apartheid through an 'independent and vibrant civil society'.

The sixth weakness, particularly in relation to Slovo's usage of the concept of 'socialist civil society', begs one very fundamental question: If the 'separation' between 'civil society' and the state is, as Marx pointed out, an abstract dualism and a product of the transition from feudalism to capitalism, can we then theoretically sustain a notion of a socialist 'civil society'? From our understanding of the use of the concept by Marx, the separation is a product of the evolution of bourgeois society and one of the key tasks of socialism is to bridge this separation. In fact, we would argue that this separation is an institutional expression of the alienation of 'man' in capitalist societies; the separation of the 'social' from the 'political'. The separation is a reflection of the relegation of human social needs to the private sphere of 'civil society'. As indicated above, Marx specifically points out that one of the tasks of socialist transformation is that "man must recognise his own forces as social, organise them, and thus no longer separate social forces from himself in the form of political forces". (see p.5)

It is our belief here that if a correct approach to the question of building democracy is to be developed both in the immediate phase of national democracy and in the period of socialist reconstruction, we should spare no effort in exposing the weaknesses and distortions embodied in such views.

What the above critical review of the usage of the concept of 'civil society' clearly shows is that an assessment of the crisis of Eastern European socialism which is purely based on the notion that the source of the crisis was largely the suppression of the development of a vibrant 'civil society' is not useful at all. Our assessment should be based on an historical analysis of the development of those societies in their totality viz. the nature of social formations, the nature and role of the state, as well as the nature and role of the communist parties that were in power and the imperialist onslaught on socialist countries. It is only then that we can learn proper lessons from those countries for the future of national democracy and socialism in South Africa.

All that the notions reviewed above have done is to use the crisis of Eastern European socialism as a licence to revive liberalism in the name of socialism and Marxism. Proof of this can be found in the argument that has become very fashionable among some groups of 'democratic socialists' nowadays that it was a mistake for Marxists and communists to simply dismiss liberal freedoms as 'bourgeois freedoms'. That Eastern European socialism is in crisis does not change the fact that the basic liberal political freedoms are bourgeois freedoms, freedom for the bourgeoisie to dominate in capitalist

social formations! In fact, what these arguments do is to search for socialist democracy in bourgeois democracy. This amounts to nothing more than the subjection of the class struggle to bourgeois democratic institutions, which is actually what social democracy is about. And social democracy has failed to bring about socialism! Some of the outcomes of this approach to democracy are classically illustrated by Glaser thus:

> ...a logic of democratic preparation allows for going backwards too. It would sanction a democratic 'counter-revolution'(!!)[26]

The above quotation is a classic illustration of the extent to which so-called socialists have become confused about democracy. Any 'ABC' of Marxism would tell one that there is no such thing as a democratic counter-revolution! Counter-revolutions are brutal, undemocratic, and usually bloody phenomena. The violence that is sweeping South Africa and which has led to the brutal killing of so many thousands of our people is counter-revolution. Even theoretically, anyone who pretends to be a socialist and knows a bit of Marxism should know that counter-revolutions are products of revolutions. It is unthinkable for any people struggling for a revolutionary transformation of society to become so 'democratic' as to sanction counter-revolution against their own revolution! Any beginner in Marxism also knows that the bourgeoisie and imperialists will never allow any socialist or national democratic revolution to succeed. The logical end to these arguments is the end of class struggle and that is what the bourgeoisie always dreams about.

Arguments for an autonomous 'civil society' are the greatest disservice to Marxism itself. With a stroke of the pen, they wipe out the entire Marxist critique of liberal and bourgeois democracy. It is as if Marxist theory has not undertaken more than a century of critique of capitalism and its political institutions. All of a sudden, without much reference to these debates, we are told that the mistake of Marxism was to throw away the baby with the bathwater (ie. throwing away capitalism with its liberal freedoms), as if socialism is simply an incremental building upon liberal bourgeois freedoms!

It is important to highlight a few more theoretical issues in order to further illustrate the weaknesses of the concept 'civil society'. In the usage of this concept it has been conveniently forgotten that the nature and structure of 'civil society' is founded upon class relations in society. In bourgeois societies it is 'civil society' that is the real theatre of history, viz. class exploitation and class struggles. By implication, therefore, we cannot talk of an 'autonomous civil society' without addressing the class nature of that 'civil society'. The more we analyse 'civil society', the clearer its inseparable relation to the state becomes, and the clearer becomes the realisation that an 'autonomous civil society' is the material foundation and ideological projection of capitalist exploitation in its most sophisticated forms. The task of a socialist revolution, therefore, in so far as the issue under discussion is concerned, is to strive for the abolition of the state and 'civil society' in both their separation or interconnectedness. This task is presented by Marx and Engels thus:

> The working class, in the course of its development, will substitute for the old civil society an association which will exclude classes and their antagonism, and there will be no more political power properly so called, since political power is

precisely the official expression of antagonism in civil society.[27]

In theoretical terms, the relationship between the state and the rest of society is a continuous and dialectical one. At different moments or even within the same instances, in the 'daily operation' of society, in political struggles, in capital accumulation, state and ('civil') society can operate as the same thing; at other moments or instances as opposites; and still in others as parallel processes. All these are complex articulations which actually defy a simplistic and basically un-Marxist notion of a separate state and 'civil society'.

The bourgeoisie and its ideologues, free marketeers in particular, want to present state and 'civil society' as separate and independent spheres, in order to hide the true material foundations of capitalist exploitation and the role played by the state in sustaining such an order. 'Civil society' in particular is presented as a 'heaven' within which individuals or groups of people can enjoy personal freedom and free competition.

It is therefore unacceptable for people who regard themselves as Marxists to deploy the concept 'civil society' in such an unproblematic manner. If the so-called 'left' intended something else by its usage of an 'autonomous civil society', it has a lot of theoretical explaining to do.

The implications of the (un)problematic usage of the concept of 'civil society' by the 'left', both in Europe and in South Africa, are best summed up by Wood thus: " ... the new concept of civil society signals that the left has learned the lessons of liberalism about the dangers of state oppression, but we seem to be forgetting the lessons we once learned from the socialist tradition about oppressions of civil society".[28]

Mass struggles, political power and democracy

No doubt 'democratic socialists' will throw their hands up in horror at what might seem to be a collapse of political and social life into one and, therefore, the subjection of 'civil society' to political life. Actually, this issue is the crux of the issue on the question of socialist democracy. It is in this area that 'democratic socialists', in the way they pose the question of democracy, obscure the very real socialist imperative of overcoming the contradiction between 'civil society' and the state. By arguing for the development of an autonomous 'civil society', they do not address this issue at all; instead, they fall into the very same mould of the separation of 'civil society' and the state under capitalism. This obscures the need for the creation of organs of (proletarian) state power that are simultaneously organs of state power as well as autonomous mass social formations able to act independent of the state. In fact, this is what the Soviets were originally, and it was intended to incorporate within them both these qualities as the only concrete political path for bridging social and political life as the highest form of human emancipation. It was not because they were organs of state power that the Soviets failed, but rather it was because their autonomous characters as mass social formations was progressively stifled by the Communist Party through the mechanism of a bureaucratic state. That this happened in Eastern Europe does not mean that there can be no organs of state power that are simultaneously mass-based and autonomous.

It was not, we would argue, due to the inherently bureaucratic character of the state that the Soviets became conduits of the party and the state bureaucracy, but rather it was because of the particularly stifling state form that developed in the Soviet Union (for example, tight control by the Party, merging of party with state apparatuses, important contextual problems of imperialism and its assault on the Soviet Union, outlawing of the opposition and undermining the heterogeneous character of, and debates amongst, the Soviets, and so on).

Let us explore a bit further how organs of state power can simultaneously be part of the state and be autonomous mass social formations. One of the issues around this question is the debate between Kautsky and Lenin on whether Soviets should be transformed into state organisations or not. This is one of the most crucial areas of socialist theory and revolutionary practice; yet it has hardly been given the attention it requires. It is, therefore, important to quote liberally in order to engage this issue.

In his pamphlet The dictatorship of the proletariat, Kautsky vehemently criticises the Bolsheviks in power for, amongst other things, converting the Soviets into organs of proletarian state power. He argues that:

> ... the Soviet form of organisation is one of the most important phenomena of our time. It promises to acquire decisive importance in the great decisive battles between capital and labour towards which we are marching ... But are we entitled to demand more of the Soviets? The Bolsheviks, after the November Revolution, 1917, secured in conjunction with the Left Socialist-Revolutionaries a majority in the Russian Soviets of Workers' Deputies, and after the dispersion of the Constituent Assembly, they set out to transform the Soviets from a combat organisation of one class, as they had been up to then, into a state organisation. They destroyed the democracy which the Russian people had won in the March Revolution.[29]

Kautsky's argument here is basically that, for democracy to have flourished in socialist Russia at the time, the Soviets should not have been transformed into state organisations. Obviously this argument would today find favour amongst many of the 'democratic socialists', who say that they should have been left to be 'organs of civil society', independent from the state. We could further state that perhaps in this argument, taken to its logical conclusion in the present debates in South Africa, the Soviets would have constituted part of the 'socialist civil society' separate from the organs of the proletarian state. Indeed, it is largely because of hindsight that there is now talk of a 'socialist civil society'.

How did Lenin respond to Kautsky in this regard?

> Thus, the oppressed class (according to Kautsky - authors), the vanguard of all the working and exploited people in modern society, must strive towards the 'decisive battles between capital and labour', but must not touch the machine by means of which capital suppresses labour! - It must not break up that machine! - It must not make use of its all-embracing organisation for suppressing the exploiters! Excellent, Mr Kautsky, magnificent! 'We' recognise the class struggle - in the

same way as all liberals recognise it, ie. without the overthrow of the bourgeoisie.[30]

Lenin argues further that:

> Whoever sincerely shared the Marxist view that the state is nothing but a machine for the suppression of one class by another, and who has at all reflected upon this truth, could never have reached the absurd conclusion that the proletarian organisations capable of defeating finance capital must not transform themselves into state organisations ....[31] To say to the Soviets: fight, but don't take all the state power into your hands, don't become state organisations - is tantamount to preaching class collaboration and 'social peace' between the proletariat and the bourgeoisie.[32]

According to Glaser, this reply by Lenin is an example of statist thinking. However, the question that is essentially posed by Lenin in this reply to Kautsky, and which should be a key question pre-occupying all socialists at this point in time is this: After the overthrow of the bourgeoisie and its institutions, what type of proletarian organs of state power should be put into place? Marx had earlier answered in the Communist manifesto that the bourgeois state machine should be replaced by the proletariat organised as the ruling class. In all the criticisms and reflections on the failure of Eastern European socialism this question has hardly been engaged. In fact, we would argue that it is the very same organs of the working class which overthrew the bourgeoisie that should become the new organs of proletarian state power and, in the case of Russia in 1917, it was the Soviets.

Otherwise, what institutions and organs should have become the organs of the new proletarian state power? With the Soviets having become the new organs of the proletarian state, there was no necessary connection between this transformation and the bureaucratisation that took place later. In fact, the Soviets as organs of state power in the proletarian state should have subjected the state to the popular will of the working people instead of the other way around. By so doing, the Soviets would have been autonomous mass social formations, wielding state power at the same time. The strengthening of this character of the Soviets would have deepened socialist democracy in the Soviet Union. In fact, this would have laid the basis for the withering away of the state, ie. organs of people's power subjecting the proletarian state to their will, whilst essentially remaining autonomous organisations of the working class and the Russian people as a whole. This is Soviets operated initially. The reasons for the later reversal of Soviet democracy should not merely be sought in the assumed (inherent) bureaucratic character of the state, but also in the manner in which the Party conducted itself in its wielding of state power.

By posing the question of building socialist democracy (instead of 'democratic socialism'), we should be able to transcend the liberal-bourgeois and narrow notion of 'a vibrant and autonomous civil society'.

Given this brief background, it is important to assess the question of the relationship between 'civil society', mass organisations and political struggle in South Africa,

particularly in the 1980's.

'Civil society', mass organisations and the national liberation movement in South Africa

South Africa has some of the most highly-developed mass organisations, which mushroomed in the late 1970s to mid-1980s. The basis of the emergence of these organisations can be traced to the subjection of black people in general and African people in particular to colonial-type subjugation. Their emergence laid the conditions for the development of a national liberation movement and the mass democratic movement. Therefore, the context of these organisations's programmes was very clearly national liberation, democracy and the revolutionary transformation of South African society.

The mass organisations also developed a perspective characteristic of the national liberation movement (whose key components were the African National Congress (ANC) and the South African Communist Party (SACP)), that of working class leadership and mass-based organisation based on mandate, accountability, and internal democracy. The practical development of and experimentation with democracy through actual struggle also infused back into the national liberation movement this democratic tradition under conditions of mass mobilisation. This was made possible by, and further strengthened, the relationship between armed struggle and the political underground and the open mass and labour struggles.

Mass organisations (sometimes referred to as 'social movements') under colonial conditions tend to develop a very specific character and easily assume a revolutionary character. This is explained by Vilas on the grounds that struggles in 'third-world' countries tend to articulate four main contradictions, viz. national, class, developmental and imperialist contradictions.[33] Perhaps the gender dimension should be added to these. Vilas says that these stand in contradiction to each other, thus producing a situation of not only fundamental contradictions of exploitation and oppression, but also contradictory tendencies within these struggles themselves. Because of the nature of colonial/imperialist oppression, it is not easy to sell the illusion of the separation between state and 'civil society'. Therefore, in practice, mass struggles assume a political character and political struggles take on social and civic dimensions. This is related to the crudity and brutal nature of economic exploitation and political repression.

It was for reasons broadly similar to the above that mass organisations in South Africa grew rapidly in the post 1976 era and quickly mobilised around the demand for people's power. This marked a radical shift from the struggle during the first half of this century where the demands were centred around incorporation into the structures of the white ruling class. This development is aptly captured by Mashamba thus:

> To defend their gains and advance their struggles, people organised themselves and created alternative structures of power, organs of people's power, on all fronts of the struggle. So we saw the development of civic organisations, street committees, youth and student organisations, SRC's, PTSA's, teacher

organisations, women's organisations, village committees, crisis committees, people's courts, etc. Thus a further development in the concept of 'people's power' took place: the dominance of the 'monolithic' notion of 'people's power' as 'the supreme controlling power in the state' which has to be seized by the people via the instrumentality of their leading organisations - the ANC and allied organisations - was superseded by a 'dispersed ' notion of 'people's power' that has to be seized via the instrumentality of the various organs of people's power in each and every front of the struggle as a matter of both tactical and strategic priority.[34]

This development, we would argue, gave the mass democratic movement both a social and a political character and a very sophisticated understanding of social transformation. The wielding of state power was being understood not merely as the function of a state, but that the people as a whole should have such power. Furthermore, implicit in the character of the mass organisations was the notion that revolutionary transformation incorporates both the seizure of state power as well as the transformation of the everyday conditions of the people such that they themselves are able to control their day-to-day lives.

Perhaps even more important in the development of mass organisations in South Africa was their understanding of the concept 'people' both in their theoretical discourses and practical political struggles. This is best captured by the United Democratic Front (UDF) thus:

> We use the term ['the people'] to distinguish between two major camps in our society - the enemy camp and the people's camp. The people's camp is made up of the overwhelming majority of South Africans - the black working class, the rural masses, the black petit bourgeoisie (traders), and black middle strata (clerks, teachers, nurses, intellectuals). The people's camp also includes several thousand whites who stand shoulder to shoulder in struggle with the majority ... In this popular struggle, the UDF has identified the working class as the leading class ... The workers are the key to the victory of the whole people's camp.[35]

This particular understanding facilitated a distinction between the various social forces constituting the people's camp and the working class' leading role amongst the people. This was an expression of the internal contradictions within the people's camp, the understanding of what unites the people's camp and how the different class interests articulate or disarticulate within this camp. It was within this context, for instance, that the working class came to occupy a central role in the mass struggles of the 1980's in South Africa.

The above was put into practice in virtually all the structures of the mass democratic movement. With regard to workers, conditions in the factories, on the farms and the mines were always intertwined and related to the political structures of white domination and the role of the apartheid state in reproducing conditions for the exploitation of the black working class in particular. Similarly with civics and street committees, their struggles related civic and social issues like rent, services, and so on to the nature of state power and the exploitation of the working class. In fact, it was the development of this

character of these struggles that resulted in the climax in the development of the notion of 'people's power' being reached and permeated throughout these struggles.

Embedded within these struggles was a particular understanding of the relationship between mass organisations and the national liberation movement. As Mashamba notes above, the struggle was understood in its totality and not merely as the sole preserve of the national liberation movement. Perhaps even more important was the understanding that although the ANC was seen as the vanguard of the national liberation struggles, in itself it could not effect revolutionary change without the participation of mass organisations as part of the national democratic revolution. From the perspective of the ANC itself, the pillar of mass struggle was central to the final defeat of apartheid.

In the post February 1990 period there has been a radical shift in the conceptualisation of the mass struggles in South Africa, as well as the relationship between the apartheid state, mass organisations and the national liberation movement. It is important to try and explain why there has been such a shift, since these changes have had an impact on the course of our struggle since 1990.

The unbanning of the political organisations of the national liberation movement in February 1990 was a watershed in the history of the national liberation struggle in South Africa, but it is important to contextualise this development in order to relate it to the question under discussion. South Africa was not the first country in which such developments occurred. According to Vilas, there are many examples in Latin America involving limited democratisation of previously repressive regimes.[36] Vilas describes these as 'democratic transitions' which are "... those non-revolutionary processes whereby some military dictatorships in South America have given ground on questions of political regimes based on the principle of universal suffrage".[37] Vilas identifies some key characteristics of these democratic transitions as including:

i. restricting the process of political change to the institutional sphere in the strictest sense.

> They do not project into the economic sphere, nor do they provide a framework for any substantial changes in the level of access of subordinate groups to socio-economic resources - by income redistribution, creating employment, improving living conditions,etc.[38]

ii. the power bases of the reforming regime, for example, the military, are left untouched, and limits are placed on cracking down on and prosecuting perpetrators of crimes against liberation movements.

In the case of South Africa, one might add that the old regime is trying by all means to hang on to control of the economy, as well as launching a low-intensity warfare aimed at weakening the national liberation movement and demoralising the popular masses. Vilas further points out that the old regime tries to project itself as the liberator of the very masses it has been oppressing and continues to oppress. Over and above this, the old regime can succeed for a while to effect changes from above, particularly if the national liberation movement is not in a position to impose its own advanced

alternatives.

The situation described above graphically represents, almost in carbon copy, the situation in South Africa at the moment. Although the type of 'democratic transition' being effected by the South African ruling class is a direct product of the advance of the revolutionary struggle, the apartheid regime is trying to project this process as its own initiative. By projecting it in this way, both internally and internationally, that the apartheid regime can hang on to power and claim that it is the only guarantor of democratic transition.

Carefully managed, and depending on the strategy and tactics of the national liberation movement, this process of 'democratic transition' in South Africa can lead to demobilisation of the mass organisations and the people as a whole, resulting in the isolation and weakening of the national liberation movement itself. To a certain degree, there are elements of this in South Africa at the moment. A few examples might suffice here. The apartheid regime has tried by all means to depoliticise civic and socio-economic issues such that the mass democratic movement has been weakened. It has also tried to channel struggles through institutional mechanisms created between it and the major components of the national liberation movement (for example, Codesa). The privatisation of key social services is aimed at creating a rupture between the nature of white minority rule and the provision of services like education, health, housing, and so on.

However, even more important in the strategy of the regime is its attempt to prolong the transition process. The longer this process is prolonged, the more the mass and national liberation movements are weakened. Furthermore, the regime is attempting to separate civic and socio-economic issues from political-constitutional questions, which might have the effect of depoliticising civic and trade union struggles and ensuring that political struggles arechannelled through the negotiation process only.

Nevertheless, the regime's strategies are constantly contested, and their course of development is determined by the balance of forces at different conjunctures in the struggle. The contestation of these has been further heightened by the response of the national liberation movement to the process of 'democratic transition'.

The national liberation movement responded to the post February 1990 developments quite correctly by adopting a strategic perspective with regard to the transfer of power to the people as a whole and, within this, seeing negotiations as a site of struggle. The content of this strategic perspective, we would argue, is threefold. Firstly, it enabled the national liberation movement to relate to the unbanning as a continuation of the national democratic revolution. Secondly, it kept the strategic objective of the transfer of power to the people in place whilst at the same time engaging the regime in negotiations. This was to be the guarantee that the national liberation movement would not allow the struggle to be quarantined within the negotiations process; but even more importantly, it would ensure that the masses and mass struggle are the elements driving the negotiation process itself. Thirdly, this perspective, if translated into a coherent political programme, would also ensure that if negotiations hit a snag the struggle itself will be so advanced that other avenues for achieving the strategic objective would remain in

place. For example, it allowed tactical flexibility to the movement, such that the movement could negotiate with the regime whilst at the same time not ruling out the possibility of a seizure of power if negotiations fail. Whether this perspective has translated into a political programme is, of course, another matter, which will not debated in this paper.

Therefore, in the present conjuncture, a new main site of struggle is the balance between the two sides. The regime is trying to institutionalise political struggle and weaken the national liberation movement, while the national liberation movement is using mass political struggle to strengthen its position in negotiations, as well as to prepare for the eventuality of a breakdown in negotiations.

However, this process creates certain contradictions within the national liberation movement itself. A few of these will be highlighted in order to explain the change in the discourse of the national liberation struggle. Firstly, the unbanning saw the mass democratic movement beginning to define its own autonomy, not only in relation to the regime but also in relation to the national liberation movement. This was, however, not unrelated to the blurring of roles between the national liberation movement and mass organisations after February 1990. As a result, some mass organisations felt 'threatened' by the internal legal re-emergence of the ANC in particular. This introduced tensions that were to be manifested through, inter alia, the rather hesitant and painful disappearance of the United Democratic Front from the political scene almost as fast as it was formed. These developments led to a much sharper distinction being made between political and mass organisations, which are now being theoretically counterposed as 'state' and 'civil society'. This provided the basis upon which all the major mass based formations were to define themselves in relation to the national liberation movement. Interestingly enough, in practice it is only the labour movement that has been able to adopt a more sophisticated approach to this question. COSATU, for instance, is a formal partner in the Tripartite Alliance of the ANC/SACP/COSATU, whilst simultaneously acting as an independent and autonomous force. Thus, we would argue that it goes beyond a simplistic counterposing of political and mass formations.

It is because of the above factors that the new discourse of 'civil society' has arisen. This has also been underpinned by the collapse of Eastern European socialism as pointed out earlier, as well as by the theoretical confusion that usually accompanies rapid shifts in the political terrain.

The change from the discourse of 'organs of people's power' to that of 'civil society' and 'social movements' is essentially a very serious theoretical and intellectual retreat, as will be argued in the next section.

Building democracy, building organs of people's power

There are three very important premises from which we should move if we are to tackle the question of building democracy. Firstly, the relationship between the state and the so-called 'organs of civil society' is not dichotomous but dialectical. Secondly, the building of democracy cannot be abstracted from the conditions under which this task must be

tackled. For instance, in South Africa our immediate goal is the establishment of national democracy, which should then lay the foundations for a transition to socialism. This question is important in that it gives content to concepts we deploy in our analysis. Thirdly, the process of building democracy is in the last instance a political process, whose realisation ultimately requires political leadership. If building democracy is a political process, it cannot exclude the very central issue of state power.

Given the above conceptualisation, it is not appropriate to talk about 'organs of civil society' but rather organs of people's power as the only organs that will ultimately guarantee a democracy, both in the phase of national democracy and in the phase of building socialism. There are three main reasons for advancing such an argument. Firstly, as pointed out earlier, the question of separating state and 'civil society' is theoretically very problematic. Secondly, the notion of 'organs of civil society' obscures and confuses a number of issues, including the failure to distinguish between the different types of 'organs of civil society' (for example, state institutions operating in wider society, repressive institutions, capitalist institutions, and mass organisations). Thirdly, the notion of 'organs of civil society' obscures the wider contestations taking place in society, as well as the class character of those contestations.

A brief definition of our understanding of organs of people's power and the differences between them and 'social movements' is necessary at this stage. For us, 'social movements' are movements that bring together a number of social forces and even classes around a particular issue. 'Social movements' are therefore issue-based and can either be political, in the strictest sense of the word, or non-political. 'Social movements' do not necessarily aim to fundamentally transform society, but can be reformist or aimed at changing particular aspects of policy on the issue around which they are organised. As a result, 'social movements' are subject to extreme fluctuations in their strengths and weaknesses, and often disappear as fast as they emerge.

Organs of people's power, on the other hand, are organs that may or may not develop out of 'social movements'. They are primarily about the fundamental and revolutionary transformation of society; in other words, they are about the transfer of power to the people and are directly concerned with the wielding of state power. Their social base can be the same as that of 'social movements', in that they are the organs that should form the direct link between the state and the people in a national democracy and under socialism. In fact, organs of people's power are the form through which the people should exercise state power, as demonstrated very succinctly by Mashamba. Organs of people's power have the following specific characteristics: a democratic project; fundamental transformation of society; accountability; and working class leadership. This is the essence of participatory democracy. The conceptualisation of civics, street committees, the National Education Coordinating Committee (NECC), people's courts, and so on as merely being 'social movements' is, therefore, problematic. Four of these problems will be highlighted below.

Firstly, this indicates an ahistorical understanding of the origins and intentions of these organs in the mid-1980's in South Africa. These organs were not merely 'social movements' but were specifically organs of people's power aimed at a revolutionary transformation of South African society and the establishment of people's power. To

simply refer to them as 'social movements' is both a theoretical retreat and a reformist understanding of their role even during this phase of negotiations.

Secondly, the notion of 'social movements' as used by some sections of the 'left' is problematic in that it is an ahistorical and abstract implantation of the notion of 'social movements' as developed in advanced capitalist countries. The nature of 'social movements' that develop in countries under the yoke of colonialism, neo-colonialism and imperialism is fundamentally different to, for instance, the Green Movement in Europe or the Civil Rights Movement in the United States. The former tends to take the character of organs of people's power and the latter tend to be pressure groups. There is a radical distinction here.

Thirdly, the notion of 'social movements' is theoretically unwieldy in that it incorporates a wide range of social organisations and struggles. Some of what are referred to as 'social movements' are defensive and reactionary, whilst others are revolutionary. For example, 'social movements', ranging from Solidarity in Poland, to the mass upheavals in Eastern Europe to the street committees and civics in South Africa, all tend to be collapsed under the umbrella of 'social movement'. In some instances, these movements are short-term expressions of highly-localised social and political outbursts, and in others they tend to be enduring and even cut across national boundaries. Furthermore, the problem with the notion of 'social movements' as guarantors of democracy or socialism, is that they tend to be regarded as inherently democratic and having the purposeful and directed goal of transforming society. This is always assumed but never demonstrated. In fact, such an assumption is fallacious. Obviously, there is something wrong with such a bland categorisation. Whilst some of these movements may be democratic and have a political objective, others are definitely not. For instance, the mass movements that have brought Yeltsin into power in Russia cannot be said to be innately democratic and accountable. These were largely defensive movements, mainly reacting to the bureaucracy in the Soviet Union. The popular expression of power capable of overthrowing regimes is not equivalent to a democratising project or discourse. Unless we are able to discern and distinguish between these, we fall into the trap of treating every 'social movement' as democratic and transformatory, by virtue of being a 'social movement'. This is indeed a dangerous romanticisation of 'social movements'!

A fourth problem in the conceptualisation of 'social movements', and perhaps a most serious theoretical omission, is the failure to relate 'social movements' to political or state power. This is sharply identified by Andre Gunder Frank in the aftermath of the collapse of Eastern European regimes. He aptly captures this problem thus:

> The problem of state power poses a difficult and partly novel challenge to the social movements and their relation with political parties and the state. The revolutions of 1989 in Eastern Europe were made by largely peaceful social movements that sought and achieved the downfall of governments and crumbling of state power, which they mostly did not want to replace themselves.[39]

One might quickly add here that not only were these movements unwilling to replace the old regimes, but they were incapable of doing so. Although Frank draws very weak conclusions from his vitally important observation, this is a classic illustration of the

inseparable relationship between mass struggles and political power. To simply focus on 'social movements' or 'civil society' is an inadequate, one-sided, and incomplete basis for conceptualising the task of building democracy and socialism. Whilst democratic mass organisations are a necessary component in building democracy they themselves cannot complete that process; hence the central importance of political leadership and organs of people's power to bridge this gap.

We should, however, make it clear here that our argument should not be read as meaning that all 'social movements' should be organs of people's power. The essential point we are making is that the only guarantor to building both national democracy and socialist democracy (as opposed to bourgeois democracy) is the building of organs of people's power. Civics, the NECC and trade unions are not just 'social movements'. To attempt to convert these organs to simply being 'social movements' is a liberal reformist project that is trying to reverse history and make these organs mere pressure groups in so-called 'civil society'.

Let us then briefly situate the argument for the development of organs of people's power as being the key to securing and strengthening national and socialist democracy. Struggles for democracy in colonial countries should always be located within the nature of colonialism. National oppression and colonialism tend to collapse what 'democratic socialists' would call 'civil society' and 'political life' in those social formations. Such a situation can be summed up in terms of the early works of Marx and Engels as the incomplete separation between 'civil society' and the state, as is the case in the bourgeois democracies of advanced capitalist countries. That is why national liberation movements in all 'third world' countries, and even more so in Southern Africa, incorporate within them aspects of 'social movements', these 'movements' taking on a political form. It is this dialectical interpenetration that tends to throw up organs of people's power and the closer working relationship between national liberation movements and such organs.

The development of organs of people's power and their relationship to the ANC in particular in the mid-1980s marks the highest expression of the interpenetration of civic and political issues in apartheid South Africa. To illustrate this point let us quote from an assessment of the nature of organs of people's power during the mid-1980's in South Africa:

> The street/area committees - the structures of an embryonic People's Power - are not only restricted to playing this (civic/local issues - authors) kind of role, but also has a far more directly or narrowly political dimension to them. At the same time as they are taking up the grassroots issues described above, they also form the units in and through which major political issues and strategies (eg. the Consumer Boycott) are discussed and organised. Thus the street committee system is beginning not only to form the avenue through which people can begin to take greater and more democratic control of the immediate conditions of their existence, but they are also emerging as the form through which direct political action against the state and ruling bloc can be decided on and implemented. Understanding this latter dimension is of crucial importance both in understanding People's Power correctly and, I would argue, in guiding the organisational dynamics unleashed recently to the greatest possible effect in

> welding the oppressed classes in South Africa into a mass force capable both of effectively confronting the central state and its apparatuses, and of governing after power has been seized (though the precise organisational forms will clearly alter dramatically between these different phases).[40]

A few points worth noting in the above quotation are the following: there is a close relationship between civic and political issues prior to February 2; and post February 2, the pre-occupation has been with the separation of civic and political issues as a means of creating political space for the respective civic and political formations. In the process of doing this there is a very real possibility of weakening the national democratic revolution.[41] It seems that arguments for 'organs of civil society' are now focusing on the terrain of struggle - 'civil society' - saying very little about the people's institutions that should inhabit and become dominant in this terrain. This is the major reason for the shift away from talking about organs of people's power to talking about 'organs of civil society'. In fact, the conception of 'organs of people's power' expresses the unity of political and civic struggles in the era of the national democratic revolution. The nature of 'civil society' that will develop is not dependent on making the terrain independent, but is dependent on the type of institutions which will be developed to contest and transform that very same 'civil society'. To talk of 'organs of civil society' without addressing the question of organs of people's power is to strip our struggle of its revolutionary content.

The conceptualisation of organs of people's power separates bourgeois from socialist democracy. This conception and approach to building democracy also cuts across the rather problematic divide between 'civil society' and the state. Here we are using the phrase of some of those who argue for a 'vibrant civil society', defining the nature and content of the types of 'organs of civil society' that should be developed, ie. at the root of it we are talking about building people's power.

The concept 'people's power' is rooted in our perspective of a national democratic revolution, where the people are not just an amorphous mass but are a people united to bring about a national democracy. This is where the significance of the process of building democracy as a political task lies. This democracy should have organs of people's power as its agency since it is only such organs which are capable of practically bridging the dichotomy of 'civil society' and the state, and can lay the basis for a longer-term transition to socialism.

In concluding this paper, it is important to point out that our major concern is that concepts which are used have direct political implications. For instance, the shift away from developing our understanding of organs of people's power and the new post February 2, 1990 vocabulary ('organs of civil society'; an 'autonomous and vibrant civil society'; and so on) is not merely a change in concepts but is perhaps a dangerous shift away from the perspective of a national democratic revolution to that of bourgeois democracy.

Although the concept of organs of people's power still needs further elaboration, for the purposes of this paper it is adequate for us to enter the debate from a different angle, one which contains the revolutionary perspective that should characterise approaches to

building a thorough democracy. Perhaps even more important for us is to begin to point the way towards which a revolutionary socialist perspective should be directed. In other words, organs of people's power should serve both as instruments for securing and deepening national democracy and as organs for the transition towards socialism. Of course, in the process the nature and role of such organs will change as conditions determine, but they are the only structures that will ensure participatory democracy and counter any tendency towards a bourgeois-democratic settlement that might be found within the ranks of the national liberation movement. This is the route towards national and socialist democracy.

The perspective outlined above should serve as a guide for struggles around Codesa, the nature of an interim government and, even more important, the struggle for a Constituent Assembly and the type of democracy whose constitutional basis should be secured within this.

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1. Slovo, J (1990) "Has socialism failed" in African Communist, No. 121, 2nd Quarter, 1990.

2. ibid., p.35 - emphases added.

3. Turok, B (1988) Africa: what can be done? London: Zed Press; Onimode, B (1989) A political economy of the African crisis London: Zed Press; amongst others.

4. Cited from Mandaza, I (1991) "Introduction: the problem of methodology" (An introduction to the project "Democracy, civil society and the state: social movements in Southern Africa"), An unpublished SAPES mimeo, Harare.

5. ibid., p.3

6. See, amongst others, Foweraker, J and Craig, A (1990) Popular movements and political change London: Lynne Rienner Publishers; and Wood, EM (1990) "The uses and abuses of 'civil society' Socialist Register, 1990.

7. Havel, V (1988) "Anti-political politics", in Keane, J (ed), Civil society and the state London: Verso pp.381-398; Keane, J (1988) Democracy and civil society London: Verso; Keane, J (ed.) (1988) Civil society and the state: new European perspectives London: Verso

8. Narsoo, M (1991) "Civil society: A contested terrain" in Work in Progress No.76, July/August, 1991.

9. Arthur, CJ (1970) (ed) in Marx, K and Engels, F (1970) The German Ideology London: Lawrence and Wishart.

10. in McLellan, D (ed) (1977) Karl Marx: selected writings London: Oxford University Press p.30

11. ibid., p.45

12. ibid., p.57

13. According to Hunt (in Jessop, B and Malcolm-Brown, C [1990] Karl Marx's social and political thought: critical assessments London: Routledge) development of the use of this concept in Marx's works can be divided into the following stages: i. The early stage prior to 1843 (before Marx embarked on economic studies in Paris) "the concept is counterposed to the 'state' and is absolutely central to his analyses... His understanding of the concept is basically Hegelian, although he inverts the civil society-state relation in a typically Feurbachian fashion" ii. The transitional stage where Marx embarks on economic studies and begins to theorise the distorting or 'ideological' nature of the concept, but, according to Hunt, Marx cannot yet account for its essential content. At this stage 'civil society' is equal to social relations in general. iii. In the mature stage starting in the late 1850's, where mode of production is firmly analysed as the basis of society, the concept is given its full meaning (pp 21-22).

14. ibid.

15. ibid. - emphases added.

16. Althusser, L and Balibar, E (1968) Reading Capital London: Verso, p.162 - emphasis in original.

17. Hoare, Q and Smith, GN (1971) (eds) Selections from the prison notebooks of Antonio Gramsci London: Lawrence and Wishart, p.12

18. ibid., p.235

19. ibid., pp.159-160

20. Important as it is to critically examine the notion of 'democratic socialism', this issue is a subject on its own that require a separate intervention.

21. Glaser, D (1990) "Putting democracy back into democratic socialism" in Work in progress, 65, April, 1990, p.30

22. Swilling, M (1991) "Socialism, democracy and civil society: the case for associational socialism" in ibid., pp.21-22

23. ibid., p.36

24. See Nzimande, B and Sikhosana, M op cit.

25. Embodied in the notion of political parties as class parties is the fact that political parties can and do represent a coalition of classes or fractions of classes.

26. Glaser, 1990 p.67

27. Marx in The German ideology, (in McLellan, 1975 p.215)

28. Wood, E (1990) "The uses and abuses of 'civil society'" in Socialist Register, 1990, p.3

29. quoted in ibid, p.157 - emphasis in Kautsky's original pamphlet.

30. Lenin, ibid., pp.158-159

31. ibid., p.159

32. ibid., p.161

33. Vilas, CM (1986) The Sandinista revolution: national liberation and social transformation in central America New York: Monthly Review Press

34. Mashamba, G (1990) "A conceptual critique of the people's education discourse" Research Report, No.3, Education Policy Unit, University of the Witwatersrand, pp.11-12.

35. in ibid., p.5

36. Vilas, C (1989) "Revolution and democracy in Latin America" in The Socialist Register.

37. ibid., p.40

38. ibid.

39. Frank, AG (1990) "East European revolution of 1989: lessons for democratic social movements (and socialists)" in Economic and political weekly 3 February 1990, p.252 - emphasis in the original.

40. White, R (1986) "A tide has risen. A breach has occurred: towards an assessment of the strategic value of the consumer boycotts" in South African Labour Bulletin, Vol 11.5, 1986, p.92 - emphases added.

41. See Nzimande and Sikhosana, op cit.