

# THE VALUE OF IDEAL THEORY IN THE FREEDOM CHARTER FOR CIVIL DISOBEDIENCE

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## **Abstract**

*The following article responds to a realist critique of ideal theory in the “official” liberal democratic account of civil disobedience classically offered by John Rawls. The shortcomings the critical theorist, Robin Celikates (2014:236), identifies in Rawls’s account follow, “at least, in part, from treating ideal theory as an independent starting point and working towards a definition of this decidedly nonideal political practice from there”. The research aims, firstly, to identify and to explain a significant weakness in “new realist” political theory, and, secondly, to offer direction from our recent historical past to contemporary struggles for social justice in South Africa today, which suffer from such weakness in practice. The Freedom Charter is identified as the embodiment of a set of ethical ideals which exceeds but which may complement Tully’s approach. . Mainstream historical sources are used, firstly, to identify a serious shortcoming with a dominant approach in political theory, and, secondly, to identify a significant factor that frustrates the effectiveness of “service delivery” protests today.*

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**Keywords:** Civil disobedience; protest; ideal theory; new realism; South African politics; Freedom Charter; Rawls; Tully.

**Slutelwoorde:** Burgerlike ongehoorsaamheid; protes; ideaalteorie; nuwe realisme; Suid-Afrikaanse politiek; Vryheidsmanifes; Rawls; Tully.

## 1. INTRODUCTION

Sixty years after the adoption of the Freedom Charter by the Congress Alliance in Johannesburg in 1955, with the opening declaration, “that South Africa belongs to all who live in it”, it is disheartening to see another outbreak of xenophobia erupt in 2015, repeating the violence and looting directed, several years earlier, at African immigrants living in South Africa. In the same year, the Farlam Commission Report absolved all implicated executive members of state from responsibility for the shooting of miners by police at Marikana, where 34 were killed and 76 wounded in 2012, in a grim repeat of the Sharpeville massacre under apartheid. Last year the 2014 national elections saw the lowest voter turnout in South Africa’s 20 year history of multi-racial democracy; even as the country recorded the highest number of “service delivery” protests and strikes in the world. Paradoxically, citizens are disengaging from politics in the midst of rising political activity.

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This social unrest, generated by deep socio-economic inequalities, resonates in many ways with the struggle against apartheid, but not all protest is grounded in principled concern for democratic justice. Some of these civil disturbances, including violent attacks on foreigners and looting of property, appear distinctly undemocratic, while others, including attacks on colonialist statues, protests for access to education or land seizures, may qualify as legitimate practices of civil disobedience aimed at equitable transformation, which democratic citizens ought to tolerate, if not promote. On what basis may we distinguish democratically engaged civil disobedience from disaffected resignation?

This article responds to a realist critique of ideal theory in the “official” liberal democratic account of civil disobedience classically offered by John Rawls. The shortcomings which the critical theorist, Robin Celikates, identifies in Rawls’s account follow, “at least, in part, from treating ideal theory as an independent starting point and working towards a definition of this decidedly nonideal political practice from there” (2014:236). This critique of Rawls draws on an historical contextualist approach to “public philosophy”, advanced by James Tully who argues that the job of political theory is not to provide foundations for, but to reflect critically on dominant norms which disclose possibilities of thinking and acting differently. Tully favours a dialogical, conflict-oriented approach to political theory (Celikates 2014:227). What it means to be a free citizen, and not a pre-defined subject, he thinks, can only be determined in a conflictual dialogue in which those affected are allowed to have a say and where the norms and framework can come up for deliberation and amendment in the course of the game. This forbids recourse to the “legislative stance” of ideal theory developed by Rawls (Celikates 2014:228). While the author shares great sympathy for Tully’s approach, he defends a role for “ideal theory”, using the Freedom Charter as an example of the type of pure ethical principles that may complement the approach advocated by Tully and Celikates. Comparing civil disobedience in the 1980s to the unrest in South Africa today, the author argues that the main feature contemporary protests lack is a coherent set of objectives and principles such as ideal theory provides.

## **2. THEORY, METHOD AND SOURCES**

The argument presented here is based on a comparison of the protests of the 1980s with present protests in South Africa. It is intended as a historically grounded intervention in Political Philosophy and in South African politics. The research aims, firstly, to identify and to explain a significant weakness in “new realist” political theory, and, secondly, to offer direction from our recent historical past to contemporary struggles for social justice in South Africa, which presently suffers from such weakness in practice. The article takes its cue from a new realist critique of liberalism and ideal theory, grounded in Marxist Critical Theory and

in Cambridge School Intellectual History, which animates the work of political theorists and historians James Tully, Raymond Geuss, Richard Bellamy, John Gray, Stuart Hampshire and Judith Shklar (Finlayson 2015). It then goes on to criticise this approach from the perspective of South African history. This research is not intended to stake out new historical evidence, nor does it rescue any marginalised voices from silent neglect. It draws on mainstream historical sources, firstly, to identify a serious shortcoming with a dominant approach in political theory, and, secondly, to identify a significant factor that frustrates the effectiveness of “service delivery” protests today.

To be clear, the intention of the article is not to present original historical evidence, based on interviews, archives or primary sources. It relies on relatively uncontroversial historical evidence, backed up by secondary material, which includes the opinions of a range of renowned South African historians and social scientists. The article offers a conceptual review of an important and neglected topic in South African history, with a view to marshalling old evidence to a new argument about the value of ideal theory for effective civil disobedience, as evidenced by the leading role played by the Freedom Charter in the turmoil of the 1980s. An interpretation of South Africa’s recent history, grounded in contemporary political theory, is developed with reference to two contrasting phases of struggle in South Africa, locating a significant difference between the two, which in turn informs a strategic interpretation of our present historical context. Crucially, the article argues that struggles for social justice at present remain localized, disconnected and uncoordinated in the absence of a theoretically coherent set of ethical principles (an “ideal theory”), such as the Freedom Charter provided for the broad umbrella body of the United Democratic Front (UDF). The article concludes that there need not be a contradiction between the normative principles of ideal theory and what people on the ground are actually struggling for, but, conversely, without such ideal theory, as we see at present, neither collective grievances, nor close attention to what those actually struggling understand themselves to be struggling for, will suffice to coordinate effective civil disobedience.

### **3. UNREST AND APATHY**

South Africa’s Independent Electoral Commission (IEC) revealed in January 2014 that only 22% of South Africans aged 18-19 had registered to vote. Among the age group 20-29, only 55% of those eligible to vote were registered (IEC 2014). In a news report at the time, the political analyst, Zakhele Ndlovu, explained that young people were not registering to vote because they are not politically conscious. He said low registration turnout shows the youth do not understand the country’s political dynamics; do not believe their vote will make a difference; are uninterested

in politics; and do not believe the opposition parties are credible. “‘This speaks to a lack of confidence in our politics and the system’, he suggests, ‘one could even say there is a certain level of apathy’” (Mlambo 2014). Participation in university politics, too, has declined consistently over the past few years, with a minority of students voting for Student Representative Councils (SRCs) and few protestors engaging in student strikes. Yet, despite widespread labour disputes and service delivery protests across the country, the African National Congress (ANC) won the elections with a comfortable majority. The author wishes to interrogate the common assumption, made by Ndlovu, that disengagement from electoral politics and “lack of confidence in our politics and the system” speaks to “a certain level of apathy”. Does disengagement from formal electoral party politics, 20 years after the first fully democratic elections, signal contentment with the party of national liberation or with politics as usual, or does it indicate disengagement? It is hard to account for the precise causes and intentions for an absent vote, but a complex range of factors behind the phenomenon of electoral disengagement is distorted by the reductive explanation of “voter apathy”.

A singular trope in much analysis of African politics concerns the apparently inexorable pull on the continent toward political monopoly. Africans seem inclined, not only by force, to prefer one strong, unified national political movement. Robert Mugabe claimed in 1996, not only at his convenience, that the West pushes multi-party democracy to buy influence and manipulate parties (Comaroff and Comaroff 2012:112). Nearby, the people of Botswana, including the main opposition party, even called in 1974 for a one-party state. Unless the president dies, or there is an express need for deposition, electoral turnout in Botswana is usually very low, signalling consent (Comaroff and Comaroff 2012:115, 128). Yet the Comaroffs argue African voters do not prefer to limit political choice to a single party. Despite ongoing destabilisation of democracy by foreign policy and foreign corporations, Africans across the continent have struggled consistently to acquire it. Democracy remains as firm an ideal in the south, as it does in the north, even though its procedural mechanisms and institutions are widely dismissed as a, “formal sham” (Comaroff and Comaroff 2012:33). Despite widespread disillusionment with formal procedures and institutions that reduce democracy to a shopping list at the ballot, Africans typically want more, not less than this from the state (Comaroff and Comaroff 2012:112). Lack of enthusiasm in the south for procedural democracy is said to prefigure similar disillusionment surfacing in Euro-America, signalled by rising political agitation, shrinking union membership, withdrawal from electoral politics and major parties, loss of confidence in the executive, and the almost universal view that the state is run by “big interests”, with no concern for the common good or its citizens (Comaroff and Comaroff 2012:32). Africans’ indifference to formal political paperwork testifies to a concern for real,

effective politics, beyond the ritualistic trappings of the Westminster system, which the north, increasingly, also eschews.

It may appear paradoxical that voter apathy and civil unrest should coincide as it does among “born free” South African youth. But failing to vote need not reflect political apathy. As Thiven Reddy (2010:188) observes, “Poor people often rely on the violent demonstration of protest as being more effective than normal democratic channels in order to articulate their interests and grievances.” It may be that young South Africans, unburdened of the struggle for democratic recognition and unaccustomed to centuries of procedural democracy, are shaping broader democratic practices than those find in the ossified rituals of the grey-haired, white West. By bypassing formal electoral procedures, citizens are demanding that attention is paid to their constitutional rights. Democracy promises more than it offers, driving many to cynical resignation. Recent unrest may reflect refusal of this resignation. “While modern intellectuals may resist the notion that democracy is about winning a say in decisions from which concrete gains can be made,” comments Steven Friedman (2012:94), “the evidence suggests that grass-roots participants are under no such illusions.” If voter apathy reflects lack of enthusiasm for party politics this, at least, stands opposed to the disillusioned resignation of participation in a ritualised sham. Participation may prove more resigned and apathetic than disengagement when citizenship is reduced to a choice in a booth between two sets of heavily sponsored and compromised false promises.

#### **4. CIVIL DISOBEDIENCE AS A PRACTICE OF CIVIC PARTICIPATION**

How, then, are we to distinguish engaged civil disobedience from disaffected political alienation or resignation? As Celikates (2014:231) observes, Rawls’s discussion of civil disobedience is a touchstone both for critics and defenders of ideal theory. Rawls claims civil disobedience cannot be understood without reference to ideal theory, which establishes in advance the principles that define a perfectly just society and then tells us on that basis how we ought to act. Rawls defines civil disobedience as “a public, nonviolent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the law or the policies of the government [by which] one addresses the sense of justice of the majority of the community’, which must arise ‘within the limits of fidelity to law’” (in Celikates 2014:232). Drawing on Tully’s critique of constructivist theorizing, Celikates argues precisely the opposite point. As he puts it, “ideal theory, far from being the only available route to a deeper understanding [of civil disobedience], *undermines* the very attempt” (Celikates 2014:232). In fact, ideal theory functions ideologically, he goes on to argue, by undercutting the transformative role of civil disobedience with unduly stipulative limits and conditions. Celikates questions

why civil disobedience must be a “public” act, why and in what sense it should be “non-violent”, why only disobedience out of reasons of conscience should count as “civil” (and not out of self-respect or responsibility, for example). It is not clear why civil disobedience is limited to the majority’s sense of justice or to fidelity to law (Celikates 2014:234). Such shortcomings, he argues, follow, “from treating ideal theory as an independent starting point and working towards a definition of this decidedly nonideal political practice from there” (Celikates 2014:235).

The problem with a pure normative account of civil disobedience, such as Rawls provides, is that it effectively precludes the practical deliberations of citizens before they even begin to get involved. “The question of definition”, argues Celikates (2014:237) “should not be mixed up with the question of justification”. Celikates (2014:236–237) therefore defines civil disobedience in a less restrictive and normatively demanding way, as, “an intentionally unlawful and principled collective act of protest [...] [that] has the political aim of changing specific laws, policies or institutions”. To avoid the deficits of ideal theory, he urges us to follow Tully’s advice and to start instead, “from a critical analysis of current political practices and struggles, the injustices and social pathologies they address, and the expectations and hopes they express [...] for example [...] the different forms of actually existing civil disobedience and the different modes of conceptualisation and justification” (Celikates 2014:241). These struggles cannot be defined in advance of the practices of citizenship they may establish and develop. Celikates (2014:241) claims that Tully’s dialogical approach – unlike Rawlsian ideal theory – “allows us to take more seriously what those actually struggling understand themselves to be struggling for, which can be different from what philosophers – in a potentially paternalizing and anti-democratic attitude – think they are or should be struggling for from an ideal point of view”. Celikates acknowledges, “There is still a normative role and critical role for theory to play”, but not for pure normative theory. Political theory, “cannot be detached from political and social practice” and “it cannot be performed in isolation from descriptive and explanatory forms of theorizing” (Celikates 2014:241). In sympathy with this critique of Rawls’ methodological principles, the author now looks to the context of South African social protest, paying attention to the influence of the Freedom Charter, to identify, nonetheless, a limited, but central role for ideal theory in the regulation of civil disobedience.

## 5. DISORGANISED REBELLION

The paradox of simultaneous voter apathy and civil unrest among newly enfranchised, young South Africans corresponds with widespread lack of confidence and impatience among citizens in mature liberal democracies in and with the dominant modes of

legitimation whereby political elites compete for public support. Traditional structures of accountability and modes of political resistance accommodate the *status quo* and politicians to the left and right, north and south, commit states to a uniform liberal structural adjustment programme, driven by the Bretton Woods institutions and the World Trade Organisation (WTO). National sovereignty is increasingly undermined and the prospect of different political platforms for genuine alternatives grows dim. Widespread frustration with the co-option of conventional channels of political accountability is reflected in the extraordinary social unrest that has spread around the world since the financial crisis of 2008, which perversely enriched the financial elite who caused it at the expense of everyone else. It is hard for one to believe that voting for a different party will change any of this. Instead, people withdraw from formal politics and take to the streets, in outbursts of unrest.

To understand why democratic channels of representation are regularly bypassed by South African citizens, it is worth considering some empirical figures on the state from the Auditor General. In 2013, for example, it was found that over 2000 government employees or their spouses were presently involved in government contracts to the value of R600m. R814m was received by councillors, officials and their family members through tenders in 2012. In 2011, nationwide municipality audits revealed R10b “irregular” expenses, R43b “unauthorised” expenses, and R263b “wasteful” expenses. All, but seven municipalities failed their audits last year. Moreover, 70% of audited government officials “do not have the minimum competencies and skills to perform their job” (Chipkin 2013:219, 220, 223). The R246m cost for security upgrades at Nkandla for President Jacob Zuma (Sapa 2014) is small fry compared to such figures, but its symbolic value overshadows them. Zuma, widely discredited, shows no sign of resignation. Such self-enrichment, once accepted as rightful redress, has grown out of control as institutions and organs of state begin to crumble. Ivor Chipkin (2013:225) argues corruption is not just a matter of self-interest or private gain in South Africa, but “a sign of endemic withering away of weak and ineffective state institutions [...] The problem is not just one of inefficient or captured institutions, but of actual weakness [...] There are simply no common ‘rules of the game’”. Widespread corruption, he argues, “[is] a sign of the withering away of the very *stateness* of the South African state” (Chipkin 2013:225).

S’bu Zikode (2014) of Abahlali baseMjondolo, a squatter’s rights movement, remarks, “Local councillors have become gangsters and hit men during the night. They only act as leaders during the day and to impress the public”. Again, incompetent and corrupt local councillors, selected by distant authorities in Pretoria, are being forced to resign by the mobilisations of activists. The ruling bloc of “political society” therefore sees these recent civil society upsurges as a profound threat (Bond 2012:257). Brief respite from absolutist nationalism after

the non-racial elections of 1994 seems like a dream as the country returns to the violent mass action of the 1980s, met once again with brutal state repression in the townships. At least sixty people were killed by the South African police in three years from 2011-2013 (Cronje 2014).

These mass protests for service delivery and maintenance by government in many ways recall UDF rallies for “people’s power” in the 1980s, which led to boycotts of municipal charges and rent that sparked the ultimate crisis for apartheid. Peter Alexander (2010:37) has researched this “rebellion of the poor” extensively for many years. He observes that, “Resonances from the apartheid period are striking. The battles have been fought by residents of formal townships and informal shack settlements, which are still spatially and socially separated from the suburbs (even if this is now more a class divide than a racial one) [...] with people responding by attempting to exert political influence through the development of a collective, community voice, as distinct from formal local politics. In addition, similar tactics are deployed, including use of stayaways and barricades with flaming tyres. The police response, too, is reminiscent of the apartheid era.”

The past few years have seen an increasing number of “popcorn protests” flare up, often violently, and then immediately settle down (Bond and Mottiar 2013:288). These are often started by youth, but they also attract broad support among the community, addressing grievances over lack of water, sanitation, electricity, housing and other infrastructure, as well as failure by local authorities to address ongoing billing issues, high unemployment, crime, etc. Tactics learned from the anti-apartheid movement are often deployed: mass meetings, drafting of memos, petitions, toyi-toying, processions, stay-aways, election boycotts, blockading of roads, construction of barricades, burning tyres, looting, destroying buildings, chasing unpopular individuals out of townships, police confrontations, and forced resignation of officials. These all recall tactics used by the UDF in the 1980s (Bond and Mottiar 2013:289-290). The government effectively rewards these protests by paying closer attention and assistance thereafter, with the destructive effect that communities withhold taxes and revenue in protest, effectively cutting off funding needed for structural socio-economic change (Bond and Mottiar 2013:290-291). The shootings at Marikana have seen a massive spread of community and labour unrest, but this has featured ineffective division and incoherence.

Diagnosing the problem of poorly coordinated people’s power in South Africa today, former anti-apartheid dissident and ANC stalwart and contemporary political analyst, Raymond Suttner (2014), argued, “The vote has been shown to be insufficient or inadequate, and it will remain so, as long as it is the only basis on which we try to advance and defend constitutionalism [...] It is imperative that we rebuild civic power, an alternative force that augments constitutional instruments



[...] Those who cherish South African democracy need to draw in people from a range of sectors and organisations that may never have acted together in the past. While retaining their autonomous identities, such groups should develop a unifying vision, which binds them [...].”

Despite an annual average of 8000 protests in South Africa since 2005, widespread urban protest since 2004 in South Africa has failed to consolidate a broad social movement (Bond 2012:260). For ten years South Africa has experienced more strike days per capita than any other country (Alexander 2013:611). Patrick Bond claims that daily “service delivery” protests, “reflect the distorted character of neoliberal growth after 1994” – commercialisation and outsourcing of municipal services, which the apartheid state struggled to introduce, has been implemented, with rising inequality and rising costs for services alongside widespread non-payment (Bond 2012:260; Alexander 2011:37). The ANC assumes a role apartheid gave its collaborators, to collect revenue from the poor, and non-payment, while partly attributable to poverty, also continues the boycott culture. Municipal offices, post offices and libraries are burned down if evictions, disconnections and summonses are served on personal property in relation to debts. But, without a common enemy, common goals, or common principles, the localism and fragmented nature of these “popcorn protests” quickly dies out (Bond 2012:252).

Luke Sinwell (2011:61-62) criticises the large body of literature on social movements that declares, “another world is possible”. He warns us not to exaggerate the transformative potential of community-based movements that lead these protests, since, “there is a sharp disjuncture between intellectual ideologies and the worldview of the poor”, many of whom, “are more interested in getting a piece of the pie than in challenging it altogether”. He reckons, “it is fairly unlikely that these protests will shape class consciousness, even among militant movements”. Subsequent collaboration in strikes and mass uprisings between labour and the unemployed poor may yet prove him wrong, along with splits within COSATU and the Alliance, or the rise of the militant, left-wing Economic Freedom Front (EFF). In any case, Oliver Tambo’s call to make South Africa ungovernable was too successful. “We must destroy the enemy organs of the government,” he cried. “We must render them ineffective and inoperative.” The ANC now manages these “organs of government” denounced as institutions “imposed on us to perpetuate our own oppression”. And still, the people “refuse to submit to the dictates of the Pretoria regime” (Tambo in Sinwell 2011:63).

Sinwell (2011:65) maintains that ongoing social protests in South Africa today are reactions to the exclusion of the poor brought about by neoliberal policies, but they do not actually “lay serious critiques against, and seek an alternative to, neoliberalism itself”. These actions are often passed off as revolutionary, when in

fact they are just reactions to exclusion. They are often not signs of estrangement, but cries for help, for attention from senior ANC leaders. The radical “tactics” of these movements, harking back to the UDF’s mass action and boycott activism, are not underpinned by a radical “politics”. The protests do not challenge the ANC’s national policy framework and the majority of constituents of radical movements, which explicitly boycott elections, withhold their vote only to gain concessions (Sinwell 2011:67-68). Sinwell (2011:74) hopes something may yet unite these erratic local uprisings, like the Freedom Charter or the Soweto riots did for the UDF mass action of the 1980s, and he calls for political and strategic direction from left intellectuals, who have so far failed to challenge neoliberalism, leaving it to the masses somehow to work out an egalitarian outcome beyond “factional disputes over existing resources”.

Bond and Mottiar (2013:284) are broadly in sympathy with Peter Alexander’s explanation for insurrectionary protests (a “rebellion of the poor”) breaking out around the country, that they reflect “disappointment with the fruits of democracy”. But they also caution that the focus of this rebellion is modest. This is “not a fight against neoliberalism” as much as it is a matter of “local battles for service delivery winning limited concessions”. They argue, more optimistically than Sinwell, that “bridging leaders” may help to interpret these everyday grievances in terms of broader global challenges and link them to broader movements, to enable greater potential for wider counter-hegemonic challenge from community protests (Bond and Mottiar 2013:284). Steven Friedman (2012:97) agrees that the crucial synergy, lacking at present, depends on strategic choices the leaders of these movements, such as at COSATU, are as yet unwilling to entertain. He argues, “it is unlikely that an effective movement for redistribution will emerge, without such cooperation”. Moreover, “The history of both the trade union movement and social movements, such as the TAC, shows convincingly that the abstentionist position is a recipe for powerlessness [...] To the extent that social movements embrace this stance, they will remain marginal to the concerns of most poor people” (Friedman 2012:93) Participation, “depends on making concrete gains for the poor about having a say in the running of their lives.” The problem these movements all face is that they, “are not providing an organisational nexus with a realistic prospect of a shift in power and privilege [...] as a base for mass mobilisation” (Friedman 2012: 94-95).

## **6. THE PEOPLE SHALL GOVERN!**

How does social unrest in post-apartheid South Africa compare with the mass civil disobedience that destroyed the apartheid regime thirty years ago? In the early 1980s, facing rising domestic civil unrest, along with mounting pressure

from its Western allies, forward-thinking white nationalist strategists hatched up schemes of inclusive representation to appear democratic whilst maintaining the basic principles of apartheid and white supremacy. Several ethnic homelands were scattered around the country for the purpose. Blacks were foreign citizens, based in neighbouring nation states, under white tutelage, with separate institutions, laws and leaders. Townships on the outskirts of South African cities were granted temporary residential status, governed by elected local council representatives or Black Local Authorities (BLAs) to provide basic administrative services and address local grievances. Black police, black schools, black councils – these agencies of the apartheid regime were all deeply distrusted by local communities. In struggles against collaboration, school buildings and councillors’ homes were burned down in protest and police were attacked (Sinwell 2011:63). In 1983, the Nationalist Party put forward constitutional reforms to create a tricameral parliament headed by a white chamber with two separate chambers for Indian and Coloured voters. Their rejection of the scheme gave rise to a broad coalition, the United Democratic Front, that cut across race, class and religion and which, along with the unions and with sanctions, by the power of boycott, would soon crush apartheid.

Township youth in South Africa today face corrupted structures of governance. So, instead of voting, they riot, but they do so without unified purpose. To attend to this crisis of inchoate unrest, we may learn from the responses of those who were expected to participate with apartheid’s crude caricatures of democratic representation. The dilemma facing the majority of Coloured and Indian voters was whether to use the political space conceded to them to try to undermine the injustices of apartheid, or to reject the system outright, arguing that using such mechanisms would deliver affirmation of the system. Ultimately, a large majority rejected the apartheid scheme of tricameral legislature and boycotted the first tricameral elections. This broad mobilisation of civil disobedience carried forward the struggle by uniting diverse social movements around the common cause of freedom for all South Africans.

The mass uprisings of the 1980s drew inspiration from the Defiance Campaign of boycotts and civil disobedience in the years leading up the adoption of the Freedom Charter on 26 June 1955. It is significant that the Freedom Charter was not conceived by a committee of elites, like the United Nations Declaration of Human Rights or the South Africa Constitution of 1996. It resulted from the collection by “Freedom Volunteers”, across the country the previous year, of people’s hopes, demands and grievances, which were consolidated by a drafting committee into a unified set of principles, dramatically written up by Lionel Bernstein and ZK Matthews<sup>2</sup>. In the years that immediately followed, the ANC, the South African Communist Party (SACP) and affiliated institutions were suppressed,

2 [www.sahistory.org.za/freedom-charter-campaign](http://www.sahistory.org.za/freedom-charter-campaign)

along with the Charter. But, with many leaders in exile or in prison, in the 1970s and early 1980s, popular struggles re-emerged, united around the principles set out in the Charter. As rising resistance began to make apartheid unworkable and South Africa ungovernable, many communities established “elementary organs of people’s power” in place of local governance (Suttner 2015). Local community-based groups began to form independently across the country to address shared concerns; in township street committees, church groups, women’s groups, student’s groups and so on. Working independently from the banned organisations the government targeted, these civic organisations addressed immediate community problems in small groups, spreading at grass-roots level without any coordinated leadership, thereby evading government attention.<sup>3</sup>

Prior to the launch of the UDF in 1983, civic organisations had tended to operate in isolation on single-issue campaigns, but the UDF became the main umbrella organisation that brought together all civic organisations around common causes, expressed in the Freedom Charter. Its chief weapon, the boycott, drew on practices of subversive disengagement influenced by the strategies of civil disobedience made popular by Mahatma Gandhi and Martin Luther King. The leaders of the UDF learned from the experience of the state-sponsored South African Indian Council (SAIC), which regulated the affairs of the sizeable Asiatic community in the 1960s and 1970s. The SAIC had been established to bring Indians into the fold of apartheid structures and to avert militancy, but many in the community rejected the body.<sup>4</sup> Government efforts to give the council credibility divided the community between “participationists” and “non-collaborationists”. The debate galvanised various committees to oppose the 1981 council elections and plans for a tricameral parliament. At the anti-SAIC conference in January 1983, church leader, Dr Allan Boesak famously declared, “We cannot accept a ‘new deal’ which makes apartheid work even better.”<sup>5</sup> He called for a united front to co-ordinate the mass campaigns against the tricameral parliament. The UDF was launched six months later out of 475 “grassroots” organisations nationwide. Within months, over 600 organisations had joined in.<sup>6</sup> Due to a massive campaign to boycott PW Botha’s “New Deal”, Coloured and Indian voter turnout in the elections for the tricameral parliament in 1984 was exceedingly low.<sup>7</sup>

The UDF’s campaigns did not stop at the sham representative structure of the tricameral parliament, but soon broadened out to take on all co-opted structures of white power. In 1983 residents and workers living in the Xhosa homeland

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3 <http://www.saha.org.za/udf/origins.htm>

4 <http://www.sahistory.org.za/20th-century-south-africa/anti-south-african-indian-council-saic-campaign>

5 <http://www.saha.org.za/udf/origins.htm>

6 <http://www.saha.org.za/udf/origins.htm>

7 <http://www.sahistory.org.za/20th-century-south-africa/anti-south-african-indian-council-saic-campaign>

the Ciskei, began to protest at the price of the buses that took them to work each day. Their boycotting of the buses, which involved long walks across the border to work in the white republic each day, was organised by a UDF affiliate union. It was attacked by security forces and vigilantes of the Ciskei regime who shot dead and wounded many people. The regime banned the union, detaining and torturing its leaders. In turn, the newly formed UDF organised a national campaign and mobilised people in the border region against the Ciskei “homeland”.<sup>8</sup> Thus, the UDF brought attention to the repressive brutality of South Africa’s Bantustans. In the townships, the UDF called for a boycott of the “new deal” to allow for election of black representatives, paid and supervised by the national government’s Bantu Administration Board. At most, 10% of eligible voters elected these authorities who were expected to fund township administration with local revenue. Centred in what is now Gauteng, the Vaal Civic Association, a UDF affiliate, organised a massive anti-rent campaign, issuing press statements and pamphlets, and holding meetings to stop a further increase. After police opened fire on a march in September 1984, violence spread across the region. Councillors were attacked, administration buildings were destroyed, council-run beer halls were burned, along with the homes and businesses of councillors, police were attacked, who in turn attacked, killed and detained many people (Jochelson 1990).

In both these early instances of mobilisation by the UDF, national consciousness was raised through the focus of local affiliates on first-hand, everyday instances of repression that most people faced. By mobilising withdrawal from political and commercial structures and institutions of co-option, the UDF facilitated broader political consciousness of the underlying cause of these everyday problems and united local community concerns toward a wider solidarity. It gained a great deal of credibility from the work of its affiliate civic organisations, which united township residents at local level by focusing on grievances, such as housing, electricity and roads, and lack of basic infrastructure (O’Malley 1991). From its birth, the UDF had the support of the banned liberation movement, the ANC. The UDF organisations became a way to link with the ANC’s internal underground structures, and to establish illegal contacts with the ANC in exile. From 1984, UDF affiliates began to coordinate a nationwide response to Oliver Tambo’s call from exile on all civics in each community to, “make the country ungovernable” (Bond 2012:246). The UDF’s greatest impact was at grassroots level where it created local structures that played a key role in the political education and mobilization of the masses. The organisation’s strategy was to replace decision-making structures, created by the government, with a network of “people’s power” (O’Malley 1991). As civic activist, Weza Made, claimed during the mid-1980s when they established street committees to resolve conflicts in Uitenhage, activists

8 [http://www.saha.org.za/udf/against\\_bantustans.htm](http://www.saha.org.za/udf/against_bantustans.htm)

were implementing the clause of the Freedom Charter which declared, “The People Shall Govern!” (Suttner 2015).

Through its “politics of refusal”, the UDF not only withdrew from political institutions of state with electoral boycotts and by creating its own “liberated areas” governed by local communities, but also, by linking class consciousness to racial capitalism; it began to attack the economic foundations of apartheid through the market. The consumer boycott in 1985, led by the UDF and its affiliates, demanded lifting of the State of Emergency imposed by the state in response to the recent unrest, the removal of police and the army from the townships, and the release of all political prisoners and detainees. It took the form of not buying from mainly white-owned shops and shops owned by black collaborators<sup>9</sup>. Beginning with spontaneous action from a group of township women in Port Elizabeth, the boycott soon spread throughout the country, by word of mouth at large funerals and mass meetings (Obery and Jochelson 1985:13-14). When 7000 SADF troops were sent into the townships of the Vaal to crush the uprising surrounding electoral and rent boycotts, UDF affiliates responded by organising the biggest work stayaway in 35 years; through civics, youth groups, trade unions, street committees and other township-based organisations, even while the UDF leadership was mostly in detention or in hiding.<sup>10</sup>

Leaders and activists were systematically detained without trial, tortured, assassinated and executed; collaborators were killed in retaliation, in “necklacings”, trapped in tyres set alight with petrol. The General Secretary of the national youth congress, Sayco, Rapu Molekane, explains, “Many of us were hit in the first wave of detentions. But by the time [the second Emergency] came, we had adjusted. The major thrust of local youth congress activity switched from high-profile, mass recruitment rallies to a system comparable to street committees. Living permanently underground, organisers established communication channels sufficiently strong, despite the emergency crackdown, to hold regional structures together” (Niddrie 1987:4). The government’s attempts to control the townships through black local authorities were destroyed, but the mass-based organisations were hard-hit, with their leaders either in detention or in hiding. The movement survived such repression precisely because its structures were sufficiently democratically devolved to street level, to block committees, to its 600 various affiliate organisations and to its 2,5m members (O’Malley 1991). This was possible because the movement was united around a common set of principles and objectives. But then, in 1990, with the ANC leaders released, the UDF declared – prematurely – that its aims had been realised. It disbanded the following year as its leadership merged with the ANC and its major partners, COSATU and the SACP.

9 [http://www.saha.org.za/udf/consumer\\_boycotts.htm](http://www.saha.org.za/udf/consumer_boycotts.htm)

10 [http://www.saha.org.za/udf/troops\\_occupy\\_the\\_townships.htm](http://www.saha.org.za/udf/troops_occupy_the_townships.htm)

## 7. CHARTERISM, AFRICANISM, WORKERISM

It is worth emphasising the fact that the UDF in the 1980s was no homogenous social movement, but, rather, it comprised of different elements coming from a variety of social backgrounds and civil society organisations. As David Howarth (2005:207) remarks, “the UDF served as a vehicle for the unification and symbolic condensation of a number of disparate struggles”. It included members from all walks of life, who brought with them a wide range of perspectives, political interests and, often incongruous, ideologies. It has been pointed out to the author, in forwarding this argument, that, although it was dominant, the UDF was, “not the only show in town”. The National Forum, for instance, rejected the Freedom Charter, but was also guided by a strong ideal theory based on class analysis. Moreover, the independent trade union movement was linked to, but was also independent of the UDF. Internally, differences also emerged within the UDF over the socialist meaning of the Freedom Charter, the “workerism-populism” debate, which polarized the movement in the late 1980s.

In this debate, the author has consciously endorsed the views of Raymond Suttner and Jeremy Cronin, two key participants in these debates in the 1980s, who, each respectively, came from one of the two main opposed camps of Charterism and workerism, but, who commonly maintained that the UDF was explicitly a “Charterist” organisation, engaged in a “national democratic” struggle; at least, more so than it was allied to the competing political ideals of “workerism” or “Africanism” (Cronin 1986; Suttner 2005). Suttner writes in 2005 that the Charter’s call for unity and non-racialism, “was the basis on which apartheid was opposed and defeated. It was the basis on which the UDF organised”. He claims the period of mass uprisings in the 1980s, “needs to be understood as one where people often consciously saw themselves implementing the Freedom Charter – in particular the clause ‘The People Shall Govern’ – by establishing organs of self-empowerment” (Suttner 2005:23, 25).

Howarth (2005:206) explains that the UDF, “consciously harked back to, and echoed, the Congress style of politics of the 1950s”, refusing to be identified with any single strain of resistance politics. The building of a broad coalition around the unifying, notoriously ambiguous, ideals of the Freedom Charter was the basis of the UDF’s success; so much so, that its supporters, “came to be known as Charterists because of their shared allegiances to the principles and programmes of the Freedom Charter” (Howarth 2005:203). The leaders of the trade union movement, by contrast, although allied with the UDF in the 1980s, voiced powerful reservations about the “populist” character of the movement (Howarth 2005:203). Not denying workerist tendencies amidst its ranks, Charterists insisted that a

maximally broad coalition united under the Freedom Charter was the key to its major victories (*Isizwe* 1986).

The theoretical, political and strategic debates that shaped the broad resistance movement against apartheid in the 1980s pivoted around three main internal forces, namely workerism (organised around shop-floor demands for the working class); a students' and cultural movement (organised around Africanism and/or Black Consciousness); and Charterism, which informed the UDF. Workerists worried that a broad struggle for national liberation would stop short at a formal bourgeois democracy, without full democratisation of social relations; just replacing white bosses with black bosses in charge of the same exploitative socio-economic system (Howarth 2005:210-211). They may have been right in the long run, but Charterists argued, in return, that "syndicalist" restriction to a narrow constituency and set of demands, and failure to hegemonise all sectors of the oppressed, would weaken the impetus for national liberation. They proposed a strategy of class alliances and borrowed from the unions' democratic organisational practices and structures (Howarth 2005:212).

Peter Hudson argued in 1986 that all social movements and political organisations, seeking to transform the South African state, felt obliged at the time to define their position with reference to the Freedom Charter, as if this is "a condition of their being able to establish a political condition in the South African context" (Hudson 1986:7). Hudson (1986:8) argued that part of the attraction of the Charter for the different groupings around the UDF was owed to the ambiguity of its wording, which allowed it to be interpreted in a variety of ways and that Mandela had likewise defended the document against Africanists in the 1950s by arguing that it was not a socialist blueprint, but it allowed for the development of a prosperous non-European bourgeois class. Around the time of the 30<sup>th</sup> anniversary of the Freedom Charter, in the mid-1980s, Hudson disagreed with Suttner and Cronin that the Charter is "anti-capitalist". Yet, in his critical response to Hudson's negative assessment of the socialist meaning of the Freedom Charter, Cronin agreed with him that the transfer of state power envisaged was a necessary, but not sufficient condition for a desirable transformation of the dominant mode of production (Hudson 1986:33; Cronin 1986:75). It may be that, "nothing in the Freedom Charter entails the elimination of capitalism" (Cronin 1986:32). However, he and Suttner agreed this was the key to the success of the UDF, which thereby won over the broadest possible coalition of support for its ends.

## **8. ON RESIGNATION**

The uprisings in South Africa today echo the politics of refusal mobilised against apartheid sixty years ago with the adoption of the Freedom Charter, and again, with mass unrest in the 1980s, at least in terms of tactics, if not principled coordination.



But what these highly localised “popcorn protests” lack, compared with earlier civil disobedience, is principled vision and focus. The claim of the UDF that its major goals were realised, gives cause for concern. If this is true, the goals should be revisited with great care and with cautious attention to avoid repeating what went wrong. But the goals were not the problem. Moreover, after the demise of the struggle against apartheid in South Africa, with the civic organisations in disarray and the unions deeply divided, a major reason why local practices of civil disobedience today fail to pose a challenge to economic and political domination, is because they lack a unified set of guiding aims and principles around which to gather common cause. There is no doubt that the loose, collective form of democratic citizenship practiced by active UDF members presents a classic example of what Tully means by “cooperative citizenship”, employing various “arts” of civil disobedience which included, “protests, boycotts, non-cooperation, arguing and bargaining, alternative dispute resolution and transformative justice” to address, “structural democratic deficits” (in Celikates 2014:229-230). Yet, although these practices are still enacted in South Africa today, in mass social unrest against similar injustices, their devolved character proves a drawback in the absence of a common set of guiding principles.

The criticism of ideal theory in John Rawls’s account of civil disobedience, given by Celikates, following Tully, draws on a long history of “immanent critique” in Critical Theory, which typically insists, as these two theorists do, that political theory should, “start from a critical analysis of current political practices and struggles, the injustices and social pathologies they address, and the expectations they hope to express [...] from actually existing civil disobedience and the different modes of its conceptualization and justification” (Celikaes 2014: 239-240) Celikates sees this as the best way to avoid the narrowness of ideal theory. Though he does not, in the end, follow his advice by considering in the paper any actual cases of civil disobedience, the comparison presented here – of two distinct phases in the struggle against structural inequality in South Africa – reveals that pure normative principles of ideal theory need not compete with the aspirations and struggles of excluded, marginalised citizens. In fact, in the absence of common ideals, neither collective grievances nor close attention to, “what those actually struggling understand themselves to be struggling for” (Celikates 2014: 240) will suffice to coordinate coherent civil disobedience.

In this light, we should consider the advice of the Critical Theorist, Theodor Adorno, in one of his final pieces of the late 1960s on “Resignation” that immanent critique is insufficient without transcendent reflection. The essay responds to criticism of his apparent quietude amidst rising political and social unrest. He responds that strictly operational, internal critique, without transcendent reflection, leaves thought no room for freedom from actual domination. Adorno

cautions against over-emphasis on urgent operational imperatives of collective praxis which neglect calm, rational, subjective reflection and unrestrained critical consideration; that is, praxis which neglects transcendent imperatives. At the onset of radically administered, positivistic late modernity, more than any of his contemporaries, Adorno was nostalgic about the demise of idealistic and hypocritical bourgeois moralism. His sympathy for the enlightenment ideal of subjective autonomy is at odds with the views of impatient comrades who despaired at the cold abstractions of his philosophical preoccupations. But with Soviet collectivism behind us and the vanguard at the trough of South Africa's Animal Farm, it is perhaps worth pausing for thought.

"Resignation" responds to accusations in the 1960s levelled against representatives of the Frankfurt School, for developing elements of a critical theory of society without being ready to draw practical consequences from it (Adorno 1998:289). In a famous "Preface" to the 1962 2<sup>nd</sup> edition of *The Theory of the Novel*, Georg Lukács (22) accuses Adorno and many others of "the leading German intelligentsia", of having taken up residence at the Grand Hotel Abyss, "a beautiful hotel, equipped with every comfort, on the edge of an abyss, of nothingness, of absurdity" where, "daily contemplation of the abyss between excellent meals or artistic entertainments, can only heighten the enjoyment of the subtle comforts offered". The Frankfurt School, Adorno (1998:289) goes on, is accused of providing neither actionist programmes, nor support actions for those who felt inspired by critical theory. Adorno responds that he does not want, "to deny the element of subjective weakness that clings to the narrowed focus on theory". He admits objective matters are of greater importance than theory, yet dismisses the objection that, "the person who at this hour doubts the possibility of radical change in society and who therefore neither participates in spectacular, violent actions nor recommends them has resigned" (Adorno 1998:289).

Adorno is critical of the "objective spirit" of the "active practical person" who "knuckles down" and "gets his hands dirty", joining in without the hesitant thoughtful aversion of weak and cowardly intellectuals. "The much invoked unity of theory and praxis" he warns, "has the tendency of slipping into the predominance of praxis." He cautions against objectivist prejudice against ideal theory, "Many movements defame theory itself as a form of oppression [...] as though praxis were not much more directly related to oppression" (Adorno 1998:290). Without any "real possibility of action" against radically administered late capitalist modernity, where no alternative economic system is considered feasible, such an attitude merely, "clings to action for the sake of the impossibility of action". Adorno criticises Marx's eschewal of his youthful demand for "the ruthless criticism of everything existing", which he later mocked as "critical critique". The "malicious derision of critical critique" became an instrument in Russia by which, "existing

conditions could establish themselves so terrifyingly”. Such “subordination of theory to praxis inverts into service rendered to renewed oppression” (Adorno 1998:290).

Only thinking, the results of which are not limited by present conditions, could “find an exit” to this, “It is up to thought not to accept the situation as final”. Adorno explains that, “repressive intolerance to thought that is not immediately accompanied by instructions for action, is founded on anxiety” about actual obstructions in reality. “Pseudo-reality [is] conjoined with, as its subjective attitude, pseudo-activity: action that overdoes and aggravates itself for the sake of its own publicity, without admitting to itself to what extent it acts as a substitute satisfaction” (Adorno 1998:291). Even political undertakings, “sink into pseudo-activities” (Adorno 1998:292). “It is no coincidence that the ideals of immediate action, even the propaganda of the act, have been resurrected” he writes in the wake of Soviet communism and decolonisation, “after the willing integration of formerly progressive organisations that now in all countries of the earth are developing the characteristic traits of what they once opposed” (Adorno 1998:291). This situation is made easier for the individual by, “capitulation to the collective with which he identifies himself”. Drowning thought in activity, “he is spared from recognizing his powerlessness” – “the sense of a new security is purchased with the sacrifice of autonomous thinking [...] Thinking, as a mere instrument of activist actions, atrophies like all instrumental reason” (Adorno 1998:291). Adorno (1998:291) concludes with characteristic dialectical flourish, “This act, not unwavering thought, is resignative”.

The author has argued that the major feature, distinguishing the mass social unrest of labour disputes and “service delivery” protests in post-apartheid South Africa at present from similar protests in the 1950s and 1980s, is that these earlier acts of civil disobedience were united and guided, not only by common grievances, but by ideal aims and principles, by ideal theory. The principles adopted in the Freedom Charter were certainly not detached from political and social practice, nor declared in isolation from, “what those struggling understood themselves to be struggling for” (Celikates 2014:40). Yet, the Freedom Charter also makes a dramatic departure from political realism. It was no less than ideal to declare sixty years ago, under urgent and stressful conditions of radical racist injustice and social inequality, as the Freedom Charter does, “that South Africa belongs to all who live in it, black and white” and, “that no government can justly claim authority unless it is based on the will of the people”. It is no less than ideal to maintain, “The people shall govern!” It is no matter of description to assert, despite overwhelming counter-evidence, that all national groups shall have equal rights and a share in the country’s wealth, or that the land will be shared, or that we shall all be equal before the law. With our high unemployment and crime rate, who would promise, “There shall be work and security”? Who could realistically

expect free education, housing, security, comfort, peace and friendship, with low growth rates, high crime and global austerity? The Freedom Charter meets Tully's criteria for cooperative democracy, but its ambiguously coherent unity comes with unrealistically pure ideals.

## 9. CONCLUSION

The article has drawn two sets of contrasts, firstly, between "ideal theory" and "new realist" political theory, represented by Rawls and Tully, respectively, and, secondly, between the mass uprisings of the 1980s in South Africa, coordinated primarily by the UDF, and the mass uprisings at present in the 2010s, which, it is argued, remain uncoordinated. The former theoretical distinction was tested against the latter, practical, contexts. The comparison between these two historical periods in South African protest history revealed striking similarities. In keeping with the spirit of Tully's realist political theory, neither the Charterists nor contemporary protestors took their cue from an independent, stipulative ideal starting point, such as Rawls provides, to ensure effective civil disobedience. Rather, these protests started from the ground up. Grand, ideal, collective aspirations start out as everyday basic grievances. In this respect, both periods of civil disobedience in South Africa show the value of Tully's realist approach to public philosophy in its positive sense, beginning from existing political practices.

But significant differences between the two periods were also discovered. Present social protests have proved largely inchoate and poorly coordinated in comparison with those of the 1980s, and they therefore typically fail to build momentum. In the absence of any unifying ideal theory to guide these different groups, focused on immediate grievances, these disparate tendencies have come and gone with no sustainable and long-term effect. Activists today are often so busy on the ground that they can't see the wood for the trees. In the past they looked to the Freedom Charter for a unifying vision. Protests today do share similar tendencies, in some sense, perhaps including a nebulous feeling of being ignored for too long, of impatience for promises deferred, or of anger at corruption and plundering of resources, especially if this fails to trickle down. The recent emergence of the EFF, and nationwide student protests for equal access to education reveal a wide open horizon for potential transformation, but, as yet, while present mass uprisings in South Africa may satisfy Tully's criteria, with weak effect, unlike the UDF, the unifying vision of ideal theory, such as the Freedom Charter once provided, remains conspicuously absent.

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