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Development, Social Citizenship and Human Rights: Rethinking the Political Core of an Emancipatory Project in Africa

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September 11, 2006

International Centre for Ethnic Studies
Colombo

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> The twentieth century has been, in fact, that of the power of the state [...]
> In truth everyone is prepared to criticize [...] [the] "economic horrors" [of neo-liberalism] [...] On the other hand, no one is prepared to critique [liberal] democracy. This is a taboo, a major consensual fetish. [Liberal] democracy is, in fact, the true subjective principle, everywhere in the world, of the support for liberal capitalism (Alain Badiou, 2004: 3, 15, my translation).

> At the very time when it most often mouths the word, the West has never been further from being able to live a true humanism - a humanism made to the measure of the world (Aimé Césaire, 1972: 56).

> We ought to scrutinize that act by which people become *a* people, for that act [...] is the real foundation of society (J-J. Rousseau, 1979: 59, emphasis in original).

> Soyons réalistes, demandons l'impossible! (Be realistic, demand the impossible!). Slogan from May 1968, Paris.

1. Introduction

I begin from the axiomatic point that, despite the form it eventually took, namely that of a neo-colonial process, development was understood and fought for in Africa as [part of] an emancipatory project central to the liberatory vision of the pan-African nationalism which emerged victorious at independence. Indeed independence was always seen, by radical nationalism in particular, as only the first step towards

freedom and liberation from oppression, the second being economic development. It was after all Nkrumah who had noted that 'true liberation' would only finally come with national economic independence from imperial domination. Up to this day Africa is seen by many nationalists as unfree because of its economic dependence, and not so much because of its politics, as if the road to freedom, justice and equality was not necessarily a political one.

The failure of development to emancipate the people of Africa was not the result of a betrayal or a con trick, it was rather the effect of a common worldwide conception in the twentieth century, a view according to which human emancipation could only be achieved through one form or other of *state politics*. Indeed economism and statism were mirror images of each other: it was believed that only the economy could liberate humanity and that only the state could drive the economy to progress. Today, the first proposition has been retained but the second has been dropped from hegemonic discourse. Yet the two are inseparable twins; it is in fact the case that just as the latter is false so is the former, for human emancipation is and can only be a political project. To maintain that human emancipation is essentially an economic question, is to necessarily collapse into statism and to foreclose the possibility of political agency. Today, the interests of capital are simply managed by the state in different ways than they were prior to the mid-seventies. In fact, economic liberalism, social democracy, 'actually existing socialism' and Third World developmentalism have all relied (and, insofar as they still exist, still do) on the state (or supra-state-like institutions) to *manage* economic forces, as it was held that no other entity could possibly do so.

Today, such state management simply means the management of the economy by the state in the interests of capital in a manner which is in all essentials equivalent to 'private sector management'. Such management is today primarily biassed towards financial interests, while restraining, incorporating and otherwise softening the impact of popular responses so as not to threaten these interests. The shift from a dominant so-called Fordist 'regime of accumulation' to a more 'flexible' regime in a globalized economy is a dimension of this change, not its supersession (Harvey, 1990). Imperialism and neo-colonialism have taken different more complex and more diverse

forms in today's 'globalized' world, they have not disappeared. It follows that if we are to consider development as an aspect of human emancipation, it must be thought differently today, and not abandoned to the market which can only 'emancipate the few' - an obvious contradiction in terms as the idea of emancipation has to be universal to have any meaning.

If neither the state nor the market are emancipatory, the challenge then is to help to rethink development in a non-statist and non-economistic manner, and perforce to rethink politics in a manner that is not state-focussed, despite the unavoidable importance of the state and its institutions in the field of politics. To detach development from its foundations in both the state and in the economy, to think it as truly political - ie. as emancipatory - this is the major yet necessary challenge without which we cannot move forward in Africa today. I can only hope to make a very small contribution to this thinking here.

2. Development and Freedom

The idea of an economic prerequisite for freedom, was of course central to the notion of progress in whichever ideological configuration it took, liberal, social-democratic or 'marxist-leninist' (where it took the form of the "primacy of the productive forces")[1]. The corollary of this ideology of the primacy of economic development was the central role of the state in the process. In capitalist societies, the state was either to manage change so as to maintain order as in the case of the various forms of liberalism, or to mitigate the unequalising effects of the market as in the case of social-democracy, or both (Cowen and Shenton, 1996). The 'progress' which nineteenth century thought maintained could be realised through the teleological unfolding of history, was held by twentieth century thought to be realisable in the 'here and now' via an act of will through control of the state (or the 'commanding heights' of the economy or a number of variations on the same theme). This overwhelmingly voluntarist perspective was therefore not unique to developmentalism (whether in Africa or elsewhere in the Third World), but permeated the whole of twentieth century thought, even beyond the confines of development theory as Badiou (2005a) has clearly shown.

Today, the temptation often exists to re-varnish the tarnished slogans of social democracy, to bring back (perhaps a slightly modified version of) the post-war European social democratic model and even 'rediscover' the long lost writings of the revolutionaries of the eighteenth century such as Tom Paine (see Stedman-Jones, 2004). The South African state is currently refurbishing the 'developmental state' model and seeing Malaysia as its (democratic?) model. Notions of the 'public good' or 'social citizenship' are resurfacing along with arguments on the need to spend state resources on infrastructural projects, while the 'social responsibility' of big capital is touted as an important component in 'public-private' partnerships[2]. While neo-liberalism has not yet been abandoned, there seems to be a serious seduction of many by these formulations, as they seem to presage some kind of alternative to the extreme crassness and highly exploitative character of Western neo-liberalism. However, an economic critique of this liberalism is clearly insufficient; if a critique of its politics is not undertaken, such purported alternatives could end up being an expensive error for thinking/developing an emancipatory alternative.

In both Europe and in Africa (and probably worldwide), the politics of the twentieth century were the politics of states and parties and the dominance of economic thought over politics, as the latter was usually reduced to (class) interests expressed by parties and the state. While the colonial state attempted to overcome its economic problems at home by 'developing' its colonies, especially post 1945 (Cowen and Shenton, op.cit.), in post-colonial Africa the same colonial statist practices were continued paradoxically in order to overcome economic dependence. The same coercive and exclusive politics against the working people were now justified in terms of building a nation. In very few cases were attempts made to free and encourage the creative possibilities inherent in the people.

Not only did the state dominate development, it did so by subsuming popular-national interests to western ones and thus reproducing neo-colonial structures and practices. Capital accumulation did not only take place via the plunder of state resources, it did so in compradorial ways (Shivji, 1985). While the state managed class (and other) struggles either through outright coercion (forced removals, labour, cultivation, dispossession etc) the idea was either

for the state or market to 'capture', in the formulation made famous by Hyden, those beyond their power in order to increase the rate of exploitation. Development then was thus contradictory from the very start, it was concerned to increase the welfare of the population through achieving economic growth, but given the paucity of technology, that growth could only be achieved fundamentally through what Marx had referred to as the 'formal subordination' of labour to capital; in other words an increase in exploitation through physical means. It increased capital accumulation primarily through dispossession[3], therefore as has been mentioned on numerous occasions, the state took a direct part in the coercive character of production relations (Mamdani, 1987).

Today the state has delegated (or perhaps better sub-contracted) its development management functions to external bodies such as NGOs. These are frequently simply new parastatals and simultaneously vehicles for social entrepreneurship for a 'new' middle-class of development professionals. The activists of yesterday have largely joined the state, not necessarily directly, but by becoming subsumed within the new mode of rule through 'civil society'. Activism has been replaced by professionalism. 'Feminism' and 'empowerment' for example, have often been transformed from being popular struggles and demands, to being professions. We have now a new mode of state rule which forms the context for re-thinking development. Central to this new mode of rule is the hegemony of human rights discourse and the incorporation of NGOs into the state either directly by turning them into parastatals, or by subsuming them within a state domain of politics. I shall return to this below, but before I do it is important to unpack the modern basis for human rights discourse, particularly as this affected citizenship in the second half of the twentieth century, the half-century of 'development'. We all know about the Truman speech and the recognition of the rights of nations to self-determination. This along with the transition from colonialism to neo-colonialism at a world level has been commented upon at length. What has been less the subject of debate has been the political side of the process.

If we attempt to analyse the process of transformation and development from an emancipatory perspective, which is what I am arguing we should do, a crucial lesson has become apparent today, namely that the state cannot emancipate anybody, or at least no

more than a select few[4]. Why? For a number of reasons of which I only wish to mention three core ones here.

First, because state subjectivity is invariably bureaucratic and founded on a managerialist ideology. Today that managerialist ideology is identical to that of private corporate interests (so-called 'private sector management') and a specific 'public sector management' (or 'public administration'), which had suggested some specificity in particular concerning a certain social responsibility by the 'public service' towards 'the public' seems to have been pushed aside. Irrespective of the specific character of managerialism today, the latter is a feature of the state in general, of all states without exception and therefore has, in truly democratic conditions to be counterbalanced by popular democratic pressure. This feature is simply the result of the fact that the foundation of the state is precisely control and regulation, and that the state sees itself as the monopoly of power and knowledge and not only of the deployment of violence. At best therefore in its management of social change, all the state can do is to substitute itself for popular struggles and independent popular organisations, all in the name of the monopoly of knowledge and/or the maintenance of social stability. To avoid misunderstanding, it should be stressed that I am referring here to state 'modes of thought', in simpler terms to 'subjectivities'. All this is to be clearly distinguished from possible structural or other contradictions within the state between different institutional or other interests, or indeed from state provisioning or the enactment of progressive social legislation. Moreover it should perhaps be re-iterated that the state (institutionalised power) is in no way, either conceptually or politically, to be reduced to the government. Sociologically, I would include private security firms as well as the mainstream press within the state, the former within the repressive and the latter within the ideological state apparatuses (Althusser, 1971, Poulantzas, 1978).

Second, because the state systematically transforms a pre-existing emancipatory politics into a technical process to be run by professionals (planners, economists, lawyers, judges, administrators, etc) under its ambit within bureaucratic structures and subjectivities. This amounts to a process of de-politicization of say a popular nationalist or revolutionary politics. In sum, the state systematically

evacuates politics from state life in favour of technique. In addition, under liberal democratic systems, politics is reduced to voting which itself becomes simply a question of numbers to be predicted, counted and analysed by professionals. This process is a highly complex one but ultimately universal in its fundamentals. It also includes, in today's parlance, the *institutionalization* of rights fought for by people and their transformation into 'human rights' to be defended and delivered by the state itself (Neocosmos, 2005). While this is obviously a historical process contiguous with the achievement of independence/ liberation in Africa, it is also an ongoing process. Popular demands for democratisation are gradually incorporated by the state into the system of power and de-radicalised in the process; for example some feminist and environmentalist demands have been embraced by names such as 'empowerment', 'good governance' and 'sustainability'.

Third, because evidence overwhelmingly suggests that it is the state (along with corporate, bureaucratic or communitarian interests) in whatever form and irrespective of ideology, which is and has universally been the main threat to genuine democracy; and that the latter has only been won by hard fought popular struggles by workers, peasants, women and all the multitudes of the oppressed throughout the world[5]. Thus, while it is important for state power to be divided between various mutually controlling institutions and 'powers', it is ultimately only the people who can be the fundamental guarantors of freedom and democracy, not a constitution or the judiciary. In the last instance then, it is only the politically organised people who are to fight for freedom justice and equality. In Africa the examples are legion of cases whereby the people never rose to defend democratic constitutions subverted, undermined and finally overthrown by rulers in search of uncontrolled power. This because the people had been de-politicized, or because constitutions had lost support due to their evident manipulation and corruption by politicians, or simply because of their gradual exclusion of popular concerns[6].

To stress that the state cannot emancipate does not mean either that the state is not of use in the development process or indeed that it is absent from the sphere of politics altogether. In actual fact, during the first phase of the post-colonial state (1960s - 1970s), that of developmentalism, although a national emancipation project may have

failed because of its exclusion of large sections of the population, at least some state project was in existence, a fact which is no longer the case today[7]. Despite its problems the necessity of supporting that programme at the time cannot be denied, while in fact its origins were precisely in an emancipatory vision. The best way of stating this point is simply to note that state-led emancipatory projects are simply obsolete today. In fact, today we have to completely re-invent an emancipatory politics, as such a conception has simply disappeared from thought. Thus, to remind ourselves of the emancipatory vision of pan-Africanist struggles for development in the early life of nationalism, is crucially important for the recapturing of such a vision. It is to this vision that we must be faithful, and not to a fetishism of state power.

In sum then, the question we have to pose ourselves is: if indeed the state cannot emancipate anybody how is emancipation and perforce emancipatory development to happen? Clearly the market cannot do so and no one believes it can, so how? Can development be thought as an emancipatory project today? I want to discuss one way of addressing this issue and the connection between state, development and emancipation through a brief look at the work of T.H. Marshall and the experience of European, particularly British, social democracy.

3. Social Democracy and Social Citizenship

It is useful to start with the dilemma which was central to classical sociological thought, namely that the fundamental problem of the maintenance of any society was to combine state authority on the one hand with a moral community on the other. While political theory was concerned with the management of social change by the state in order to maintain stability (Cowen and Shenton, op.cit.), classical sociology was concerned with the existence of a "collective consciousness" in Durkheim's sense, which would set the commonly agreed parameters of social life in the nation (see also Rousseau, 1979). While in turn of the century sociology, the notion was accompanied by a heavy dose of social pathological and religious ideologies, this does not diminish the argument's significance for the contemporary world. For example, it is this moral community which is

seen as able to provide the conditions for a consensus in the public sphere according to which, recourse to violence would be excluded from the public arena. This idea of 'wanting to live together' (*le vouloir vivre ensemble*) finds resonance today among advocates of human rights discourse. It refers to consensual politics and is central to the liberal political philosophy of Hannah Arendt (e.g. Arendt, 1982). It should be noted in passing that this notion of 'living together' is not without its own problems, as it can be founded on the exclusion of whole sectors of the population, as in racism for example, which can be ingrained within society as a whole. Consensus can indeed be repressive.

However what is more important for our present purposes, is that the development of such a moral community could not, for classical sociology, be a simple state imposition, but had to be present within the whole fabric of society. This is quite contrary to today's neo-liberal discourse for which moral community can be built through constitutionalism, the rule of law and the overall legitimacy of the state. These features of liberal democracy simply amount to restrictions on state politics at the level of the state itself; wider society is excluded from holding the state directly to account except through organised interests in civil society, a fact which does not necessarily imply consensus. Ultimately the whole of society can only have a say on which members of the elite are in power at election time, but not on the character of the state as such. The African experience from the colonial period onwards has been one of state coercion, little legitimate authority and the attempt (when it happened) to build a moral community through state ideology of one form or another. There was very little effort made to ground this in the lived relations of ordinary people. This process was illustrated particularly clearly in Mobutu's Zaire where an attempt to forge a cultural consensus took the extreme form of a simulacrum of pan-Africanism in the notion of '*authenticité*', which evidently bore a purely formal resemblance to the original (Badiou, 2001). The only conception which comes close to measuring up to a moral community today is no longer sought within African popular culture, but within what is sometimes termed "a human rights culture" imported from the West (Mutua, 2002). I shall return to this notion below, for the present it is useful to examine Marshall's work,

as it provides an interesting and important solution to the problem just outlined.

T.H. Marshall was quite unique in laying out the link between human rights and development within what was the dominant paradigm of social democracy in the post-war period. What is interesting about Marshall's writings is not only his serious commitment to a genuinely *social* democracy, in which the negative effects of market capitalism on the working masses could be fundamentally countered by state social spending, but also his belief in 'progress' as leading to equality, an equality which he saw as embodied in citizenship. Of course, this was supposed to be a political and not an economic equality, ie. an equality of citizens in relation to the state, itself constructed by the state. A double dream in capitalist conditions, yet in conditions of post-war economic boom and of full employment it made sense, especially during the statist social optimism of the period. This optimism saw an end to the seeming linear succession of civil, political and social rights, this end being largely equated with "the more equal society of the future" (1964: 346). Such a future was being realised in post-war Western Europe with the setting up of 'welfare states'. 'Social rights', which these were meant to deliver, were "the rights to an acceptable standard of economic welfare, to health and [...] to education" (1964: 290). Although these rights would not lead to an totally egalitarian society, after all inequality was required to spur the working classes to work harder, the idea was to produce a "free and independent working class, protected and sustained by their basic rights as citizens" (ibid.: 287). The idea then was to create an inclusive society, in which everyone would benefit from citizenship rights and thus"be accepted as full members of the society" (p.78). In this way, "the inequality of the social class system may be acceptable provided the equality of citizenship is recognized" (ibid.). "Citizenship has itself become, in certain respects, the architect of *legitimate* social inequality" (p. 77, emphasis added). However unless it could transform itself, he saw the "welfare state" as being threatened by (Galbraith's notion of) the "affluent society". "The affluent society":

> tends to forget about the services by which incomes are earned and to concentrate only on the getting and

> spending of them, however come-by. In its more hysterical and perverted form it ceases to care whether the reward is logically related to productive labour at all or to any service whatever (p.298).

Such a society, Marshall argued, was the antithesis of welfarism, as "it looks eagerly for windfalls" from speculation legal or illegal, "bogus expense accounts, football pools, premium bonds"; the latter "was based on the opposite principle. It did not reject the capitalist market economy, but held that there were some elements in a civilized life which ranked above it and must be achieved by curbing or superseding the market" (ibid.). He continued despondently by noting that: "what is more disturbing is that the Affluent Society does not appear as yet to have a soul at all, either to lose or to look for, and it is unaware of what it lacks" (ibid.: 302). Now that we have seen the disastrous effects of the development of this 'affluent society' which we now refer to as neo-liberal capitalism, we need to go beyond Marshall's thinking. In fact his perspective is limited by a number of factors which we are much more aware of today from our historical and geographical vantage point in Africa.

Nevertheless, what should be noted here is not so much the obvious attempt to legitimise class oppression (as has been mentioned at length) - an oppression evidently sustained by the state, - but a double conception of the importance of state legitimacy, a notion itself central to classical sociology: first the subtle understanding of the necessity for a moral order for a necessary commitment to the system, so that the poorer sections of the national community can develop a stake in it; and second the locating of this stake in the rights of citizenship. This method of resolving the problem which I identified earlier, between state power and a societal moral order, was addressed in a specific way by European social democracy. This way was made possible partly by the manner in which Fordist capitalism combined accumulation, exploitation, consumption and full employment policies, with the role of the state as a virtual monopoly of welfarism, as I have already mentioned.

Interestingly, in hindsight, Marshall also made a number of remarks concerning "voluntary societies", by which he refers to what

we call today NGOs, which are worth repeating. He notes for example that "representative government alone will not create a true democracy if the citizen cringes before the official, or if he sullenly resents his authority" (p.348). What he sees as a solution however is "co-operation between statutory and voluntary services" (ibid.) and this despite the fact that he realises that there is fundamentally no distinction, in their forms of operation between statutory and voluntary bodies and associations, and moreover that these voluntary agencies only have a "moral responsibility" towards their clients as they are not directly representative - they have "no such constituency" (p.349) - particularly as "voluntary supporters gradually become replaced by "professional employees of the society" (p.350). After all he notes: "voluntary action is part of public policy" (p.353) and "the state must have the final word" (p.355). These observations are more sophisticated than many we hear today regarding NGOs; the conclusion we can draw from them is that voluntary NGOs have clients and operate for the most part on the basis of a subjectivity which is identical to that of the state. Marshall does not believe that (liberal democratic) state practices are in any way oppressive, hence his failure to consider genuinely popular organisations in his argument.

Moreover, at least four distinct silences permeate Marshall's discourse, silences which enable his statist solution to the contradiction between state power and social citizenship. The first and perhaps most obvious silence is the absence of reference to trade union and other working class struggles in Britain which were largely the reason for the political influence of socialism, including the presence of a Labour party within the state (let alone for the extension of the franchise). The 'left turn' of most of all the peoples of Western Europe after WWII did not exclude Britain, and of course the prestige of the USSR among the working people was high. The human rights which Marshall proposes, are all granted by state legislation in Marshall's discourse, not won by any popular struggles. Briefly then, Marshall's transition to social rights was not seen as depending in any way on popular struggles, but only on the march of 'civilization' and the "spread in all classes of a more humane and realistic sense of social equality" (p.98). Social democracy was then the outcome of 'historical progress'. In this way, the provision of social rights could be seen as the unfolding

of a *state* logic of rationality expressed predominantly in inclusive social legislation.

Second, in the light of this state logic, the rights of political minorities such as women and immigrant workers from (ex-)colonies are not mentioned. Obviously the 'social rights' granted by the state in the 1940s and 50s were precisely a result of a powerful union movement and social compact during the war years, which did not represent other sectors of the working population. It expressed the incorporation of the dominant leadership of this movement into the state (although large parts of it remained excluded as became apparent during the 'shop-steward movement' of the 1960s). It is the exclusion of women and ethnic minorities/ex-colonial subjects which was to come to the fore in the 1970s. The third silence was the obvious ignorance of the declining British empire which was however still providing surplus profits to British companies. The fact is that these surpluses ('invisibles' as they used to be called in macro-economic balance of payments accounts) were enabling the provision of social welfare to the British people. Whatever the details, the access to cheap raw materials from the about to be independent colonies of the African continent and elsewhere, enabled the expansion of the British economy of the time. This was a colonial social-democracy which has been analysed at length by Cowen and Shenton (1996) for example. The final silence concerns the coercive character of the state in the absence of independent popular organisations and the consequent passive citizenship. Evidently these social rights were bestowed by the state which now included, within its institutions, workers' organisations in the form of the Trades Union Congress (TUC).

Social democracy was thus a "civilised socialism". Politically, it required a passive populace on which such rights could be bestowed by the state, so that when the state decided to curtail them from the mid-1970s onwards, those left to defend them were in a state of extreme political weakness. Finally of course, the granting of social citizenship rights was itself contingent on economic growth which itself was dependent on market competition, this is why class inequality was not only unavoidable but seen to be necessary; for social democracy, economics always took precedence over political freedom. Wealth was seen as a necessary prerequisite for democracy, never the other

way round. The corollary was of course that the poor, or 'the indigent' could never be politically free. It was this point which was to resonate among the nationalist elite in post-colonial Africa. However, the point to remember for our present purposes was that the solution to the contradiction between state power and moral citizenship within the emancipatory project of political equality, was arrived at on the basis of a passive citizenship which presupposed equality of human rights bestowed by the state. It was thus the state which pursued this emancipatory project. Passive citizenship founded in human rights discourse was thus a necessary political condition for the existence of social democracy as a whole, and it led directly to a statist resolution of the contradiction. This is simply because human rights presuppose a passive citizenship; it is the state which is the provider and defender of these rights, not the citizenry. Those who today advocate the expansion of social rights to include the 'right to development' (eg. A.K. Sen, 1999), explicitly or implicitly are obliged to assume a similar resolution to the contradiction between state and moral order in Africa today.

4. Social Citizenship in Africa Today

We can agree with Marshall that social citizenship is the solution to the problem of reconciling state legitimacy with a moral community. Yet today, economic provisioning cannot be put before popular politics because we live at a time of economic crisis which has overtaken the conceptions of full employment, mass consumption and welfare provisioning which characterised Fordist cum social democratic/ Keynesian forms of accumulation, as well as developmentalism, in the post-war period. Mass unemployment and mass poverty are seen today as unavoidable features of contemporary capitalism. A return to classical social democracy is unlikely if not impossible within the current global socio-economic context. The populations of the world can therefore not be so easily convinced to defer or abandon their direct political rights of citizenship through the provision of economic welfare, state social infrastructure and high standards of living; these are simply absent for the majority in conditions of hegemonic market subjectivity. In any case if we are to remain faithful to an emancipatory

conception of development, this can no longer be conceived as statist. Today if it is to have any meaning, *social* citizenship must be provided with a fundamentally different content.

What is very interesting to note, is the common prevalence of conceptions of the necessity to develop a moral community politically among many of the popular movements against the oppression of colonial as well as post-colonial states. In fact, this notion, although not always understood in an identical manner, contains the *leit motif* of an identification of 'moral community' with a community of active citizens. In other words it could be suggested that a common feature of popular opposition in Africa has been precisely the understanding of moral community as an active citizenship of political agency, whereby ordinary people seem concerned to oppose to the clear immorality of the state and colonial/market culture, a different conception of morality in which active citizenship plays the key role. Indeed it could be argued that it is this conception of active citizenship which has the character of a true democratic universal, not the passive citizenship of human rights discourse which is dominant today [8].

We can see from an analysis of the trajectories of struggles for independence in Africa, what happened throughout the world at different periods. This could be termed a *shift from rights to human rights*, a shift from an inclusive moral community of active citizens in a period of struggle for independence, to an exclusive essentialist community of passive citizens after independence. This can be seen in the case of one of the first struggles for independence in Africa and in one of the last, in Algeria and in South Africa. In the former case Fanon's (1989, 1990) analyses portray a clear distinction between a period of popular upsurge against colonialism, where people become transformed into active citizens taking their own destiny in hand, and a post-independence period, when they become passive citizens of the state, approving of the chauvinism which systematically excludes foreigners (to begin with). I have outlined very similar processes in the South African case in my own work, with the added importance of the Truth and Reconciliation Commission in transforming South Africans from political agents in the 1980s to supplicant victims in the 1990s (Neocosmos, 1998, 1999, 2006). In both cases we can see a transition from an active popular conception of citizenship which is largely

inclusive in perspective, to a passive state-imposed conception of citizenship as indigeneity which is exclusive of the growing number of 'others'. The fundamental reason for the change in either case is the collapse/defeat of an independent popular emancipatory politics.

Understanding the transition in this way illuminates some of the links between state power, active citizenship, and the moral order necessary for national emancipation, and displaces 'human rights discourse' from its position of uniqueness, to being only one particular (statist) conception of politics; it therefore contributes to a necessary critique of liberalism. If in wishing to understand the transition from colonialism/apartheid, we remain at the level of the state/party/ organisation the shift is invisible, which is what the re-writing of history by the state after liberation attempts to do in order to show a linear continuity. A human rights culture - the hegemony of human rights discourse - can thus be understood as part of the process of production and reproduction of what Badiou calls the capitalo-parliamentary system, ie. the liberal state which simply manages capitalist interests. In those countries where human rights discourse is being resisted by the government, it nevertheless provides the main ideological support for an oppositional perspective, in this way authoritarian systems provide a main source of subsistence for liberal democracy.

Citizenship, from an emancipatory perspective, is not about subjects bearing rights conferred by the state, but rather about people who think (who are capable of truths in Badiou's sense[9]) becoming agents through their engagement in politics as militants/ activists and not as politicians. In fact it is important to understand how this stress on political agency was central to popular struggles and how it is still prevalent among many popular movements today. For example, Fanon's *Studies in a Dying Colonialism*[10] is a detailed investigation into different examples of change in social relations brought about by popular struggle. These include changes in the position of women in society, the effect of independent radio station, and changes in the family. The idea of active citizenship is clearly illustrated in Fanon's account, but I merely wish to mention one of his comments on citizenship which contrasts radically with his later account of the same issue under postcolonial conditions. Written in 1959, ie. during the Algerian liberation struggle and before his work on *The Wretched of the Earth* he states:

> [...] in the new society that is being built, there are only Algerians. From the outset, therefore, every individual living in Algeria is an Algerian. In tomorrow's independent Algeria it will be up to every Algerian to assume Algerian citizenship or to reject it in favour of another (Fanon, 1989: 152).

In other words, the point is that during the period of popular national upsurge, citizenship as a unifying, inclusive conception, as a community of active citizens, is being born. No distinction is made between people on the basis of indigeneity but only on the basis of their devotion to the struggle. By the time he writes *The Wretched* we have the following well known account of xenophobia under the post-colonial state:

> On the morrow of independence [the] native bourgeoisie [...] violently attacks colonial personalities [...] It will fight to the bitter end against these people 'who insult our dignity as a nation'. It waves aloft the notion of the nationalization and Africanization of the ruling classes. The fact is that such actions will become more and more tinged by racism, until the bourgeoisie bluntly puts the problem to the government by saying 'We must have these posts' [...] The working class of the towns, the masses of the unemployed, the small artisans and craftsmen for their part line up behind this nationalist attitude; but in all justice let it be said, they only follow in the steps of their bourgeoisie. If the national bourgeoisie goes into competition with the Europeans, the artisans and craftsmen start a fight against non-national Africans [...] From nationalism we have passed to ultra-nationalism, to chauvinism, and finally to racism. These foreigners are called on to leave; their shops are burned, their street stalls are wrecked, and in fact the government [...] commands them to go, thus giving their nationals satisfaction (ibid.: 125).

We have here an account of a clear transition between the two forms of citizenship I have referred to: the popular inclusive conception founded on active citizenship and the state conception founded on indigeneity and passivity[11]. It is also important to note the similarity with work on the South African struggle of the 1980s which makes similar points regarding the character of popular struggle in this period (Neocosmos, 1998, Van Kessel, 2000). The point is not to idealise popular struggle but to note that, despite all its contradictions, it enables the development of a different conception of citizenship. Van Kessel (2000: 210-15) in fact notes explicitly in one of the case studies of her book the centrality of a moral political community of active citizens in the popular struggle against apartheid, an observation which equally pervades Fanon's account.

Such notions are also prevalent in accounts of popular movements and community democratic political practices in the colonial as well as post-colonial periods, they are present in Wamba-dia-Wamba's (1985) account of the Mbongi [palaver], in Amadiume's study of women's struggles over citizenship in Nigeria (1997) and in Sibanda's (2002) account of a peasant organisation in Zimbabwe *inter alia*. The point then is that in popular-democratic struggles, this alternative conception of citizenship and hence politics exists (although this is not all that exists) as a counter to the statist equating of citizenship with indigeneity. There is then a politics beyond human rights discourse and its claims on the state, a politics of prescriptions on the state. Such prescriptions include, in the manner of the Freedom Charter: "South Africa belongs to all who live in it..", "The People Shall Govern". These prescriptions are assertions of rights to be fought for, not pleas for human rights to be conferred by the state. In sum then "social citizenship" today must be understood as "active citizenship".

5. Can a 'Human Rights Culture' Enable Active Citizenship?

Development today is regularly used along with names such as 'participation' and 'human rights'. Indeed it seems impossible to think a popular politics outside the parameters of discourse of human rights. The language is pervasive in the societies of the South and seems

today the only way in which human emancipation can be conceived, simply because human rights discourse, provides the parameters through which people in communities resist oppression and assert their rights vis-a-vis the depredations of authoritarian states and capitalist interests. Yet at the same time, 'human rights' language is also the language of the new form of imperialism, the justification, inter alia, for the invasion of Afghanistan and Iraq and the slaughter of countless civilians in the process. Human rights and participation is also central to the language of the World Bank and is in danger of becoming in the formulation of one recent publication, "the new tyranny" in development (Cooke and Kothari, 2002). How are we to make sense of this contradiction, does human rights discourse have an emancipatory potential today, how are rights to be thought politically as opposed to morally? Does human rights discourse enable or disable the active citizenship which I have argued must be put at the centre of our thinking today? These are some of the questions in dire need of answers. I shall propose a way of approaching them in what follows. I shall try to deal with these issues, admittedly superficially, under two main headings: the relationship between human rights discourse and political passivity and the role of human rights discourse in imperialism today. Both are closely related because human rights discourse is fundamentally a-political.

5.1. Human rights discourse and passive citizenship

Human rights are said to be realised within what is referred to by neo-liberal discourse as 'civil society'. Civil society in the literature is usually equated with NGOs, but this excludes organisations which operate at the margins of legality or which are totally 'informal'. It excludes politics outside a domain formally recognised by the state. Civil society is better understood as a domain of politics over which the state attempts to exercise its hegemony (Neocosmos, 2004). This attempt is often successful (otherwise civil society is said not to exist) despite the possible contradictions between government and specific NGOs. It is in civil society that citizenship rights are said to be realised, however these are to be realised in a manner which keeps them firmly away from any (emancipatory) politics which question the

state itself as they take place within the framework of 'human rights'. However before addressing this issue, it is important to stress the fact that civil society is not the only realm of politics outside the state, and moreover it is possible to suggest that civil society in Africa today forms a realm of politics which is dominated by the state itself. To put the point simply, the politics of civil society are state politics, for it is the state which pronounces on the legitimacy of the organisations "of civil society".

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

For neo-liberalism therefore civil society exists solely under conditions of mutual recognition between it and the state, only under

liberal democracy. It is this mutual recognition which defines the parameters of the state consensus and is itself the result of struggle. Moreover it is the state which retains the monopoly of national universality. Civil society organisations can be tolerated but only if they represent particularistic interests. Any claims to such universality, in other words if a popular organisation is said to represent 'the people's interests' or 'the national interest', would mean that it is liable to be seen by the state as a threat to the latter's monopoly of universality. A state 'national' consensus is structured within a state domain of politics comprising the political relations between the state and its institutions on the one hand, and the 'official' or 'formal' civil society of citizens on the other. Other forms of politics by unrecognised organisations are seen as beyond the consensus and can thus be de-legitimised in state discourse. These organisations and politics therefore exist outside or beyond the limits [at best at the margins] of civil society. Because of such partiality therefore, 'civil society' cannot be conflated with 'organised society' as the term necessarily implies some form of exclusion (Neocosmos,2004). The distinction between liberal democracy and say colonial/ apartheid forms of authoritarianism can be said to concern *inter alia* the extent and forms taken by such exclusion.

Simultaneously this mutual recognition is given substance by 'human rights' which are visualised as formal and universal (ie. ahistorical and a-contextual) (Shivji, 1989), and therefore not subject to debate or contestation because they are deemed to be scientifically, technically or naturally derived. Civil society today is said to be the realm within which human rights are realised or expressed. These rights, even though fought for and achieved through popular struggles throughout society, are supposed to be 'delivered' and 'guaranteed' by the state. They are taken out of popular control and placed in a juridical realm, where their fundamentally political character is removed from sight so that they become the subject of technical resolution by the judicial system. Human rights, therefore do not only depend on a spurious Western philosophical humanism of 'Man' for their conception, an ideology through which individuals are "interpellated as subjects" by the state itself (Althusser, 1971)[12]. They also represent the de-politicization and technicization of popular victories under the control

of the state. The people are forced, if they wish to have their rights addressed and defended, to do so primarily within the confines of, or in relation to the state institutions of the judiciary.

Thus, even though "rights discourses can both facilitate transformative processes and insulate and legitimise power" (Krenshaw, 2000: 63), the politics of human rights is, at best, a state-focussed politics and is predominantly reduced to a technicized politics, which is limited to a demand for inclusion into an existing state domain. Thus a struggle for rights, if successful, can end up producing the outcome of a fundamentally de-politicized politics. In fact it could be asserted abstractly that, while in pre-liberal writings and practice the state expressed the will of God, in liberal writings and practice, the state expresses the will of Man; freedom simply consists in obeying that will (Althusser, op.cit). In sum, technique and science (the bearers of which are experts and state expertise) are in this manner unavoidably abstracted by the state from the socio-political context and conditions which alone give them meaning, and thus acquire a life of their own, independent of that context and those conditions. To be accessed by ordinary people and democratised, they need to be re-politicized and their technical quality shown to be, at best, only partly independent of socio-political content (Foucault, 2000).

It has been rightly mentioned on many occasions - this was the essence of the Marxist critique of 'bourgeois rights' - that the poor and oppressed were systematically excluded from exercising their rights because of unaffordability, lack of knowledge and access to all the resources which (bourgeois) state power monopolises and which are necessary for the realisation of rights. Equality of rights it was stressed, was simply impossible in an unequal society. Therefore the supposed universality of rights was fallacious as the 'human' in human rights (as indeed the idea of 'Man' as a transcendental human subject) was in fact, the Western, white, bourgeois male. Although these points were valid, what was not always added by the critics was that they implied that, generally speaking, the majority would tend to be excluded from formally legitimated politics under liberal democracy.

If human rights discourse contributes to the maintenance of privilege for the privileged and to the exclusion of the oppressed majority from state politics, it also has the effect of absolving the latter from

the responsibility of engaging in political activity themselves. This is because it is maintained that some external body such as the judiciary (or the criminal justice system as a whole), the health system, an NGO, political party or whatever - in other words a state institution - will resolve the political issue at stake on their behalf. As, for example, the judiciary will only deal with individualized subjects and not with the historical context of social structures, issues concerning power relations are rarely raised. Moreover, given that the greatest threat to rights comes from the state itself, we have the interesting phenomenon of one state institution (usually the judiciary, its members unelected and unrepresentative) being charged with defending people's rights against other state institutions; the state is thus meant to police itself, this particular right is removed from the people.

The whole system, both materially and culturally thus has the effect of excluding the majority from official state politics on the one hand, while making it difficult if not impossible for them to mobilize politically on the other. It amounts to a permanent system of political de-mobilization and dis-empowerment - a process of fundamental de-politicization of the majority (Englund, 2004). It leads to and sustains the complete antithesis of an active citizenship which is the necessary basis of democracy and gives a whole new meaning to the expression: "the rule of law". Non-citizens, despite the setting up of juridical structures such as international courts, are regularly excluded from rights which can only be claimed through one's 'own' state. Thus, despite the liberal view that it is universal human subjects who are the bearers of rights, these can usually only be accessed by 'citizens' of a state, as it is the latter which bestows that status upon them (Mamdani, 1995). Of course, the apparent benefits of citizenship, as feminist scholars in particular have noted, are differentially distributed, as the powerless are much less able to secure them (eg. Yuval-Davis and Werbner, 1999; Hassim, 1999).

The effects of political dis-empowerment and the consequent political passivity must not be understood as restricted exclusively to civil life, as they permeate deeply into the constitutive social relations of the fabric of society itself, as the authoritarianism of social structure replicates and makes possible the authoritarianism of state power (Foucault, 2000). This is particularly obvious in conditions of post-

coloniality in Africa, conditioned as these societies are by the authoritarian legacy of colonialism and apartheid. It is quite unsurprising then that personal responsibility based on power, and control *inter alia* over education, housing, work let alone over desire, sexuality, knowledge as well as over self or personhood, is quite simply lacking. Neo-liberalism which provides the socio-political passivity of empty choices without power, and abysmally fails to even consider the conditions and capacity for its own induced or interpellated, subjects to make responsible subjective decisions, is itself the ultimate ideological source of child-like powerlessness. The simple fact that state (or other) power is expected to decide on one's behalf, and that this is systematically internalised in the process of identity formation, is arguably what lies at the root of issues of powerlessness as disparate as those of HIV-AIDS, the alienation of youth from society, the absence of people-centred development and poverty. Conversely and happily for the state, the 'common sense' apparent 'obviousness' of the immutable absence of a capacity to make such decisions, means that an even weaker 'other' can always be found to provide a simple and obvious answer to one's powerlessness in those cases where the intervention of power, in whatever form (state institutions, market, NGOs, family, etc), fails to live up to expectations which it has itself cultivated. Xenophobic violence, violence against women, children, babies, the elderly and so on (the weakest sectors of society), as has been noted on innumerable occasions, is closely linked to powerlessness.

Paradoxically then, a rights discourse purportedly concerned with providing the enabling environment for freedom, within the context of liberalism in a post-colonial society, fundamentally and systematically enables its opposite - political and social dis-empowerment - through the hegemony of a state-centred consciousness. Today even state politics is reduced to management; after all what is "good governance" if not efficient management and administration? At the same time we must remember, as I have already noted, that the distinction between public and private sector management has been largely obliterated; it is the latter which dominates today; this we are told is an effect of 'globalisation'. "Good governance" and even 'popular participation' in hegemonic discourse,

simply refer to the most capital-friendly management techniques possible (Taylor, 2002).

Having systematically de-politicised the population and systematically disabled their engagement in active politics, state agencies and politicians can then regularly emphasise the 'irresponsibility' of allowing too much free expression and organisation as this would lead to support for demagogic politics, for capital punishment, xenophobia, racism and so on. In other words having produced political passivity, illiteracy and ignorance, these are then used as justifications for placing restrictions on democracy by calling on 'enlightened despotism' from those in power - much as under apartheid and colonialism, state-induced ignorance among the oppressed was used as a justification for the maintenance of colonial power. In sum, liberalism in postcolonial Africa systematically militates against the formation of a moral community of active citizens, in other words against the construction of a *political community* properly understood. In the absence of political agency given the hegemony of political passivity, political choices cannot be made by the overwhelming majority, and political morality disappears; these are of course the necessary conditions for political exclusion and violence. The miserable moralism of 'human rights discourse' is fundamentally part of these conditions. Human rights discourse then is an obstacle to active citizenship and especially to the development of emancipatory politics; 'human' rights are and can only be understood as *institutionalised* rights. In this way we can begin to understand that the process of the formation of a 'human' rights is a process for which the role of the state is central; by accepting 'human rights' we have agreed to alienate our right to the state to decide for us what and who is human. The process of institutionalising rights is then a process of de-politicising rights struggles and replacing them by a state-centred discourse. States have easily been able to get away with this, not only because of ideological confusion and the decline of alternative centres of power, but because of the immense levels of goodwill and trust with which they had been imbued in the immediate post-independence period. This process can be briefly illustrated by the example of the Truth and Reconciliation Commission in post-apartheid South Africa.

It is arguably the case that the *South African Truth and Reconciliation Commission* (TRC) had a profound effect on the making

of the liberal post-apartheid state (Wilson, 2001, Meister, 2002). The functions of this process were to enable reconciliation between the races through uncovering the truth regarding "gross violations of human rights", but the reconciliation process primarily concerned elites, and was undertaken on the political foundation of human rights discourse. It did however provide a forum for the voices of the victims of the apartheid state to be heard, but in doing so it contributed to a discourse of 'victimhood' whereby South Africans, who had constituted themselves fully as political agents during the 1980s, were now overwhelmingly interpellated as victims, passively requesting to be helped by a state commission. Fullard and Rousseau (2003) for example, clearly show that the TRC process failed to transform what they call the "habits" (ie. state practices) of the past, by simply relating the contempt with which power treated the powerless during the process itself, an evident continuity from the past if there ever was one. But they are less able to show *why* this was so as a result of the absence in their work of a theory of the state. For example, they note that "the most lasting [...] voices from this period remain those of the victims [...] ordinary citizens who formed the overwhelming bulk of those who came to the TRC and who paid the price of political violence" (ibid.: 83). They also rightly note that having their experience officially recognised, was a major achievement for the commission, but these experiences were apprehended ultimately as excesses by individual perpetrators (rather than as the necessary outcome of oppressive state structures and subjectivities) so that "undoubtedly, the TRC failed to adequately situate the gross human rights violations that it addressed in the wider context of apartheid" (ibid).

It is understood then that "those who came to the TRC were not organised political activists [...] but were most often very poor township residents swept up in the conflicts" (op.cit.: 90), they got little or nothing from the process, either in terms of much compensation but more importantly neither in terms of a small victory over power, because of a number of factors including the absence of effective prosecution of perpetrators. They were simply recognised for a while and then cynically discarded. The impression one gets from Fullard and Rousseau is that it has been "a Government choice to keep the TRC on the backburner" (ibid.: 97). In fact, the legitimacy of the apartheid state

was never challenged by the new government after 1990, and one could be forgiven for underlining the congruence of interests between apartheid and post-apartheid elites in the maintenance of the system of power. As the authors gently understate the point, this failure could have something to do with "a more general muting of [...] transformative impulses" (ibid.).

The simple point here the is that the TRC process contributed to the creation of a post-apartheid liberal state through the promotion and legitimation of a discourse on human rights, and simultaneously interpellated Black South African citizens as victims, passively requesting redress from the judicial apparatus of the state. At the same time, for human rights discourse, in the words of Meister, (2002: 96) "the cost of achieving a moral consensus that the past was evil is to reach a political consensus that the evil is past". He continues: "this political consensus operates to constrain debate in societies that regard themselves as 'recovering' from horrible histories". The effect of human rights discourse of the TRC was thus to close debate and to build consensus around forgetting the past. Concurrently, the fact that the TRC did not devote anything like the same amount of time and effort to an examination of the "gross violations of human rights" by the apartheid state on the countries of the Southern African periphery, through which a sense of solidarity could have been established between the people of the region, contributed to narrowing a conception of citizenship and 'belonging' to one of indigeneity. The two defining features of the citizenship of the 1980s popular struggle - political agency and inclusiveness - were thus systematically undermined by the TRC. In this manner, the TRC process contributed fundamentally to the hegemony of a liberal human rights discourse within the country which became ultimately embodied in the constitution.

In Africa generally the technicisation of politics, the evacuation of politics from the state and its replacement by managerialist ideology, has meant the exclusion of the majority from active citizenship and the structuring of a state and elite consensus around political illiteracy and passivity especially as the state concurrently 'naturalises' its dominance and technicism. We are told that there is no alternative to the way things are done, for this is natural and in conformity with the

consensus of the scientificity of state activity. Moreover, civil society in Africa, the realm of rights, has become, sociologically speaking, a middle-class phenomenon which provides employment and opportunities for social entrepreneurship for professionals and members of the elite who, as a result, are the only ones to acquire the full benefits of citizenship (eg. Kanyinga and Katumanga, 2003). Gramsci's (1971: 263) formulation "the state = political society + civil society" appears particularly apt under such conditions.

5.2. Human rights discourse and the new imperialism

In a different context, Chatterjee also stresses the role of international NGOs in spreading human rights discourse which, he argues, forms one of the main pillars of imperialism today. It is important to stress these points here as they are constitutive of the currently hegemonic conception of democracy and human rights. It is important to recognise that in the new form of imperialism, - which does not have a clear centre - it is not simply that the power of governments to make decisions on their own economies is undermined, even perhaps more importantly, national sovereignty is being undermined by human rights discourse. This takes a number of forms including the trial of gross violators by the International Human Rights Court in the Hague (so that they are not accountable to their own people) and the propagating by international NGOs (Oxfam, MSF etc) of Western conceptions of human rights, it is clearly in this way that the foundations of empire are being led. The connection between imperialism and human rights is explained extremely well by Chatterjee:

> Liberals are now saying that [...] international law and human rights must be established all over the world. Where these are violated, the guilty must be punished, without undue regard for the privileges of national sovereignty. If the leaders of states themselves have little concern for the law, if they themselves ride roughshod over the human rights of people, then why should the excuse of national sovereignty be allowed to come to their rescue? In that case human rights would never be

> established. What is needed, therefore, is the drafting of a global code of state practice and the creation of international institutions to monitor and implement this code. On what authority will these international judicial institutions be set up? Bodies run on the principle of one country one vote, such as the United Nations General Assembly, will be utterly inadequate to the task. The liberal democratic countries must come forward to accept their responsibility in creating the institutional space for the operation of an ideal global sovereignty. The name for this sovereign sphere [...] is empire. (2004: 98).

Of course, if the responsibility of 'Western democracies' extends to ensuring that democracy and the rule of human rights is to be accepted throughout the world and if there is any (obviously misguided) resistance to such acceptance, then democracy and human rights must be imposed by force if necessary.

Chatterjee (2004: 100) continues:

> The theorists of the new empire have talked of still more wonderful things. This empire is democratic. It is an empire without an emperor. The people are sovereign here, as it should be in a democracy. That is precisely why this empire has no geographical limits. This is not like the empires of old where territories have to be conquered by war to add to the size of the empire. Now empire expands because more and more people, and even governments, looking for peace and for the lure of economic prosperity, want to come under its sheltering umbrella. Thus empire does not conquer territory or destroy property; rather, it encompasses new countries within its web of power, makes room for them in its network. The key to empire is not force but control. There is always a limit to force; there is no limit to control. Hence empire's vision is a global democracy [...] We can see the exercise of control right in front of our eyes

> [...] Even such a deeply political matter as punishment for alleged violations of human rights has now become the jurisdiction of new international judicial institutions. The trial of Milosevic is the most dramatic example of this.

However this is not all, while supra-national courts such as the European court of Justice or the International Court of Justice in the Hague are set up by agreement between states in multinational fora such as the UN, there is also another much more subversive and insidious aspect to the establishing of the hegemony of human rights discourse: the operations of 'international civil society' so-called. Chatterjee continues:

> If the protection of human rights is a function of empire, then that task is being carried out not simply by the international courts. It is being done daily, and diligently, by numerous such international NGOs as *Amnesty International, Médecins sans Frontières*, or *Oxfam*, whose able and committed activists probably have never suspected that they are, like little squirrels, carrying the sand and pebbles that go into the building of the great bridgehead of empire. But that is where the ideological foundations of empire are being laid (p100-1).

As Mutua explains, "although the human rights movement arose in Europe, with the express purpose of containing European savagery, it is today a civilizing crusade aimed primarily at the Third World [...] Rarely is the victim conceived as white" (op.cit.: 19, 30). And Badiou continues:

> Since the barbarity of the situation [of victims in the Third World - MN] is considered only in terms of 'human rights' - whereas in fact we are always dealing with a political situation, one that calls for a political thought-practice, one that is peopled by its own authentic actors - it is perceived, from the heights of our apparent civil peace, as the uncivilized that demands of the civilized a civilizing

> intervention. Every intervention in the name of a civilization *requires* an initial contempt for the situation as a whole, including its victims. And this is why the reign of 'ethics' coincides, after decades of courageous critiques of colonialism and imperialism, with today's sordid self-satisfaction in the 'West', with the insistent argument according to which the misery of the Third World is the result of its own incompetence, its own inanity - in short, of its *subhumanity* (Badiou, 2001: 13).

And even more directly:

> The refrain of "human rights" is nothing other than the ideology of modern capitalism: we won't massacre you we won't torture you in caves, so keep quiet and worship the golden calf. As for those who don't want to worship it, or who don't believe in our superiority, there's always the American army and its European minions to make them be quiet. (Badiou, 2001-2: 2-3).

In case anyone doubts this, it is perhaps important to recall, how those in power in South Africa so easily swallowed the hegemonic refrain of the equating of human rights with market freedoms, the then minister of trade and industry, for example, stressing that "the struggle for freedom and democracy in South Africa was substantially advanced by the successful campaign to link trade and human rights" (Erwin, 1998: 57). Clearly from a position of power, in a post-authoritarian state it does seem that human rights do "substantially advance" or "immeasurably increase" freedom, yet it soon becomes apparent that this 'freedom' is nothing like universal, nor indeed democratic. Even the recent ideology of 'multiculturalism' in plural societies can be seen fundamentally to be a disguised form of racism corresponding to new 'softer' and 'more democratic' imperial relations. Žižek (1999: 216) makes the following observant comment vis-a-vis multiculturalism, one of the offshoots of human rights discourse today, and its affinity with the current form of imperialism usually referred to today by the more benign term 'globalization':

> the form of ideology of this global capitalism is multiculturalism, the attitude which, from a kind of empty global position, treats *each* local culture as the colonizer treats colonized people - as natives whose *mores* are to be carefully studied and 'respected' [...] just as global capitalism involves the paradox of colonisation without the colonising nation-state metropolis, multiculturalism involves a patronising Eurocentric distance and/or respect for local cultures without roots in one's own particular culture [...] multiculturalism is a disavowed, inverted, self-referential form of racism, a 'racism with a distance' - it 'respects' the Other's identity, conceiving the other as a self-enclosed 'authentic' community towards which the multiculturalist maintains a distance made possible by his/her privileged universal position. Multiculturalism is a racism which empties its own position of all positive content (the multiculturalist is not a direct racist; he or she does not oppose to the Other the particular values of his or her own culture); none the less he or she retains this position as the privileged empty point of universality from which one is able to appreciate (and depreciate) other particular cultures properly - multiculturalist respect for the Other's specificity is the very form of asserting one's own superiority.

This is a crucially important remark. Just as there is no obvious centre for capital (or indeed empire as Hardt and Negri, 2001 argue) today - capital is literally global - there is no centre for 'multiculturalist' racism and no centre for human rights discourse. It is the latter which is the equivalent of multiculturalism in the legal/NGO realm of civil society. Human rights discourse is the new racism, it is the ideological vanguard of the new form of empire; it has been re-discovered and re-packaged by international NGOs, so that popular struggles for rights and entitlements become ultimately transformed into demands for human rights to be *delivered* and *protected* ultimately by states and not by people themselves. That is why it is so easy to be convinced by the apparently liberatory character of liberalism, for it seems to provide a vision and theory of freedom. However, it is becoming more

apparent that just behind the benign and smiling faces of international NGOs or the humanitarianism of the UN lies the hideous grimace of all out war and the destructive and systematically anti-human power of the US, the only super-power and World policeman (Harvey, 2005). In sum then, the politics of the new imperialism today are the politics of neo-liberal 'democracy' and human rights. This is why it is fundamentally flawed to think that a discourse of human rights has an emancipatory content[13]. Of course, in case activists may start to feel uneasy, I must repeat that I am not dismissing struggles for rights, rather what I am concerned to argue is for a clear distinction between the struggle for rights by people, particularly those with a universalistic appeal, and the requests for human rights from states, NGOs and multinational institutions. In fact when one is struggling for rights against any injustice or oppression, one is exercising active citizenship and asserting one's humanity, when one is appealing for human rights, one is simply exhibiting one's passivity vis-a-vis power Paradoxically then, it is the second practice which is de-humanising, as it removes agency from people; it is various state institutions which decide the content of humanity which they simply reduce to politically passive individuals; human rights discourse is thus the antithesis of true humanity as it systematically undermines human agency. There can be therefore no emancipatory politics founded on human rights discourse and proliferating the number of recognised rights in international conventions does not constitute the way forward.

In this context then to argue for the recognition of a 'right for development' or to equate human rights with development (Sen, 1999) is simply to remain within the parameters of liberalism and human rights discourse. Given that such a right can only be secured by political agency, it seems strange to me to require states to recognise it. Whether they do so or not, the development literature seems to agree that the 'success' of development ultimately depends on popular organisation itself. Thus to argue for development as a human right is simply to put one's faith in state politics and liberalism. Is active citizenship more prevalent under a regime of human rights? This is certainly not obvious, to say the least. The relationship between liberal democracy and the possibility to fight for rights is at best fortuitous; just because such struggles may not take place does not mean that

people's rights are not trampled upon by power. Thus, to maintain that "development advances freedom" is to remain within the confines of social- democratic - i.e. state - thinking. Rather the opposite slogan is the more accurate one; development depends on freedom and such freedom must include the right to think and to organise independently of the state and parastatal institutions, in order to think emancipation from the depredations of capital, themselves made possible by political liberalism. Liberalism does not grant such rights, indeed they have to be fought for. Sen (1999: 147) poses the opposition between economics and politics in a statist fashion: "what should come first - removing poverty and misery, or guaranteeing political liberty and civil rights[...]?" His answer is to argue for the primacy of political freedoms, but he does so in a liberal way, so that it should be the state which grants these rights and freedoms. Given that the state in general will only 'grant' such freedoms if forced to by the people themselves, then one is entitled to ask how is this to happen in the absence of independent popular politics? (independent that is from the state). The issue then becomes the ability to sustain such active citizenship and political independence in the face of statist political demobilisation after the 'human rights' have been 'granted'.

If one wishes to find a way around the contradiction between the oppressive state and the necessity to construct a moral community in Africa, the arguments of social-democracy are no longer helpful. This is fundamentally because they deny the importance of (an emancipatory) politics in favour of the economy and the state (while simultaneously leaving the whole neo-colonial edifice at the global level in silence), thus reproducing, within the context of empire, the eternal and abstract '*danse macabre*' between state and market. Both of these have to be made accountable to society, hence the centrality of politics. While the state is definitely an important component of the field of politics, politics can no longer be reduced to the state. A fundamental re-thinking is required, one which places political agency at the foundation of a new social contract between society and state. It is more important than ever that this thinking distance itself from the vulgar money-spinning and miserable moralism of a human rights discourse, which forces people into victimhood, as it has come to constitute a humanism without a project which has discarded human agency in favour of appeals to the state. In the absence of such

critique, the language of 'decency' and 'fairness' (Rawls) and that of 'democracy' and 'freedom' (Sen) will remain the empty verbiage it now appears to be in Africa despite the valiant efforts of such thinkers to save it from total corruption.

I shall argue below that emancipatory politics eschews the passivity of victimhood in favour of the construction of political agency. Reasserting the centrality of politics in theory is a difficult enterprise, particularly as (emancipatory) politics is not always in existence and is clearly largely absent at present. Such a rethinking of politics should arguably begin by stressing the central importance of a moral community of active citizens, drawing on the experience of various traditions and popular movements in Africa and elsewhere as well as on the philosophy of those who attempt to understand politics as human militant activity (eg. Badiou, 1998a; Lazarus, 1996). In order to recover an emancipatory project of development, it is precisely from an analysis of politics that intellectual work mus' begin.

6. Social Movements and Politics

Given the collapse of the great emancipatory projects of the twentieth century, social movements are often seen today as the hope for, if not the actual solution to an emancipatory future[14]. Yet social movements alone have not shown themselves to be emancipatory. After all, movements are difficult to sustain over time. One of the core problems of emancipatory struggles has been understood, at least since the revolutions of the eighteenth century (American, French and Haitian), as concerning the linkage between a social movement on the one hand and organised politics on the other. In the twentieth century, particularly since Lenin's *What is to Be Done,* this problem has been resolved through the formation of political organisations in the form of parties. These have allocated to themselves the monopoly of political knowledge, while movements provided the impetus and the mass base. *Irrespective of their specific ideology*, political parties of intellectuals were said to be necessary in order to *lead* (dominate) the movement and direct it toward the desired outcome[15]. Of course, as parties later melded with the state, the problem of who the party represented, the

state or the people/masses, arose in acute forms for those who wished to be faithful to an emancipatory conception of politics[16]. Invariably, the contradiction was resolved in favour of the state. Today the party form must be transcended as it is statist in essence.

6.1 On political parties

The failure of social democracy in the West like the failures of the developmentalist project in the South and of "actually existing socialism" in the East, have forced us to rethink human emancipation. All these were state projects. Central to this new emancipatory project must be a different understanding of politics in which the state is not the source of all wisdom and for which people are capable of exercising thought as active citizens as Rousseau (1979) himself had taken for granted. It seems that in Africa today, it is only on the basis of such an active citizenship independent of the state that a genuinely national consensus can be achieved, and that a civic normative order can be gradually constructed. In the absence of this, only a state-consensus is possible in conjunction with the indifference and alienation of the majority from national formal state politics, as is clearly the norm today where, in addition, political parties have become vehicles for the enrichment of elites rather than links between society and state.

The evidence for this disaffection from liberal politics is overwhelming throughout the World including Africa[17]. In October 2004, the German social-democratic Friedrich Ebert Stiftung in Southern Africa organised a conference in Maputo on political parties in the region. The conference document deplored the global trend of the 'statisation' of political parties, arguing that parties worldwide have lost their anchorage in society and have concurrently strengthened their ties with the state. The document also stated that as grassroots organisations, parties have lost much of their relevance as independent sources of new ideas, as fora for debate and deliberation and as platforms for justifying political choices, many of these functions having been taken over by NGOs. It stressed that ideological pluralism is not compatible with current political practice which highlights management and control. In sum, the statement deplored the absence of politics from political parties, a fact which it saw as an irreversible

trend throughout the world and the Southern African region in particular. Broadly speaking this viewpoint is an example of the much commented upon disappearance of politics and ideological debate regarding changing the world into a better place, and its replacement by bureaucratic statism and professional expertise particularly with reference to the "new" social democracy (eg. the rise of "New Labour" in Britain, and similar trends in European Social Democracy)[18]. In Africa as in much of the rest of the world, state politics is structured by the problematic of 'governance', a notion which at its core refers to little more than administrative efficiency.

While in Europe this de-politicisation of politics has become evident perhaps since the crisis of social democracy, in Africa, popular disaffection with politicians and hence parties has been longstanding[19]. It has been apparent on the continent that political parties, rather than being links between civil society and the state as maintained by liberal democratic theory, have become state agencies for placing members of dominant social groups into powerful state posts with the consequent reproduction of an extremely powerful and corrupt elite, which is seen quite apparently as accumulating at the people's expense through access to state resources. Parties in Africa often end up being instruments for reproducing sectarianism at the expense of the national interest, so much has been evident since the struggles of the 1980s for the so-called "second liberation" of Africa (Ake, 2002). In actual fact of course, the liberal conception of political parties which sees these parties as links between the state and civil society, is premised on the view that the state domain is the exclusively legitimate domain of politics. If society were itself to be politicised through the expansion of a genuinely popular domain of politics, then it could be that political parties as presently organised become redundant, or at the very least contested as the exclusive form of *political* organisation.

In fact, Hannah Arendt made the main point which I am stressing here long ago, namely that parties must be understood fundamentally as state institutions:

> parties, because of their monopoly of nomination, cannot be regarded as popular organs, but [...] are, on the contrary, the very efficient instruments through which the

> power of the people is curtailed and controlled [...] Hence, from the very beginning, the party as an institution presupposed either that the citizen's participation in public affairs was guaranteed by other public organs, or that such participation was not necessary and that the newly admitted strata of the population should be content with representation, or, finally, that all political questions in the welfare state are ultimately problems of administration, to be handled and decided by experts, *in which case even the representatives of the people hardly possess an authentic area of action, but are administrative officers, whose business, though in the public interest, is not essentially different from the business of private management.* (Arendt, 1963:269, 272, emphasis added).

This statement acquires even more relevance today when the difference between public and private management has virtually disappeared. Now, if it is true that politics has been evacuated from political parties and the state and the evidence to this effect seems rather convincing, we need to ask the question of whether politics has now been embodied in NGOs and social movements or whether it has disappeared altogether from social life. In order to begin to approach this question, even before we can investigate it empirically (something well beyond the scope of this paper), we need to construct an alternative to the distinction between state and civil society, a distinction which, because it is embodied in neo-liberalism, is therefore also embodied in state politics, in other words within the problematic of 'governance'[20].

This can be done by stressing a distinction between different forms and domains of politics characteristic of the state and of the elite/ruling class who are associated with it on the one hand (elite politics, state politics, dominant/hegemonic politics, etc), and those domains and forms of politics practised by those excluded from and oppressed/coerced by it on the other (popular politics, subaltern politics etc). This distinction must be undertaken on the basis of the social relations, cultural practices and discourses within which each exists. This is the view taken for example by Partha Chatterjee and his

colleagues in India who have analysed the relations between state politics and subaltern politics, and it is the view taken here (eg. Chatterjee and Pandey, 1992). Chatterjee (1993:12) notes for example that, in the case of India, "each domain [of politics] has not only acted in opposition to and as a limit upon the other but, through this process of struggle, has also shaped the emergent form of the other". He continues:

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

He argues that in addition to "identifying the two domains in their separateness", scholarship must also trace "in their mutually conditioned historicities", the specific forms of the dominant hegemonic domain and the "numerous fragmented resistances to that normalizing project" (loc.cit.). Elsewhere (Neocosmos, 1998, 1999) I have argued that different forms of politics characterised the party of state nationalism in South Africa in the 1990s from those which were apparent in the popular nationalist movement of the 1980s. The latter included elements of, but were not reducible to, a democratic-emancipatory mode of politics. Although, both in the 1980s and in the 1990s, popular organisations of civil society can be said to have entered political society, in the first period they did so within a subaltern domain of politics, while in the second they became part and parcel of the state domain of politics. It was this latter process which required a systematic political 'demobilization', as entry into the state domain of politics, or into what Gramsci termed "bourgeois civil society", generally presupposes the absence (if not the fundamental defeat) of both popular

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

In general, it can be argued that the fundamental reason for the difference between the politics of the hegemonic groups and those of the subaltern groups in society is related to the role which the state itself plays in each. In particular, the ruling classes and groups establish their hegemony through the state and hence through one form or other of authoritarian, bureaucratic or administrative political practice. These various forms of politics are by their very nature state-founded politics, if not wholly *étatiste* in nature. Such a politics not only restricts democracy in one way or another and to some degree or other but channels it within formalistic exercises which empty its content while retaining its shell. These kinds of politics may differ along a continuum between say liberal democracy and dictatorship, but they always exhibit elements of a bureaucratic or authoritarian practice, simply by virtue of the fact that they are founded on the modern regime of power. The managerialist politics which have become hegemonic in the public spheres of today's liberal democracies, as well as in multinational organisations such as the United Nations and so on, are evident examples of this.

The hegemonic project of the ruling classes or groups therefore is founded on a politics which is structurally and fundamentally undemocratic (irrespective of the complex contradictions between various interests or positions within the state apparatuses), as it has to manage state rule bureaucratically. Its undemocratic nature may be more or less tempered and restricted by popular pressures and especially democratic prescriptions emanating from within society. These subaltern forms of politics emanating from within society are clearly contradictory, including as they do both authoritarian as well as democratic forms of politics and may be expressed in completely different representational forms from those associated with the modern state (eg. religious, 'traditional', literary, theatrical, etc), but they may

possibly form a distinct domain of a counter-hegemonic project (Chatterjee, 1993). If it is to be more than a state-centred project, this has to be founded on a popular-democratic politics and thus on a project for the democratisation of the state itself. Indeed it is an argument of this paper, that popular-democratic or *consistently democratic* politics are the kind of politics which are by their very nature emancipatory and which are of greatest interest to the majority of the people of Africa - the poor and the oppressed. The possibility for the development of emancipatory-democratic politics therefore will tend to be found primarily within the popular domain of politics as, despite the contradictions within it, the domain of state politics is founded on administrative, managerial and bureaucratic concerns, the nature of which is anything but democratic.

In his more recent work, Chatterjee (2004) extends the distinction between state and subaltern domains through expanding Foucault's notion of "governmentality" which the latter distinguished from other forms of rule such as sovereignty (Foucault, 2000: 220). For Chatterjee it was the emergence of "mass democracies" in the twentieth century in the West which produced an entirely new distinction, that between citizens and populations. While the concept of 'citizen' carries an ethical connotation of participation in the sovereignty of the state and hence of claiming rights from the state, a process through which the state secures legitimacy, under 'governmentality' the regime of power secures its legitimacy through:

> claiming to provide for the well-being of the population. Its mode of reasoning is not deliberative openness but rather an instrumental notion of costs and benefits. Its apparatus is not the republican assembly but an elaborate network of surveillance through which information is collected on every aspect of the population that is to be looked after (Chatterjee, 2004: 34).

Thus, populations do not bear any inherent moral claims. Ideas of participatory citizenship fell by the wayside in the twentieth century and gradually "the business of government has been emptied of all serious engagement with politics" (ibid.: 35). Of course one can see

this as central to European social democratic norms and to the state in Africa, where governmentality had predated the existence of the nation state under colonialism, along with what Cowen and Shenton (1996) have called "trusteeship". The latter was the idea that an agency, in this case the state, sees itself as entrusted to act on behalf of others for their own benefit. We have then a post-colonial state born into governmentality so to speak, so that in addition to stressing notions of citizenship and nation-building, it also becomes understandable how 'delivery' can be seen today as the main legitimizing feature of the post-apartheid state in South Africa for example. Not only was this the case, but in adopting technical strategies for modernization and development, "older ethnographic concepts often entered the field of knowledge about populations - as convenient descriptive categories for classifying groups of people into suitable targets for administrative, legal, economic or electoral policy" (ibid.: 37). Hence the importance of 'tribes' or religious groups in most of Africa and that of 'races' in South Africa today as objects of policy.

Interestingly, Arendt (1963: 273) notes that all political parties irrespective of political colour, whether revolutionary or not, have historically agreed "that the end of government was the welfare of the people, and that the substance of politics was not action but administration". This refers to 'governmentality' in Foucault's sense and it also stresses the point that in the conflict between political parties and popular assemblies of the social movement, it was invariably the former who were historically able to establish their dominance. This has been largely confirmed in the case of Africa as indeed it has been in other historical experiences worldwide, yet it clearly reproduces the prejudices of twentieth century statism already noted, according to which economic welfare is considered a prerequisite of political democracy. This is a view which abstracts from popular politics and which equates democracy with its liberal variant.

Chatterjee argues then that in the post-colonial context there are two sets of connections to power: the relations connecting a civil society of citizens to the nation-state founded on popular sovereignty, and those linking "populations to governmental agencies pursuing multiple policies of security and welfare" (ibid.: 37). Each of these he

argues points to a distinct domain of politics. There is no need to go into details here other than to note that Chatterjee (ibid.: 60) makes the point that it is not in civil society that politics is to be found because here, claims follow legal and administrative (ie. technical) procedures whose access is limited to middle-class professionals; rather politics are to be found in what he calls a "political society" of the poor where "claims are irreducibly political"[21].

6.2 On social movements

Given the decline and loss of legitimacy of political parties, how then are we to understand the relationship between popular movements and politics, between the social movements of what Hardt and Negri (2001) call 'multitudes', and politics? Hardt and Negri's idealisation of spontaneity imbues the 'multitudes' with the same qualities of a historical subject with which Marx had endowed the proletariat. The 'multitudes' are to be the saviours of humanity, a position largely adhered to also by Samir Amin (eg. Amin and Sridhar, 2002). This is quite unconvincing, simply because the politics of many 'multitudes' are still imbued with insurrectionist assumptions for example, a form of politics inherited uncritically from our statist past, as insurrections were meant to take over state power. In any case there can be no historical subject if we are to be consistently anti-humanist. The existence of social movements is not in itself sufficient evidence of an emancipatory alternative, and in any case it is in the character of such movements to rise and fall as their concerns become difficult to sustain. What is required in addition to recognizing the importance of social movements, is the development, both in theory and in practice, of an emancipatory politics, something which is not simply given by capitalist society.

South Africa is the one African country where the study of social movements is the most developed today. Yet for the most part, these movements seem to be concerned above all to protest the slow pace of state 'delivery' of housing, land, water, electricity, etc, along with the commercialisation of these resources, rather than with providing an alternative vision of society[22]. References to 'socialism' are still left undefined while little attempt so far is made to construct an alternative

in practice. The argument of these movements therefore seems to be one which stresses the lack of integration of communities into the capitalist system rather than an alternative to that system. At the same time the economic character of their demands seems to lend these movements a class character to the delight of those wishing to see a 'working class' everywhere (see eg. Alexander, 2005). The South Africa literature still seems to either romanticise social movements (eg. Desai and Pithouse, 2003), or to maintain that to have so far failed to organise a political party is an indication of the lack of progress of such movements (eg. Ballard et al., 2005). On the other hand, Barchiesi (2005: 237) notes much more accurately that traditional "class-based discourses and practices retain a crucial relevance for community movements that are contesting the neo-liberalisation of the South African transition". Yet he observes that, given the context of a collapse in wage-employment[23], "organizations, emancipatory visions and social claims based on wage-labour are in crisis". We should add "sociological theories" to this list. Given this economic situation, and given the growing cynicism with regard to the incumbents of state power, 'classism' has lost much of its explanatory and political relevance. The difficulty has been that there is as yet little to replace it with.

In sum so far, it appears difficult for these movements and their intellectual supporters to think beyond statist or 'classist' political solutions, a perspective more and more at odds with social reality. Clearly, if oppression gives rise to resistance, and we follow Foucault in maintaining that power is a relation which always includes resistance, then the occurrence of resistance is simply part of the oppressive system itself. It should also be recalled that, for Marx, capital was a social relation of exploitation and that this relation was the essence of the capitalist mode of production, with the result that the fact of worker resistance was, for him, inherently part of the capitalist system itself. Labour unions were precisely an expression of such resistance. Current popular movements are not necessarily breaking with capitalism, while the latter has shown an uncanny ability to adapt itself to the pressures of 'new social movements' (women's movements, environmentalism etc), in not altogether different ways through which it had adapted itself to the old. In other words there is nothing inherent

in social movements themselves which *necessarily* bears an emancipatory potential, let alone a project. In fact, when social movements are simply oppositional, simply *against* what exists, or clamour for state 'delivery', they can easily be demobilised and incorporated. The appropriation of the discourse of popular participation by the world bank constitutes yet further evidence of this process of the 'infinite flexibility' of capital (Cooke and Kothari, 2002). From an emancipatory perspective, the point must be that movements have to propose something new, something additional, some alternative way of life. They must be 'for' something and not simply 'against' what exists. It is only in this way that they can hold the potential for developing an emancipatory mode of politics. I have noted that one historical constant in Africa has been an assertion of an alternative moral order, a conception of a moral community, a community of active citizens. More critical analyses are necessary in order to elicit the existence of such a perspective or something similar to it, among current social movements.

Insofar as political organisation today is concerned, Badiou (2005c) argues that it needs to be fundamentally distinguished from state forms. In particular this means re-thinking political organisation beyond the party form which fundamentally operates with a state subjectivity. Political parties have the monopoly of political knowledge (the party line); in order to re-think the politics of emancipation in Africa, we need to develop an understanding of political organisations which do not have such a monopoly and in particular the links between political organisation and political movement need to be rethought; these cannot be allowed reproduce the role of the party or state as the sole fountain of knowledge and power if an emancipatory conception of development is to be developed. In this sense the notion of 'participatory development' which is commonly used as an alternative to the state driven process is so vague that it covers an array of practices. The various initiatives reviewed in the work of Wignaraja and others on India (where they seem to be furthest developed) do seem to be attempting to develop a logic which is not statist and where community struggles are able to build: "alternative grassroots processes [which] can serve to reinforce democratic and political processes, and help building structures with social justice built into

them" (1990: 103). Yet at the same time, it is clear that such community initiatives are often dependent on a state which is willing to provide a "political space", an 'enabling environment' for popular mobilisation. Both a truly democratic state which is sensitive to the development of a popularly founded active citizenship as well as such an active citizenship itself are apparently needed for an alternative emancipatory conception of development to be possible. Today this environment is being sought in a 'human rights culture' but, as we have seen, this has the opposite effect of reproducing a culture of 'anti-politics'. The potential tyrannical conception of "community participation" and its takeover by World Bank discourse already noted above, has its roots in the common ideological weakness of popular organisations (Cooke and Kothari, 2002).

At this stage, we need to mention the basic condition for an emancipatory politics which as a matter of fact is not always in existence. Žižek (1999: 187-91) has recently discussed this in the work of the post-althusserian philosophers: Balibar, Rancière and Badiou. For Rancière (1995) the political moment is that when those with no place in society, not only demanded that their voice be heard in the 'public sphere' on an equal footing with those in power, but moreover also see themselves as the representatives of the whole of society, for the true universality[24]. Thus Žižek notes, "political conflict designates the tension between the structured social body in which each part has its place, and 'the part of no part' which unsettles this order on account of the empty principle of universality" (ibid.: 188). This is what Balibar (1994: 47) refers to as "equaliberty", the absolute equality of men as thinking beings, or the "equation of man and citizen". Žižek (loc.cit.) continues:

> This identification of the non-part with the Whole, of the part of society with no properly defined place within it [...] with the Universal, is the elementary gesture of politicization, discernable in all great democratic events from the French Revolution [...] to the demise of ex-European Socialism [...] In this precise sense, politics and democracy are synonymous: the basic aim of anti-democratic politics always and by definition is and was

> de-politicization - that is, the unconditional demand that 'things should go back to normal'.

We are now in a better position to distinguish a truly *political* struggle for rights from an appeal for human rights. A prescriptive demand for rights only becomes emancipatory when, in addition to being fought for by active citizens, it makes a universal appeal. Badiou puts it as follows:

> The theme of equal rights is really progressive and really political, that is, emancipatory, only if it finds its arguments in a space open to everyone, a space of universality. If not, despite all the apparent radicalism a community puts into its system of demands, we have a profound submission to the figure of the state (Badiou, 1994: 9).

For Badiou politics begins when people (anyone) are militantly faithful to the kinds of events mentioned by Žižek; in his own words: "politics begins when one decides not to represent victims [...] but to be faithful to those events during which victims politically assert themselves" (Badiou, 1985: 75). It goes without saying that such events include popular upsurges throughout the world and particularly, in our context, the popular struggles for national liberation of which one of the most recent was that in South Africa in the mid 1980s (Neocosmos, 1998, Van Kessel, 2000). Being faithful to such events, means not giving up on the truths of such events, on the new apparently impossible world which such events foretell (Badiou, 2001, Hallward, 2004). What such events mean is that possibilities now appear as truly possible whereas before they could not be conceived. For example, who would have thought before the Haitian revolution in 1804 that slaves could not only rebel but could defeat both French and British armies to acquire control over their own nation? Who would have thought that Mexican peasants could have created a better world in 1910? Or who would have thought that the people of South Africa would have overthrown the oppressive apartheid state themselves as a result of their own political endeavours? In all these cases and in many others,

an egalitarian emancipatory vision was crucial to success. In this way, politics becomes "the art of the impossible", of making possible what appears as a 'void' from within current knowledge. "Another world" is indeed possible but it can only be so on the basis of the re-invention of an emancipatory politics appropriate to our conditions.

7. Concluding Remarks

While the statism of twentieth century development discourses is clear to us today, not far from the surface of this discourse also lurked a humanism for which there was nothing which 'Man' was incapable of. A better world could be built by 'Man' through the state. This was a humanism with a project, people were given as subjects and realised as such through the medium of the state. Today no one denies the importance of the relationship between development and democracy. The problem is that in the overwhelming majority of cases, democracy is reduced to its liberal hegemonic type, or a variant of it. Development as a national emancipatory project has been replaced in Africa and most of the South by human rights discourse, a humanism for which the people of Africa are no longer subjects but only pathetic victims (of authoritarianism, of the market, of natural disasters). Thus humanism in the twenty-first century has so far been a humanism without a project (statist or otherwise); people are no longer conceived as political agents but as victims, at best they are to make claims from the state, not to act on their own behalf. In fact today, citizenship is regularly reduced to being a client of NGOs. Without a critique of this political neo-liberalism, there can be no emancipatory development, no human emancipation at all. At most, struggles for human rights today seem concerned with incorporation into the existing system, and do not at first glance, provide a way to transform it. This critique therefore requires both the re-appropriation of a notion of 'active citizenship' as well as a new theorisation of a political subject. It is the broad outlines of such a critique which have been attempted here.

While it has been argued that a concept of social citizenship is central today in order to resolve the contradiction between a coercive

state and the existence of a moral community, it was suggested that such social citizenship can only be understood as active citizenship. Moreover, active citizenship cannot on its own provide an emancipatory vision for the future, yet it must provide the conditions of existence of an emancipatory politics, a politics which needs to be thought from scratch in order to distance itself from state politics. The development of such a politics is still in its infancy; its sites and possible existence in practice have still to be investigated, while its theorisation only now becomes possible. What is certain is that development and emancipation must be brought back together if we are to remain faithful to a pan-African emancipatory vision.

Of all the rights ascribed to humanity, one of the most important, arguably that which distinguishes us from mere biological beings and thus that which makes us truly human, is systematically denied by human rights discourse: this is the right to think. The right to think is denied by denying the possibility of anything different to the consensus of one way thought (*la pensée unique*), of anything different to what exists. As a community activist recently stated in South Africa: "the leaders [of the country] are saying that it is them who know everything and that the majority of the people can't think. We are saying that everyone can think" (cit. Desai and Pithouse, 2003:17). This must be the starting point of a different conception of politics. As stressed by Lazarus (1996) who founds a whole theory of political practice on this axiomatic principle, people are capable of thought, of producing truths[25]. As acclaimed recently by Badiou and his friends (*La Distance Politique*, 2005: 3-4):

> When all is said an done, the issue in contention concerns the freedom to think; [...] in electoral systems there is no freedom of thought. There is only a freedom to hold opinions. This means the freedom to support those in power (in agreement with the government) or those in the opposition (unhappy with the government) and that is all [...] Politics is not an opinion or a consciousness, it is a thought which fixes new possibilities [...] In politics it is better to achieve freedom through thought rather than to be constrained by opinions.

In Africa, the struggle for freedom today is not about joining "the community of civilised nations" nor is it about "good governance", these simply restrict thought to that of the consensus of the new empire; rather this struggle is about reclaiming the right to think.

Footnotes

1 The only exceptions were the various Maoist attempts to put "politics in command" in Chinese development but given the inability to think beyond the centrality of the party-state in the political process, ultimately these experiments, most notably the Cultural Revolution (GPCR) collapsed. See Badiou (2005b).

2 Generally speaking the so-called partnerships have been in the interests of capital and local state authorities and have not operated in the interests of working people. The most notorious examples have been those where service provisioning (electricity, water, housing) has been tied to commercial interests and where people have been asked to pay unaffordable prices, thus leading to a number of rebellions and fully constituted movements of the poor. See eg. Desai and Pithouse, 2003, Barchiesi, 2005.

3 The notion of "accumulation through dispossession" is a very important concept developed by Harvey (2005) to denote the continuation of 'primitive accumulation' long after the initial development of capitalism. The roots of this idea are to be found in the work of Rosa Luxemburg. There is absolutely nothing inherently 'primitive' about plunder of course as the process is also central to capital accumulation today.

4 The literature here is extensive from both the left and the right and is drawn upon quite selectively by those wishing to demonise the state in order to fetishise the market. But see Scott (1998).

5 Of course the examples are too numerous to mention here but perhaps the survey by Rueschemeyer, Stevens and Stevens (1992) linking industrialisation to democracy through the formation of a working-class able to struggle for democracy is one of the more important recent contributions to an old argument.

[6] None of this means that the state can never be a site of emancipatory politics, only that it is not so today. Clearly, historically, the soviets in Russia between 1917 and 1919 come to mind as such a site; but by 1921 at the very latest, the soviet movement was over as the party-state had taken over (Anweiler, 1972). But see note 16 below.

[7] To be clear, the point is not that "development failed" in Africa during the early post-colonial period as is maintained by neo-liberals. Rather, the point is that the *emancipatory* project failed, ie a particular politics failed. This is undeniable, and to ignore this failure is intellectually mistaken for it makes it impossible to ask the question as to why the developmental state was not defended by the people when it came under attack by the IFIs in the late 1970s and 1980s, and why in fact popular mobilisation, when it occurred, was rather directed *against* this state and thus unconsciously played into the hands of the advocates of liberalisation and de-regulation (hence the celebration of the so-called "second liberation" of Africa). There is no doubt that the developmental state had betrayed that emancipatory (pan-Africanist) vision and contributed to the transformation of development into a neo-colonial process; I am concerned to argue here that the reasons for this were political and not economic. See Ake, 2003, Adesina, 2004.

[8] According to Moses Finley, the historian of antiquity, it was precisely this 'sense of community' founded on active citizenship which was the idea at the core of Athenian democracy: "it was that sense of community [...] fortified by the state religion, by their myths and their traditions, which was an essential element in the pragmatic success of the Athenian democracy" (1985: 29). Finley cites Pericles as saying: "we consider anyone who does not share in the life of the citizen not as minding his own business but as useless" (ibid.: 30). See also Rousseau (1979: 140-1).The discovery of politics in the Athenian city state can be argued not to have been a once and for all phenomenon; rather Lazarus (1996) shows that politics needs to be constantly rediscovered in different contexts as it does not always exist. Limits of space preclude a discussion here.

[9] For a detailed explication of Badiou's conception of truth see Hallward, 2003.

[10] A more apt title for this work would have been: The *Sociology of the Algerian Revolution,* the original French title is *L'an V de la Revolution Algerienne.*

[11] I discuss the historical development of xenophobic discourse by linking it to changes in forms of citizenship in South Africa after liberation in Neocosmos, 2006.

[12] For a brilliant critique of human rights and the conception of ethics which philosophically underpins them see Badiou (2001), for another brilliant critique emphasising neo-colonialism see Mutua (2002).

[13] This is one reason why it is impossible for Rawls to think an emancipatory politics as he notes: "The long-term goal of (relatively) well-ordered societies should be to bring burdened societies, like outlaw states, into the Society of well-ordered Peoples. Well-ordered peoples have a *duty* to assist burdened soci- ties" (2003: 106). For 'well ordered' read the West, for 'burdened societies' read the rest. Rawls' work seems yet another attempt to return to Kant in order to save the declining fortunes of liberalism. For a critique of Arendt's (1982) earlier attempt, see Badiou's recently translated *Metapolitics*, Verso 2005.

[14] See number 84 of the French publication *Manière de Voir*, which is published by *Le Monde Diplomatique* for a detailed overview of the current state of popular resistance throughout the world.

[15] For example, in what Lazarus (1996) has called the "stalinist mode of politics" the notion of 'class leadership' - especially the slogan of the "leadership of the proletariat" - was understood as 'the dominance of the communist party' as the latter substituted itself for class. I have argued (Neocosmos 1999) that in South Africa in the 1980s this slogan was being re-interpreted within the UDF to refer to popular democracy. In a similar manner, "national liberation movements" so-called have substituted themselves for 'the people'. The identification of political parties with the state is simply the next logical step, so that party=people=nation=state. It should be stressed that such processes have historically been independent of political ideology.

[16] Lenin was acutely aware of this problem arguing that the party should defend the people even against their own state (Lenin, 1918: 275, 1919: 25). Ultimately he was not able to find a lasting solution to the issue of which side the party should represent in the contradiction between state and people. A similar problem lies at the root of Mao's experiment at'cultural revolution', for an analysis see Badiou, 2005b.

[17] The most commonly cited indication of this disaffection and passivity is the pervasive and increasingly low turn out at elections worldwide. For detailed studies on multi-party elections in Africa, see Cowen and Laakso, 2002.

[18] See Frederich Ebert Stiftung, 2004. For the French case see Rancière, 1995: 137 for example.

[19] With regard to Britain however, we need to note the very interesting comments by Moses Finley who bemoaned the absence of political knowledge among the citizens of that country in the 1970s in relation to those of ancient Athens. He stated that "public apathy and political ignorance are a fundamental fact today, beyond any possible dispute; decisions are made by political leaders, not by popular vote, which at best has only an occasional veto power after the fact. The issue is whether this state of affairs is, under modern conditions, a necessary and desirable one, or whether new forms of popular participation, in the Athenian spirit [...] need to be invented" (1985: 36).

[20] For a fuller argument see Neocosmos, 2005.

[21] Although this understanding of a realm beyond civil society in which politics may exist is absolutely crucial for understanding Africa today, Chatterjee's claim that it constitutes a "political society" is problematic, not only because the term is usually used to refer to the state, but more importantly because it gives the mistaken impression that politics is always in existence within that realm, something which cannot be shown. Rather it makes more sense to suggest that politics may or may not exist within various sites (Lazarus, 1996).

[22] Such resources is provided as 'human rights' in the South African constitution, although it is quickly added that such provision is contingent on the state having the financial and administrative capacity to do so. As a result, legal arguments revolve around the 'reasonableness' of such provision in specific circumstances. Political issues are in this manner turned into legal ones. See Constitutional Assembly (1997).

[23] Formal employment has collapsed from 69% of the economically active population in 1994 to 49% in 2001 (Altman, 2003: 172).

[24] Here we should recall Marx's reference to the working-class as "a class in civil society that is not a class of civil society" (Marx 1844: 127); it was precisely this exclusion which made the proletariat the saviour of humanity as a whole from the depredations of the capitalist system. For Marx the proletariat was thus a subject of history. Such a position can no longer be sustained. Political subjects are not given by history or anything else, they must be produced. See Badiou (1985).

[25] As yet Lazarus (1996) has not been translated into English howeve, Badiou's recently translated *Metapolitics* (2005) contains a chapter devoted to Lazarus' work.

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