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## **The Zuma era in ANC history -new crisis or new beginning?**

**Raymond Suttner**

**Research Professor, College of Human Sciences**

**University of South Africa**

**E mail: [suttners@unisa.ac.za](mailto:suttners@unisa.ac.za); [rsuttner@worldonline.co.za](mailto:rsuttner@worldonline.co.za)**

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The inauguration of the Jacob Zuma government was met with considerable popular approval and initially generated a great deal of euphoria, hope and encouragement, (as well as dread and contempt on the other hand). While this paper attempts to move behind these emotions to the character of the phenomenon, I have no contempt towards the outpouring of joy and hope invested in what is claimed to be a new beginning, albeit not always for the same reasons.

It is not easy to explain the joy that appears to have been evoked. At the same time, having said that, much of the discourse within the African National Congress (ANC) - led alliance and what is said to be at issue in the rise of Zuma and at the level of much of the leadership is the relationship between the masses and leadership, a question on which the new president is said to be quite different from former president Thabo Mbeki. This is not an easy issue on which to pronounce. I write with full consciousness that there is a body of thinking that equates the masses with an ignorant mob who spell danger to democracy.

I am with Raymond Williams<sup>1</sup> in rejecting that view and one of the points where I disagree with all the forms of governance after 1994, is that they were not mass driven as the Reconstruction and Development Programme (RDP), the ANC's initial blueprint for transformation intended, and the people were mainly passive recipients of government delivery.

But there is a caveat and a problem in the relationship between mass driven democracy and government and state leadership and institutions of our democracy. Sometimes the Constitutional Court and political leaders have to give a lead in interpretation of the law and constitution and rights, even where if a poll were taken, for example, on the death penalty, it might be that it would be lost. But seen in the context of the constitution as a whole these must be defended, and part of leadership is to drive the democratic and transformatory project, if it is that. That must include using political leadership as a way of raising consciousness of those who are not fully conversant with the

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<sup>1</sup> R. Williams, *Culture and Society* (New York, Columbia University, 1983), 298

emancipatory nature of certain elements of the constitution. This is not restricted to the death penalty, but also gender, identity and other questions. This is not patronising but a fact of life, that some are not always aware of the implications until these are explained, through strong, clear leadership.

I am in agreement with Williams, that the masses are not an ignorant mob, but believe that we need to be aware that there are various levels of information that guide any action and that the current mass support, may change –not as the wind blows- but for reasons that are in the main based on rational and sometimes irrational factors, that may be temporary or of greater or lesser duration and whatever information is at their disposal. Already some of the original ardour is being displaced by anger in strikes and protests over service delivery, often met by what appears to be excessive force.<sup>2</sup> It may be that the often loosely used concept of populism will provide clues, possibly in conjunction with Bonapartism, to the understanding of this set of relationships.<sup>3</sup> At the same time the series of high wage rises (though not high in relation to costs of living, are causing anxiety to capital).<sup>4</sup>

Thus my support for popular power has a degree of conditionality and is as much a problem to be solved as it is a goal. Nowhere in the world has there been a successful combination of mass and representative democracy. The formula for their interaction has still to be worked out, though writers like Arblaster believe that such structures for popular involvement are already there with new modes of communication in the 21<sup>st</sup> century.<sup>5</sup>

The rest of this paper contextualises the rise of Jacob Zuma within ANC history, attempting to characterise the extent to which the Zuma - led ANC and government represents a rupture *and* continuity in the recent and overall history of the organisation, mode of its leadership and the democratic dispensation inaugurated in 1994. To what extent is it Zuma or unfinished business of ANC history with which we are concerned? To what extent has the ANC itself made the elements of Zuma leadership which many find offensive or to what degree are they outcomes that were part of a range of ones that could potentially have emanated from ANC history and patterns of organisation? What is the chain of causality?

## **Brief overview of recent history**

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<sup>2</sup> Chantelle Benjamin, Weekender, 25 July 2009.

<sup>3</sup> See, for example, K. Marx, *The Eighteenth Brumaire of Louis Bonaparte* (London, Lawrence & Wishart, 1934), E. Laclau, *Politics & Ideology in Marxist Theory* (London, Verso Books, 1977.), E. Gellner, G. Ionescu, *Populism: its meanings and national characteristics*. (London, Weidenfeld and Nicolson, 1969), P. Taggart, *Populism*, (New Delhi, Viva Books, 2002)

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<sup>5</sup> A. Arblaster, *Democracy*. 3 ed (Buckingham Open University Press) 2002, ch 8.

The ANC was established as the South African Native National Congress (SANNC) in 1912 and although its history has been varied, a constant theme, which was periodically marred by splits and expulsions, has been the need for *unity*. Much of the argument in this paper and what I intend to develop relates to unity and its relationship to opposition, pluralism, constitutionalism, essentialism and other factors, though much is only alluded to in the present paper. On the eve of founding the organisation, Pixley ka Isaka Seme, in a famous statement spoke of the need to draw lessons from the inter-chiefdom /kingdom divisions that had led to the conquest of the African people and said there should be unity. ‘We are one!’<sup>6</sup> He also spoke of the SANNC as a ‘native union’ of the African people, carrying, though he did not say so, revolutionary potentialities as a counter union to the white Union of South Africa.<sup>7</sup>

This theme of unity continued to be on the lips of the most famous ANC leaders. While this was preceded and followed by minor splits or expulsions, there was a major breach in this unity with the Pan-Africanist Congress (PAC) breakaway in 1959 due to ideological disagreements mainly over certain clauses of the Freedom Charter and the role of whites and alleged Communist domination.<sup>8</sup> The expulsion of the ‘gang of 8’ in 1985 was also for ideological reasons, as was that of the Marxist Workers Tendency. Most or all of these people were allowed re-admission to the ANC after its unbanning in 1990, thus signifying the principle that it is better to have the differences within the organisation than outside, as enemies.

In the years following the establishment of the ANC it pursued a policy of petitioning the British Empire and the Union governments, a strategy that was an adaptation to the new conditions that the organisation found itself in, with the defeat of armed resistance. Over time, this approach proved fruitless and led to decline in the organisation and its being overshadowed by other political and workers organisations. I am not thereby seeking to criticise the early approach, without qualification, and the work of Peter Limb in particular shows that it was more complex than going ‘cap in hand to the masters’. It was however revived from the 1940s, first through the efforts of individuals like Dr A.B Xuma as president and Rev (later Canon) James Calata as secretary- general.<sup>9</sup> The establishment of the ANC Youth League (ANCYL) in 1944 could build on the organisational structures that Xuma and Calata had started. Without this their statements may have remained radical rhetoric.

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<sup>6</sup> P.k.I. Seme, ‘Native Union’, in Sheridan Johns III (ed) *From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882-1964. vol 1. Protest and Hope*, (Stanford, CA: Hoover Institution Press. Stanford, University. 1972 [1911]), 71-3

<sup>7</sup> P.Jordan, ‘The South African Liberation Movement and the Making of a New Nation’, in M van Diepen (ed) *The National Question in South Africa*. (London, New Jersey, Zed books, 1988), 107-24

<sup>8</sup>For a comprehensive discussion, See. G.M. *Black Power in South Africa*. (Los Angeles, London, University of California Press, 1978)

<sup>9</sup> P.Walsh, *The Rise of African Nationalism in South Africa. The African National Congress 1912-1952*. (London, C. Hurst & Company, 1970), 256

The 1950s, following the adoption of the YL's programme of action saw the development of mass and radical programmes and organisational steps. The 1952 Defiance campaign represented an *embryonic rejection of legal obligation and allegiance to the apartheid state*. The M Plan was preparation for potential banning which was adopted following the illegality of the Communist Party. That party re-established itself as the South African Communist Party (SACP) in 1953 and possibly earlier if we were in possession of more data on political activities in the rural areas.<sup>10</sup> The Defiance campaign, initiated shortly after Chief Albert Luthuli entered politics and was dismissed as a chief, represented a break in the chain of legality that had characterised previous ANC politics. It saw the ANC membership rise from 7000 to 100,000 paid up members.<sup>11</sup> The defiers were led by volunteers, swearing an oath and wearing a special uniform. The uniform may have carried symbolic military connotations thus echoing talk that was current about 'fighting back' and taking up arms. At the same time, the cap that was worn derives from Gandhi and thousands of years of Indian peasant history.<sup>12</sup> (See Chief Luthuli in uniform below).

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<sup>10</sup> See R. Suttner, *The ANC Underground* (Johannesburg, Jacana Media, 2008, New Delhi, Tulika, Lynn Rienner, New York and London, 2009), chs 2, 3

<sup>11</sup> T. Karis and G.M. Carter (eds), *From Protest to Challenge. A Documentary History of African Politics in South Africa. 1882-1964, vol 2.* by T.Karis, *Hope and Challenge.* , (Stanford, California Hoover Institution Press. Stanford University., 1973), 427, M.Benson, *South Africa. The Struggle for A Birthright.* (London, International Defence and Aid Fund for South Africa, 1985). 150

<sup>12</sup> R. Suttner, 'Dress, gestures and other cultural representations and manifestations and Indian influence on the formation of ANC masculinities' *54,1 Historia*, ( May 2009), 61



Sisulu indicated that they specifically chose the word ‘defiance’ rather than ‘passive resistance’ used in the 1946-1948 Indian anti-pass campaigns, to raise the level of struggle, even to a revolutionary level, where people would be prepared to give their lives. That is why the volunteers were called ‘defiers of death’<sup>13</sup>

What Luthuli brought to the fore, along with the youth leaders already mentioned, was the ethical canon that distinguished the best of the ANC. He represented the notion of a leader who sought nothing for him or herself, who was prepared to lose all, and prayed that he would resist any temptation not to do what was his moral duty to his people.<sup>14</sup> This is what he called ‘the gospel of service’, that people had to understand ‘no cross, no crown.’<sup>15</sup>, though the notion of the crown carried some ambiguity.<sup>16</sup> Whatever he

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<sup>13</sup> W. Sisulu, *I will go singing. Walter Sisulu speaks of his life and the struggle for freedom in South Africa*. In conversation with George M Houser and Herbert Shore. (Cape Town, Robben Island Museum, New York, The Africa Fund nd. c. 2001) 79

<sup>14</sup> See R. Suttner, “‘The road to freedom is via the cross’”. Just cause and Chief Luthuli’, paper presented to University of Pretoria inaugural inter-disciplinary seminar, 11 August 2009.

advised others to do, he was prepared to do himself<sup>17</sup>, in this respect echoing Gandhi and foreshadowing Mandela<sup>18</sup>.

The Defiance Campaign was followed by the Congress of the People campaign which gathered popular demands and out of which the Freedom Charter emerged, which would serve as guidelines for a future democratic state. Unlike other human rights documents in the ANC, like the African claims of 1945<sup>19</sup>, and seldom if ever in international history has a document, whatever its flaws, derived from the actual voices of the ordinary people.<sup>20</sup>

The proceedings of the Congress of the People at Kliptown were halted just after the point of adoption, and the Charter was used as a basis for prosecution in the Treason Trial, involving between 30 and 156 of the top leadership for 5 years. While this was a blow to organisation it provided opportunities for meetings and friendships to develop, one of the most noteworthy being that between Luthuli and Moses Kotane, General Secretary of the SACP, who became Luthuli's closest adviser and confidant.<sup>21</sup>

Before the Treason Trial acquittal, the Sharpeville massacre occurred in 1960, followed by the banning of the ANC and PAC, and the detention of many leaders under the state of emergency. Of great symbolic importance at this time were photographs of Luthuli, Mandela and Sisulu setting their passes alight. People still speak today of how these images stirred them<sup>22</sup> [Sisulu sets pass alight below]

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<sup>15</sup>E.S. Reddy (compiler), *Luthuli. Speeches of Chief Albert John Luthuli*. (Madiba Publishers, Durban. Bellville, UWC Historical and Cultural Centre, 1991), 71

<sup>16</sup> See my amateur biblical interpretation, aided by theologian friends in (unpub) "The road to freedom is via the cross:" just means" and Chief Albert Luthuli' . 2009.

<sup>17</sup> Benson, *The Struggle*, 144-5.

<sup>18</sup> M. Chatterjee, *Gandhi's Diagnostic Approach Rethought. Exploring a Perspective on his life and work*. (New Delhi, Promilla publishers, 2007), Ch 4, N. Mandela. *Long walk to freedom. The autobiography of Nelson Mandela*. (Randburg, Macdonald Purnell, 1994), 360

<sup>19</sup> See K.Asmal, D Chidester, C. Lubisi, (eds), *Legacy of Freedom. The ANC's Human Rights Tradition*. (Johannesburg, Jonathan Ball Publishers, 2005).

<sup>20</sup> R. Suttner and J.Cronin, *50 Years of the Freedom Charter*. (Pretoria, UNISA Press, 2006)

<sup>21</sup> See B. Bunting, 1998 *Moses Kotane. South African Revolutionary. A Political Biography. 3 ed.* (Bellville, Mayibuye History and Literature Series. No 87. Mayibuye Books. University of the Western Cape, 1998), ch 14, B. Magubane, B, Bonner, P Sithole, J, Delius, P, Cherry, J, Gibbs, P, April, T. (2004. 'The turn to armed struggle', in SADET, *The Road to Democracy in South Africa. Vol 1 (1960-1970)*. South African Democracy Education Trust. Zebra Press. Cape Town), 65

<sup>22</sup> Interview, J. Nkadameng, (Johannesburg, 2003).



This is an example of the Gandhian principle that the type of leadership of the time would set the example for their followers by being the first to take daring action, which others were urged to follow. (This is not to suggest that being in the frontline is invariably the best way to lead).

The 1950s began and ended with defiance, ultimately with banning of the ANC and its stating it would not abide by that decree.<sup>23</sup> The notion of defiance, even in its earlier form in the Defiance campaign crossed a threshold, in that from that moment the ANC implicitly denied any duty owed to the authority of the day. That denial would increase in intensity after banning, and led to the later declaration of apartheid as a crime against humanity, and the ejection of the South African government from the UN

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<sup>23</sup> Suttner, *ANC underground*, ch 2.

General Assembly for not being representative of the people of South Africa<sup>24</sup>. While Luthuli refers to the actions of the 1950s as non-revolutionary<sup>25</sup>, revolution may mean a single decisive act or a series of embryonic acts of a transformatory or rebellious kind, such as the Defiance campaign. The counterposition of evolution and revolution is one of the problems in much of the thinking of mainly liberal political science and Leninists in particular.<sup>26</sup>

The ANC underground experience, preceded by the SACP reconstitution in 1953, relied heavily on the experience of the latter, but it was difficult to take a mass organisation underground and its military efforts while dramatic were brought to a swift halt by the middle of the 1960s, with all of the top leadership in prison or exile. Bram Fischer lasted somewhat longer, but he was operating in virtual isolation and without much logistical support.<sup>27</sup> The Rivonia trial of 1964 again saw the spirit of denial of the legal right of the South African government to make laws, with all the prisoners declaring that 'the government not they should be in the dock.'<sup>28</sup> Later Mandela made his famous statement that he was willing to live but if necessary to die to realise the ideals of the liberation movement.<sup>29</sup>

## **Between Rivonia and 1976**

With the leadership in prison and some, such as Oliver Tambo and Yusuf Dadoo having been sent out earlier in order to start the international solidarity campaign, history books record that a 'lull' reigned over South African politics, for the ANC was declared dead.<sup>30</sup> Inkatha (with initial qualified support from the ANC) used the opening to claim to be the heir to the ANC. This also created space for the fresh and defiant strands of black consciousness (BC) to emerge.

In fact, it is not true that the ANC ceased to exist, and underground structures were reconstituted by a number of groupings. They started on a small scale, but gradually developed the capacity to help families of those in jail or detention, to send out individuals for training and receive MK (mKhonto we Sizwe, Spear of the Nation, the name of the ANC army) cadres who returned. It was slow, patient work, too slow for some of the emerging BC movement, many of whom entered into dialogue with the

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<sup>24</sup> Suttner, 'Has South Africa been illegally excluded from the United Nations General Assembly?' (1984) *Comparative and International Law Journal of Southern Africa*, 279-301

<sup>25</sup> Reddy, *Luthuli*, 46-50

<sup>26</sup> A. Hunt, 'Introduction', in A. Hunt, *Marxism and Democracy* (London, Lawrence and Wishart, 1980), 7-19, B. Kagarlitsky, *The Dialectic of Change*, London. New York. Verso, 1990), V.I. Lenin, *The State and Revolution*. 2 ed. (Moscow, Progress Publishers, 1918,[1969 reprint]).\* ref for liberal version\*

<sup>27</sup> See Meredith, *Fischer's Choice*, Klingman, *Bram Fischer*

<sup>28</sup> J.Joffe, *The Rivonia Story*. (Bellville, Mayibuye Books, 1995),58-59

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N.Mandela, *The Struggle is my life* (London, International Defence and Aid Fund, 1990), 181. On preparedness for death, see Mandela, *Long walk*,360

<sup>30</sup> Works cited in Suttner, *ANC underground*, ch 4



underground and later came to appreciate the need for this careful, painstaking building of the organisation<sup>31</sup>.

At the same time those who had left for training in the early years of MK had expected to return within a few months but found that it stretched into decades<sup>32</sup>. This fed into problems of morale and discipline and while campaigns into then Rhodesia had more success than South African newspapers reported, they led to divisions, including complaints about the life style of the leadership, over-emphasis on international solidarity, and neglect of armed struggle and the need to return to South Africa. One of the symptoms of this sentiment was the 'Hani memorandum', which nearly led to Chris Hani's execution.<sup>33</sup>

To attempt to heal these divisions and chart a way forward, a consultative conference was held in Morogoro in Tanzania in 1969. The conference emerged with a strategy and tactics document, which would have a significant effect for generations to come.<sup>34</sup>

This document, which may fall into the category of Gramsci's reference to a party acting as an intellectual or 'collective intellectual'<sup>35</sup> was an intervention which drew many people to the ANC and gave those already there a feeling that the apartheid regime was not invincible; this was part of the overall sense that there was both power and weaknesses in the make-up of the 'enemy' and its opponents. These had both to be exploited in a way that strengthened the resistance and weakened the regime.

The period that followed saw some limited attempts at realising these overall goals, some with a measure of success, others representing attempts but without much success.

The 1976 uprising was not initiated by the ANC. But many BC individuals and leaders had contact with key ANC underground figures, on a strictly secret, conspiratorial basis. Many listened to Radio Freedom, the ANC illegal broadcasting station. Many were impatient to leave BC, but they were counselled to stay where they were by older people, such as Joe Gqabi<sup>36</sup>

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<sup>31</sup> *Ibid*, ch 4

<sup>32</sup> Interview E. Mtshali, (Johannesburg, 8 February 2003), Suttner, *ANC underground*, ch 7. There are a number of personal wounds that remain from this period and are captured partly in Hilda Berstein, *The Rift* and some interviews. This deserves a book on its own.

<sup>33</sup> Shubin, V, *ANC. A view from Moscow*. 2 ed. (Johannesburg, Jacana Media, 2008), ch 6.

<sup>34</sup> African National Congress (ANC) 1969. Strategy and tactics of the ANC. [www.anc.org.za/history/stratact.html](http://www.anc.org.za/history/stratact.html), accessed 28 November 2008.

<sup>35</sup> A. Gramsci, *Selections from the Prison Notebooks*. Ed Quintin Hoare and Geoffrey Nowell Smith. (London, Lawrence and Wishart, 1971), ch 1, R.Suttner 'The formation and functioning of intellectuals within the ANC-led liberation movement', in Thandika Mkandawire (ed) *African Intellectuals*. (London, CODESRIA/Zed Press, 2005), 117-154.

<sup>36</sup> Suttner, *ANC underground*, ch 4; interviews with Murphy Morobe, (Midrand, 26 August 2003), Nat Serache, (Johannesburg, 31 August 2002).

Many left the country in the wake of the repression that accompanied and followed the uprising. The huge influx of new, young and optimistic people into the ANC and MK gave a spurt to those whose morale had been flagging and in the late 1970s led to a wave of MK attacks, including assaults on police stations that had participated in forced removals or were notorious in communities for their violence.<sup>37</sup>

The rise of PW Botha to prime minister and later the presidency, together with Niel Barnard as new head of intelligence, led to an attempt by the regime to 'normalise' the situation, but without intending to lose control<sup>38</sup>. The lesson drawn from Rhodesia by the apartheid intelligence forces was that if the government did not open up it would lose everything. They should instead create some space which they assumed they would control, and contain and accommodate political manifestations on their own terms. Unfortunately for them, that was not to be.

A wide range of popular organisations emerged – including trade unions, community organisations and media – drawing thousands of people into activities on the fringes between legality and illegality, The Freedom Charter was revived and individuals were often buried under the ANC flag, such as, Hennie Ferrus in Worcester.<sup>39</sup> In the 1980s this process continued with the formation of the United Democratic Front (UDF) in 1983, an organisation which was both autonomous of and linked in various ways to the ANC and the underground. The formation of a powerful, unified trade union federation, the Congress of South African Trade Unions (COSATU) in 1985 changed the quality of labour intervention. In combination, these provided a more concerted and direct challenge to the regime.

In the meantime, on the international front, from the earliest beginnings of Tambo's work, the international solidarity movement was making strides as the biggest international social movement in history, changing the notion of international relations, which is conventionally supposed to be between states, by entering as a non-state actor. All over the world, South African apartheid products were boycotted, the regime was isolated, trade sanctions were sometimes applied, UN resolutions proliferated, and the ANC had more international representatives than the South African government.

MK grew in strength and the range of its activities, but there was a gap between popular imagination, which saw it as capable of defeating the apartheid regime in battle, and attacks that were of great symbolic significance, such as the blowing up of the SASOL refinery in 1980. MK training from the 1970s had been inside<sup>40</sup> as well as primarily outside the country.

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<sup>37</sup> Suttner, *ANC underground*, chs 4, 8.

<sup>38</sup> J. Sanders, *J. Apartheid's Friends. The Rise and fall of South Africa's secret service.* (London. John Murray 2006).

<sup>39</sup> J. Issel, Interview. South African History Online, 2003. <http://www.sahistory.org.za/pages/library-resources/interviews/2003>, downloaded 4 June 2009

<sup>40</sup> Interview Morobe received some training from Tokyo Sexwale, amongst many others.

## Towards negotiations

It became clear that the rising of the mid-1980s, which the ANC and SACP officially intended to turn into an insurrection, was making apartheid unworkable and South Africa ungovernable. This was urged daily by the ANC through Radio Freedom and SACP publications like *Umsebenzi* (The Worker). At the same time, also at the urging of the exiled leadership, organs of popular power were established in a range of forms, though local creativity surpassed what may have been envisaged. They were founded mainly street committees, and other local structures and – in a sense – were the first example of popular, direct democracy in South Africa<sup>41</sup>

It seemed apparent that governability was unlikely to be re-established. At the same time, this did not mean that the power of resistance was able to defeat the enemy on the battlefield. Many of the internal leadership were taken out of action by the arrest of over 50 000 during the states of emergency in 1985/6 and 1986-1989. This had the unfortunate effect of leaving younger people, and often gangsters, in the street committees, which led to various abuses, such as kangaroo courts.

In the meantime, Radio Freedom continued to call for insurrection and the SACP conference, held in Cuba in 1989, mapped out and elaborated a strategy for its achievement.<sup>42</sup> This conference was chaired by Thabo Mbeki and included delegates from inside the country. It had been preceded by inputs from inside, co-ordinated by Mac Maharaj, at the time still a member of the SACP and in his capacity as leader of Operation Vula.

Maharaj, reporting to Oliver Tambo and Joe Slovo, in their capacity as leaders of the ANC and SACP respectively, aimed to join the external and internal leadership; some individuals from outside worked underground for over four years<sup>43</sup>. The boldness of

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<sup>41</sup> African National Congress (ANC). 'Render South Africa Ungovernable! Message of the National Executive Committee of the African National Congress on the 73rd anniversary of the ANC, 8 January 1985', <http://www.anc.org.za/ancdocs/history/or/or85-1.html>, Accessed on 16 July 2006, 'From Ungovernability to Peoples [sic] Power-1986. ANC Call to the People,' <http://www.anc.org.za/ancdocs/history/ungovern.html>, accessed on 16 July 2006, M. Neocosmos, 'From People's Politics to State Politics: Aspects of National Liberation in South Africa', in Adebayo O. Olukoshi (ed). *The Politics of Opposition in South Africa*, (Uppsala: Nordic Africa Institute, 1998), 195-241, R.Suttner, 'The UDF Period and its Meaning for Contemporary South Africa: Review Article' *Journal of Southern African Studies*, 30(3) (September 2004), 691-702, 'Legacies and Meanings of the United Democratic Front (UDF) Period for Contemporary South Africa' in Hendricks, Cheryl and Lushaba, Lwazi(ed), *From National Liberation to Democratic Renaissance in Southern Africa*. (Codesria. Dakar, 2005), 59-82.

<sup>42</sup> SACP (South African Communist Party).. *The Path to Power. Programme of the South African Communist Party*, (London, Inkululeko Publications. 1989).

<sup>43</sup> P. O'Malley, *Shades of difference: Mac Maharaj and the struggle for South Africa*. (New York. Viking, 2007), Shubin, ANC, ch 29 and personal knowledge

this venture was such that the ANC's (much prized amongst activists) January 8 anniversary statement appeared on doorsteps in 1989, next to the morning's newspaper.

Nelson Mandela liked to remind cadres that the ANC was not facing an enemy on its knees.<sup>44</sup> When neither side is able to defeat the other, there exists what Gramsci calls a 'reciprocal siege'<sup>45</sup> and that creates the possibility of talks and negotiations that may lead to a democratic settlement.

At the time, unknown to most individuals inside, and arousing some suspicion among those who knew or sensed it outside, talks with the government had begun, inside the country by Nelson Mandela<sup>46</sup> and outside by Thabo Mbeki and Jacob Zuma, meeting with apartheid intelligence officials.<sup>47</sup>

There are some procedural necessities in initiating talks that lead to negotiations. One cannot start such a process by public announcement if one wants to succeed. It is often a condition of success that much happens in camera, at least initially. Nevertheless Mandela has always said that he had initiated talks without consultation because he knew that had he consulted he would have been stopped. This is an important statement, which may be vindicated in retrospect by a relatively successful result in achieving a democratic constitution. But it raises questions about collective leadership (a concept, which of course needs itself to be problematised), which would reappear from time to time.<sup>48</sup> Allister Sparks captures with an element of exaggeration of 'aristocratic qualities', Mandela's attitude to what he perceived as the necessity to take advantage of what he saw as differences within the government:

Mandela knew that the vast majority of ANC members, and even most of the leadership would not understand this. They saw no need to offer the Boers an honourable retreat<sup>49</sup>. He told no one: not his colleagues upstairs [in Pollsmoor prison at the time] nor those in Lusaka (with whom he was able to communicate by clandestine methods). For though he pays passionate lip service to democracy- and always tries to

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<sup>44</sup>Personal experience.

<sup>45</sup> Gramsci, *Selections*, 238-9

<sup>46</sup> Mandela, *Long Walk*, Part Ten, A.Sparks, *Tomorrow Is Another Country. The inside story of South Africa's Negotiated Settlement*. (London Arrow Books., 1997). P.Waldmeir, *Anatomy of A Miracle. The End of Apartheid and the Birth of the New South Africa*. (London, Penguin Books, 1997).

<sup>47</sup> Sanders, *Apartheid's Friends*, 227ff

<sup>48</sup> A similar decision to decide over and above the collective arose, inter alia, in relation to the RDP conference of 1993 which decided that the ANC NEC would appoint the cabinet. Mandela concluded that he would do it on his own (in consultation probably with whoever were his confidants at the time), announcing to the National Working Committee and explicitly referring to the RDP decision, which he considered unworkable. He repeated this on SABC television at the ANC conference in Stellenbosch in 2002. This was in some respects a return to the patterns of intervention of the young Nelson Mandela in the 1950s, continually acting above the organisation. Then he was a young man, now he was an organisational leader. See R. Suttner, '(Mis)understanding Mandela', 39,2, (December 2007) '(Mis) understanding Mandela', *African Historical Review*, 107-130. In *Long Walk*, Mandela, more or less withdraws apologies made to the leadership of the time, reflecting that he was correct.

<sup>49</sup> In my recollection, 'honourable retreat', was not a major issue, but various guarantees for whites.

ensure the broadest possible support for all he does-he is by nature an autocrat. This was one case where autocracy was the best policy.

Mandela did not let his colleagues know that he was talking to the enemy until nearly two years later. By then, although no one could have known it at the time, the outlines of the future deal were already becoming clear.<sup>50</sup>

Equally, while the talks in Europe were apparently initiated with Tambo's approval, Hani and others raised objections to the lack of report-backs<sup>51</sup>. There was an element of deception in a situation where an insurrectionary platform for the SACP was being initiated, with Mbeki as chair, and Zuma and other participants like A Pahad as Central Committee members agreeing, while parallel processes were in motion to avert this.

The question of mandate is important. Discussions with National Intelligence Service (NIS) operatives of the apartheid regime indicate that they sometimes felt that their political principals did not know various things (which NIS had learnt) and admitted having on occasion exceeded what they were authorised to do. Not having had discussions on this with ANC negotiators of that time, it cannot be gauged with certainty, how they saw things, and whether they acted in similar fashion.<sup>52</sup>

For those who were throwing themselves in the face of armoured vehicles and gunfire and being tortured, the news of talks smacked of an element of cynicism and left much bitterness after 1990. The ANC, in fact, handled the transition badly, with insufficient sensitivity towards those inside as well as MK in particular, many of the latter and their supporters (mistakenly) believing that if they had been left to fight they could have achieved military victory. This was exacerbated by further concessions, at leadership level.

That the possibility of a negotiated settlement had been reached is wrongly attributed to the foresight of two great men, de Klerk and Mandela. Great as Mandela may be, the range of forces arrayed against apartheid compelled the apartheid regime to concede the unbanning of organisations, although they did so on an unequal basis, aiming to ensure that the ANC was disabled by violent attacks, which is reported on by various commissions and films of the 1990s.<sup>53</sup>

It was this combination of factors acting against apartheid that enabled the ANC to start talks and win elections in 1994. Chief Luthuli in 1951, when Natal President of the ANC referred to the slogan of the year being 'speak from strength', meaning being

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<sup>50</sup> Sparks, *Tomorrow*, 94

<sup>51</sup> Shubin, *ANC*, at 255.

<sup>52</sup> Personal discussions with NIS key negotiators, 2004.

<sup>53</sup> Sparks, *Tomorrow*, for example at 171, Waldmeir, *Anatomy* 206, J.Gordin, *Zuma. A biography*. (Johannesburg, Jonathan Ball, 2008), for example at 51, 58.

backed by well organised structures.<sup>54</sup> The truth is that Mandela, beyond his great skills, was able to speak with power behind him. The notion of organised strength needs to be in the forefront of any discussion of popular democratic rule, if that is the proclaimed goal or that to which there is an aspiration. Crowds in a stadium comprise mobilisation, enduring structures means organisation.

### **Rebuilding the ANC and negotiations**

Put briefly, the process of legalisation created a mammoth task for the ANC. It could not simply pick up from 1960 and draw in new members on the same basis. It had to rethink its approach, as members flooded in, many knowing little about the organisation, speaking different languages, and without adequate organisational and political education structures in place. Meetings were very complicated to conduct and it was hard to ensure adequate participation and translation into all the languages that were spoken in an area like Gauteng.

It was one thing inducting new members who would undertake illegal tasks and were generally steeled to face danger and torture. It was quite another with thousands who had merely to pay R12, and could not be screened. There was no way of stopping money makers, former torturers (where unknown) and similar people from joining the organisation.<sup>55</sup>

While serious efforts were made to (re)build the organisation – with some success – this is merely to indicate the scale of the problem; when the conditions were totally new. The international conjuncture had also changed with the gradual collapse of the Communist Party states, headed by the USSR, on whose support the ANC had counted. The economic elements of this collapse had to be factored into any notion of what could be done in the future transformation and how that could be achieved.

### **Negotiations**

The year 1990 ushered in a period when the ANC was rebuilt under completely different conditions from any that it had previously experienced. At the same time it brought together individuals from a range of political traditions – exiled civilians and bureaucrats, MK, underground, popular democratic, and the neglected category of freelance supporters and actors in illegal activities in advancing the aims of the ANC, as they saw it<sup>56</sup>. All of these forms of struggle or involvement in the ANC carried varying modes of operation, more or less democratic or hierarchical, conspiratorial or

<sup>54</sup> G.J.Pillay. (ed), *Voices of Liberation. Vol 1. Albert Lutuli*. (Pretoria. HSRC, 1993), 41.

<sup>55</sup> Dirk Coetzee, who blew the whistle on some of the activities of Vlakplaas was later admitted as a member of the ANC, despite having been involved in the assassination of Griffiths Mxenge. I was in ANC leadership around much of the 1990s and have never heard any discussion of this. It seems that the TRC process was pre-empted somewhere. It is not clear when the decision was made and it definitely did not occur after 1991. Exactly who could take such decisions is not clear to me. When I once asked Joe Slovo whether Coetzee was a member he said he would not belong to the same organization as such a person.

<sup>56</sup> This largely unrecognized category deserves a careful study, for my impression is that it comprised a large number of people.

open, including patronage networks of various types or highly ideological or other forms of connecting individuals to one another.

Binding these traditions together was difficult, and the early trends of ANC leadership after 1990 set a pattern which tended to cast the membership – and the masses generally – as a reserve army to be called on where necessary, to be informed of victories, which they should applaud or into which they would make limited input.

This is not a tradition derived purely from exile, as is sometimes suggested, for it was found in various ways on the Island and in some sections of the UDF.<sup>57</sup> The membership and supporters cannot be involved in every element of organisational activity. The question essentially was whether there was any conscious attempt to ensure mass-centred and driven activities. The answer, I believe, is that this combination of the popular and representative democratic activity is always difficult, but that it met with resistance at the top, from the time of Mandela's presidency and more so under Mbeki/Zuma leadership.

The announcement of negotiations was not well managed in consequence of the earlier emphasis on insurrection, just as the leadership's suspension of armed action in September 1990 left many of the ANC membership angry and excluded. Had these decisions been carefully explained or involved the cadres, they would not necessarily have left pockets of dissatisfaction.

The entire period of negotiations saw a leadership-driven process where the membership was only called on from time to time when it was necessary to break deadlocks. They would be used as a battering ram to break the resolve of the National Party –apartheid regime.

### **Elections: new conjuncture**

When elections were announced, yet another change of conjuncture set in with the establishment of the ANC as government and the downgrading of the importance of the ANC as an organisation. Crucial policy developments such as the adoption of the Growth Economic and Redistribution policy (GEAR), were not passed through ANC constitutional structures but simply announced in a manner that made these both government and ANC policies, referred to by both Mandela and Finance Minister, Trevor Manuel as 'non negotiable'.<sup>58</sup>

It is important to dwell on this, that *whatever the centralised nature of the Mbeki period, much of the foundations had been laid by Mandela*. Mandela may be one of the greatest figures in history. Considered in the context of internal organisational

<sup>57</sup> Personal knowledge of UDF and F.Buntman, *Robben Island and Prisoner Resistance to Apartheid*. (Cambridge, Cambridge University Press,2003).

<sup>58</sup> CDE, 1997 Centre for Development and Enterprise (CDE). 1997. Gearing up for great challenge, [http://www.cde.org.za/print\\_version.php?a\\_id=204&PHPSESSID=d5](http://www.cde.org.za/print_version.php?a_id=204&PHPSESSID=d5)  
Accessed 4 June 2009

democracy he would certainly counsel cadres to abide by the collective. But *his own example in the early days, in a different form in early negotiations and his presidency constantly demonstrated the practice of or asserted his right to override constitutional decisions of the organisation.* There is no doubt that Mandela had the prestige to see himself through such situations in a way that Mbeki could not. Mbeki was seen as a mortal with many flaws. The flaws of Mandela were interpreted as virtues insofar as many of the decisions, displacing the organisation or not, had an element of farsighted leadership, where he saw the need to compromise or talk where others did not and did not wait for those to whom he was theoretically accountable.<sup>59</sup> What I am pointing to is that the Mandela leadership which is feted in history books was nevertheless built in a manner that was problematic, in the context of the notions of leadership commended to ANC cadres. These were concealed by the results which were often victories or qualified victories. But the same practice when attempted by others or versions of these, could not work without creating a sense of deep dissatisfaction.

As indicated, above, collectivism cannot be absolutised and it may be that in studying or being in a revolutionary organisation, there are contexts that have not been adequately considered in evaluating the applicability of the notion. This debate requires more consideration than can be given now, beyond noting the impact that collective leadership has on the understanding and often conscience of the individual cadre. (See Suttner, 2008, ch 7).

In the 1990s the UDF period of popular involvement in political activity remained fresh in people's minds but they were to be quickly disabused of any notion that they would play a significant part in government. The notion of serious discussion of people-driven policies and development has never been considered theoretically and practically and the recent elections of 2009 involved contestation over government delivery and is now depicted by the Zuma-led government as prepared for meeting that need –not by mass involvement (though aspects of popular involvement may be envisaged), but primarily by restructuring of ministries, visits to examine delivery and other versions of that orientation.

The ANC as an organisation became insignificant as a driver of policies from the moment of taking office in 1994.<sup>60</sup> Insofar as its conferences decided on particular issues, whether or not they were implemented depended on the individual ministers. In both the Mandela and especially Mbeki/Zuma period (1999-2005), individuals were appointed as ministers and deputies who had little merit or were so lacking in merit in

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<sup>59</sup> The analogy of a shepherd 'going ahead of the flock' in A.Sampson, *Mandela. The Authorised Biography*. London HarperCollins Publishers. 1999, 346, 352, also cited by T. Lodge, *Mandela. A critical life*, (Oxford, Oxford University Press, 2006), 157, is rebutted in Suttner, '(Mis) understanding Mandela', 114-116.

<sup>60</sup> This role re-emerged in the period after Polokwane when Zuma was ANC president and Mbeki remained State president and it continues to be claimed that the organisation drives policies. It remains to be seen whether this will be so once the ANC government is settled into place, and whether the organisation means ANC government and partially ANC leadership or members as well. At a leadership level it may be that the personality of Gwede Mantashe, the secretary-general could sustain continued intervention. How wise the character of such interventions may be is open to question.



certain cases as to evoke ridicule. In some or most cases the persons were competent and developed in doing the work, but there was a sense that many others outside of Mbeki's circle could have done the job equally well. There was a perception that Mbeki operated with a tight circle of followers and the only outsiders were those who were in no sense personally threatening. This was a paradox for someone who is undoubtedly intellectually powerful.

Because of the incompetence of many of those appointed, the president or when Deputy President, Mbeki, was stretched in order to ensure that those who did not perform could have their non-performance contained, and his 'ideological legacy' was maintained through a range of in-depth speeches written almost entirely by him, and a weekly letter on the ANC website. One of the Ministers close to him asked me, 'does anyone read this?'

The ANC had never developed a clear, democratic system for running a civil service in a transformatory society. Consequently the centralised leadership was replicated in a more extreme form in the steep hierarchies of the civil service, particularly the security sector, where those at the bottom tended to feel they had to wait for the DG (Director General) to pronounce on anything before they could act; the information and ideas flow from the bottom was consequently constrained, and, in the security sector, practically excluded. There is little discussion to this day about democratisation. The overall attitude in the civil service remains that everything should wait for the DG or other higher officials whose pronouncements are beyond discussion, whose tardiness in making decisions may hold up others below them or interacting with government from a sector outside government.

In this context, the SACP and COSATU initially still vibrant and full of interesting ideas and people, were pushed to the sidelines, and, as they said, treated like 'small boys'.<sup>61</sup> It was common in the Mbeki/Zuma leadership for tripartite alliance meetings to be called and for these to be cancelled just as some were about to travel from other parts of the country to attend.

### **The Shaik trial, Zuma dismissal, demagoguery. Revolt no 1.**

After a year or two of democratic rule, a range of longstanding ANC veterans left jobs under clouds or allegations of wrongdoing, were convicted or appear to have used office or connections to enrich themselves in one way or another. Many of the allegations, convictions, or dismissals from office surrounded the arms deal where arms were procured with allegations or proof that there were payoffs or the Travelgate scandal where MPs defrauded parliament in some cases by R 250,000 or more (and some of these have been appointed to chair parliamentary committees now). Many investigations appear to have been left uncompleted in the flux that has followed the collapse of the Zuma prosecution (see below) and new allegations or potential prosecutions continue to emerge.

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<sup>61</sup> Personal communication from SACP leadership figures in early 21<sup>st</sup> century

But this was part of a range of areas of enrichment engaged in by youth leaguers as well as famous veterans, which cast doubt on the previously relatively untarnished image of the ANC with regard to honesty on financial matters. Other allegations continue to surface.<sup>62</sup> When Brett Kebble was assassinated and later shown to be a crook of the highest order, members of the ANCYL carried his coffin and ANC leaders attended his memorial service in a high profile manner. When Tony Yengeni and Rev Allan Boesak were jailed for fraud/theft they were seen off as heroes by crowds which included ANC leaders. They have both been welcomed back as heroes to the ANC and Congress of the People (COPE) respectively

The atmosphere became increasingly one where people from outside the liberation struggle saw themselves retrospectively justified or represented themselves as not having participated because they anticipated this dishonest conduct that appeared to be so rife and also condoned. This is my personal experience of a smug sense that having been in the liberation struggle required 'justification' to the non-participants, especially found in academia.

Shabir Shaik, member of a family that had played a significant role in the liberation struggle was charged with fraud, and much of the fraud related to his dealings with Zuma.<sup>63</sup> Zuma was not in Shaik's trial. Prior to the start of the case, a statement by the then director of prosecutions and minister of justice said that while there was a prima facie case against Zuma, there was insufficient evidence for a prosecution. This was a strange statement in that a prima facie case is usually considered sufficient to bring a prosecution. But every evening in 2005, the TV carried evidence of money doled out to Zuma, and his bank statements. At the time, I personally felt some sympathy for Zuma, who was not on trial, but was being embarrassed in this way. However, when judgement was delivered the court found that Shaik and Zuma were in a relationship that entailed passing of wealth to Zuma for reasons that could not be explained on a contractual or other legal basis. .

Mbeki acted after judgment. He dismissed Zuma as state deputy president, while he remained ANC deputy president with curtailed powers. There was a sense of outrage among sections of the ANC support base who believed that Zuma was a victim of a conspiracy on the part of Mbeki to deny Zuma the presidency, and mass demonstrations occurred where images of Mbeki were burnt.

The SACP and COSATU leadership involved themselves deeply in this rising against the ANC presidency. Zuma himself was quick to step into the role of a popular leader who differed from Mbeki in listening to the people, not being aloof and promising to attend to the needs of the poor. This approach found resonance in the 2005 ANC National General Council (NGC) where some of Zuma's ANC powers were reinstated.

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<sup>62</sup> The recent report of irregularities in the Youth League investment company.

<sup>63</sup> Despite his infatuation with Zuma, Gordin, *Zuma* gives a fairly comprehensive account of the extent of the Shaik hand outs to Zuma and his alleged involvement in bribery during the arms deal

The SACP and COSATU leaderships depicted Zuma as part of a socialist project, belied by Zuma's record, along with his long-time partner Mbeki, who had both left the SACP as central committee members in 1990. Later in the year preparations were made to prosecute Zuma for corruption and other charges.

In the meantime, however, in late 2005, a woman laid a charge of rape against Zuma. The trial followed in 2006. Known as Khwezi, she was the daughter of a former Robben Island comrade of Zuma's and had known him since childhood, referring to him as malume (uncle). The trial was conducted in a classic sexist manner, with the rape complainant being transformed into the accused, where her 'sexual history' (in fact cases of abuse) was allowed as evidence, and Zuma was permitted to pronounce on what was and was not Zulu custom, that a Zulu man could not leave a woman who was aroused, (and similar phrases) that were unchallenged by the prosecution and the judge.<sup>64</sup>

Zuma was acquitted, though a better-prepared prosecution better able to contest Zuma on cultural and patriarchal issues, could well have led to the allegation of rape being proved beyond reasonable doubt. Instead there was a meeting of minds between judge and Zuma and acquiescence by the prosecution. At this point Zuma is technically not guilty, which is not the same as proven innocent. Detailed study of the court records could well provide strong arguments to show how this was in fact a decision that could have gone the other way.

Every day Zuma was supported outside the courts by large crowds who threatened the complainant and anyone who supported her, and circulated her name and address.

Zuma did not act with modesty or humility, and would emerge from the court room to sing what was now called his favourite song (forgotten between 1990 and the trial), meaning in English 'bring me my machine gun'. The gun is a phallic symbol and shooting bullets can be taken to connote ejaculation. That is why the katyusha rockets, used by the Cubans against the South African Defence Force (SADF) were known as 'Stalin's organs'. His movements, while singing the song, could also be taken to mimic a sexual act. What Zuma was doing was re-enacting the rape he claimed not to have committed<sup>65</sup>. Thus, Mosioua 'Terror' Lekota of Congress of the People (COPE) grasps elements of the problem with Zuma singing this song when he refers to its belonging to a different phase of history<sup>66</sup>. But Lekota does not relate it to its moment of revival, a rape trial, and how the song evokes imagery related to sex or rape. Likewise, Liz Gunner in a profound study of the re-emergence of the song and its history does not present it as having phallic imagery and in my view wrongly attributes to it provision

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<sup>64</sup> R. Suttner, 'The Jacob Zuma rape trial: power and ANC masculinities' *Nordic Journal of Feminist and Gender Research*, 2009, 35 (in production).

<sup>65</sup> *Ibid.* If, however, Lekota had gone further and related militarism to the rise of violent masculinity he may have taken our understanding of gender violence further.

<sup>66</sup> Though even then, all military activities tend to have the potentiality of taking booty, including women. See 'Suttner, Jacob Zuma trial.

of agency to the masses.<sup>67</sup> This combination of male sexuality and power was a key element in the image that Zuma manifested in the period that lay ahead.

It should be noted that the overall diagnosis of the rape trial made by the SACP, COSATU leaderships and other Zuma supporters, was that it was an element of an overall conspiracy against Zuma. At the same time Zuma's mode of defence, an artillery-style onslaught on the dignity of the complainant, was not criticised by the previously gender-sensitive SACP (especially under Chris Hani) and any who criticised this stance were labelled as devious, counter-revolutionary or similar phrases.

Having been acquitted then, Zuma repeatedly appeared in court between 2006 and 2009 with his corruption charges dismissed or reinstated on technical grounds.

The cash-strapped SACP allowed its General Secretary, Blade Nzimande, to dog the trail of Zuma, following him from court case to court case, rally to rally. COSATU and the SACP became more and more absorbed in the Zuma project. Each of these organisations had important programmatic documents, but they were not publicised in the same way as the necessity of Zuma leadership.

## **Polokwane**

These events formed the backdrop to the ANC conference of December 2007, when a new ANC presidential election was held. Mbeki was defeated by Zuma. It may have been Mbeki's initial plan to use the 'Soviet option', that is, retire to the ANC presidency but declare that the revolution is led by the revolutionary organisation, and direct whoever succeeded him. Unfortunately, he found that option played out against him and it finally led to his dismissal from office, following a court judgment that was subsequently over-turned.

Before that happened, the results of Polokwane saw the rise of a different ANC leadership from any seen before, some 10 per cent of them being convicted criminals or facing investigations that might lead to conviction.<sup>68</sup> It saw the election of a large number of individuals who had never had grievances against Mbeki until they fell out of favour and lost their jobs, or were disaffected for other non-political reasons, or saw the turn of the tide towards Zuma. In the Times (Johannesburg) of 7 May 2009 a photograph shows one of these Mnyamezelii Booi one of the first to congratulate Zuma on his election as president. It is the same Booi who had formed the Thabo Mbeki foundation in Cape Town in the days of his power. He still faces charges under the Travelgate scandal.

In general the Zuma project was not a political alternative counterposed to that of Mbeki. While there has often been left-sounding rhetoric when Zuma speaks to

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<sup>67</sup> Gunner, Liz. 2009. 'Jacob Zuma, the social body and the unruly power of song' *African Affairs*, 108, 430, (January 2009) 27-48

<sup>68</sup> Google results, 15 December 2007.

COSATU or SACP, though it is now more muted, a glance at the business pages of newspapers sees a note of continuity if not more conservatism than in the macro-economic policies of the Mbeki era.

The new ANC inaugurated a period of unprecedented threats and incitements to violence and other forms of lawlessness and political intolerance, more so during the election than after taking government. This emanated particularly from the ANC and Communist youth sections but very little was said to dissociate the ANC leadership from such statements or, if there were reprimands, similar statements would quickly follow.

ANCYL president Julius Malema ridiculed 'Khwezi', saying that she must have enjoyed the encounter because people who ask for taxi money and stay there the whole night enjoy it, and those 'who don't enjoy it, leave'.<sup>69</sup> The election campaign was devoid of reference to gender and that may be true of all parties. Quotas of women, which has been raised repeatedly, while important, is not the same as questions of gender and patriarchy, addressing such issues as the violent masculinities that prevent any successful campaign against gender-based violence and the spread of HIV/Aids. This may point to unfinished business in ANC feminist and gender policies which have left room for masculinities to be relatively unexamined.

What seems clear is that the battle of Polokwane was for power and loot. In Shakespeare the fool often says the wisest things. Julius Malema told E New International during the campaign: 'Look at COPE they are poor. If you want to be prosperous, you must be with the ANC.'<sup>70</sup>

What has ensued in the period that followed Polokwane are more and more excessive statements, a flood of defections from the previous Mbeki camp to Zuma, and the continued creation of an atmosphere of fear and disrespect for constitutionalism, manifested in repeated attacks and ill-judged statements about the courts.

## **Revolt no 2: the emergence of COPE**

After the dismissal of Mbeki, Kgalema Motlanthe, ANC deputy president, was installed as president. This led to the resignation of a number of ministers who had been in the Mbeki camp. This gradually moved to form an alternative party 'true to the principles of the Freedom Charter', which they claimed the Zuma ANC had abandoned.

Whatever threat the Democratic Alliance (DA) may have posed, most of the ANC's attention was focused on COPE and vice versa. Many COPE meetings led to violence emanating from ANC supporters, which was covered on TV. Again, while there has sometimes been verbal condemnation, the attacks on meetings continued, thus threatening freedom of speech, association, assembly and political organisation. This disregard of constitutional rights form part of what may still become a systemic crisis.

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<sup>69</sup> The Times (Johannesburg), 30.01.2009, *The Star*, 24.01.2009

<sup>70</sup> E news international, 6 p.m report, 22 March 2009

COPE made the error of asking the public to assess its value by its electoral performance, claiming that it could displace the ANC from power. There was not preparation for after-life, following its 7.6 8% electoral performance. It is now a moment of re-birth or death, in that it drew people who felt that the Zuma-led ANC was not the ANC they wanted.

The rise of COPE may still have importance in its initial demonstration that the ANC is not invincible, and that they were capable of denting its support base. It also showed that there was another home and – unprecedented for an opposition party – for most of its leadership and probably following to come from a liberation movement background. There was an alternative to the ANC, unlike the Democratic Alliance (DA) not associated in any way with the apartheid past.

But that initial momentum was not maintained by demonstrating that COPE was a definite alternative to the Zuma-ites. It has also shown evidence of infighting and general disunity and it is not clear what unites them, other than claimed moral superiority to the Zuma ANC.

COPE appears to have lost momentum, lost the opportunity to make real gains, by actually advancing a qualitatively different programme. They are a revamped version of Mbeki-ism, with certain new warts. No violence, nor apparent corruption, but nothing to hold one's attention. It seems unlikely to become a powerful force, consolidating a relationship between its base which had a large proportion apparently from the working class and its leadership, mainly from the rising African bourgeoisie or former government ministers and build itself into a democratic organisation with a democratic vision, going beyond that of Mbeki. If one is to risk a forecast, the prospects for COPE's future do not look good, though had they moved slower and not been faced by an election it is possible that they would have remained a challenge.

### **Internal contradictions within ANC base**

Beneath the surface of the ANC, there are differences within their immediate support base and backers that could lead to contradictions that could split the ANC. Both ANC and COPE (judging from film footage of those who attend their meetings) have or had in the case of COPE, substantial working-class support, people who want relief from recession and poverty, and generally hope for a better life, sometimes with ideological convictions more or less developed. Little has however been said by both organisations about the current world recession and what it means for South Africa and what type of programmatic issues are required.

At the same time, the backers include sections of business. It should be noted that Patrice Motsepe, one of the world's dollar billionaires sat on the stage in the ANC election rally at Rustenburg in April and continues to enjoy considerable access to ANC leaders as do other rising black bourgeoisie, in some cases different from those of the Mbeki era. In the past someone having no constitutional standing or formal

connections with ANC leadership would be seen in such prominence as Motsepe has enjoyed, especially if they were a member of the emerging bourgeoisie.

The present ANC depicts itself as the party of the poor, while many of its youth leaders are billionaires, and its backers are sections of business, some of a somewhat unsavoury kind. The Youth League itself has been shown to follow dubious practices in its business section.<sup>71</sup>

Now, while SACP and COSATU appear to be driving the Zuma project – and this is one of the reasons why some people are critical – the question is whether this is in fact true. My view is that SACP and COSATU are being swallowed at a leadership level by Zuma, not the other way round. Furthermore, it must be asked whether this is a unified project and whether Zuma will not have to choose. Like Mbeki, will the measure of stability he can achieve not dictate that preference is given to the wishes of business, and particularly white business, with its contact with overseas capital and the rating agencies?

Zuma has displayed great eagerness to win white acceptance, with apparent success on the side of business. The SACP has few constituents to whom it reports. COSATU, however stands to lose if it does not deliver to fairly well organised unions. Zwelinzima Vavi, COSATU General Secretary has already criticised some ANC statements, while ANC Treasurer- General M. Phosa and to a lesser extent Zuma appear to talk past him with assurances to business. This has now been replicated by new cabinet ministers. At the time of writing there are a series of strikes and service development demonstrations, with Vavi declaring his continued support for the Zuma-led government, but indicating that he has a constituency to support, whose interests have to be placed first.

The ANC leadership of today is fundamentally a coalition brought together by a sense of exclusion –from wealth and power. It has drawn on disreputable elements who sit alongside some refined or seasoned ANC leaders. They are united by a desire for wealth and/or position. For the more respectable among them, contempt for Mbeki could not mean renouncing any position. That was unthinkable and determined their association, albeit generally discreetly, with the looters.

But despite an enlargement of cabinet, there are not enough positions to meet everyone's needs, nor enough wealth to pillage. Consequently there are some who will emerge dissatisfied, which may create instability of a similar kind to that which resulted when some were excluded from the Mbeki patronage system. Already prior to the inauguration, the designated chair of the ANC caucus, Nozizwe Routledge- Madlala, resigned from parliament as did the ANC national Chair, Baleka Mbete, (on the basis of a decision, from which she was excluded<sup>72</sup>) retreating to ANC HQ, which is now weighed down by full time leaders who may not coexist well in one building.

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<sup>71</sup> References regarding Lembede holdings\*

<sup>72</sup> Personal knowledge

The movement from patronage to patronage plus warlordism has been manifested after elections, by the MK Veterans threatening to make the Western Cape under DA premiership ‘ungovernable’, without any reprimand from leadership, and from conservative, anti-popular policies to no debate and the probable continuation of elite politics combined with lawlessness. This is not to say that there are no ideas advanced, but there is no engagement beyond the elite. The lack of engagement is more dangerous and less respectful of the best in the ANC’s legacies. Mbeki’s intellectualism or what Alec Russell calls pretences of that, are he claims now being displaced by anti-intellectualism.<sup>73</sup> That is very evident in the absence of ideological engagement and debate. What has happened to National Democratic Revolution, ‘two nations’, the national question, the meanings of the Freedom Charter and other debates? In truth, many of the new leadership, especially the youth, know more about KFC (Kentucky Fried Chicken) than the FC (Freedom Charter). There is much more to the Freedom Charter (repeatedly referred to as the reason for establishing COPE) than opposition to unlawful and violent behaviour.<sup>74</sup>

Shortly before the elections on 6 April 2009, all of Zuma’s many charges of fraud, money laundering, bribery and others, were withdrawn by the Acting Director of Public Prosecutions, Mr Mokededi Mpshe. This was on the basis of intercepted telephone conversations, mainly between the former director, Bulelani Ngcuka and head of investigations Leonard McCarthy. The conversations related, not to the substance of the case, *but to timing, when Zuma should be charged*. The integrity of the case itself, which had been prepared over years, remained free of any interference. The withdrawal meant that Mpshe had decided that the allegations would not be tested by the courts and that the relevance to that case of these alleged telephone conversations were decided by the NPA and not the courts. This has been questioned by one of the most eminent South African advocates, Wim Trengove, part of the prosecution team.<sup>75</sup>

### **The argument that emerges-I:Mbekeism continues, with no debate, more violence and probable economic continuity.**

There is very little difference in *content* in the Mbeki and Zuma vision. It is in fact a broadly common programme which is being pursued, with difference in *style*. This difference in style is however of much greater importance than wearing of suits or Madiba shirts, but relates to threats and actual use of violence and potential or existing graft.

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<sup>73</sup> A.Russell, Dinner at the Club with Mr Zuma. The Spectator. 22 April 2009., <http://www.spectator.co.uk/the-magazine/features/35557181/dinner-at-the-club-with-the-zulu-mr-everyman.html>, accessed 1 May 2009

<sup>74</sup> See Suttner and Cronin, *50 Years* 2006, introduction and generally

<sup>75</sup> W.Trengove, SC, Transcript of taped talk at University of Cape Town attacking decision of National Prosecuting Authority to withdraw charges against J.Zuma as unlawful. 2009 (unpublished). See Gordin, Zuma, for some idea of the range of charges.\*



Zuma was sworn in as president of South Africa on Saturday 9 May 2009, a moment long awaited with enthusiasm by his supporters and dreaded by others (whose numbers may be hard to estimate, as individuals like Archbishop Tutu now endorse Zuma). It is, however, clear that this is what the overwhelming majority of people in a high poll desired. Many may have under-estimated the extent of this support which is reflected in headlines and in an atmosphere of excitement apparently expecting the birth of something new and better for democracy. This notion of a 'new beginning' and approval of Zuma's first 100 days flood the media. It is also encouraged by capital that has an interest in stability and ensuring by their support that the choices made are business-friendly.

What effect will this new situation have on the ANC and South Africa? Is the change radical and if so, what type of radicalism does it represent? What will it mean for the participation of ordinary South Africans and democracy and Zuma himself referred to 'participatory democracy' in his inaugural address?<sup>76</sup> What will it mean for economic stability and development and the quality of peoples' lives?

It is said that Zuma represents something very different from Mbeki. He traces his lineage to Mandela and generally explicitly omits Mbeki. *I want to assert that of all people, the one person who cannot divorce his past from that of Mbeki is Zuma and it is complete fabrication to now paint him as always having been different, and with popular leanings.* This is conceded by Zuma's biographer, Jeremy Gordin, who in speaking of the early 1990s remarks that 'Zuma and Mbeki were almost joined at the hip; they operated as a team and had for a long time....'<sup>77</sup>

It is true that-like Nelson Mandela -he has a popular touch instead of the intellectual aloofness associated with Mbeki. Zuma can walk comfortably with the masses and speak in a language they understand. Even if some believed that he created embarrassment by some statements (for example that Afrikaners, amongst the whites are the only real South Africans, calling COPE dogs and snakes, homophobic utterances and most ridiculed, his theories on HIV prevention by showering) or should be advised to do this or that, there is no doubt that he struck a chord, well beyond the fora or circles where his legal woes were prepared or disposed of.

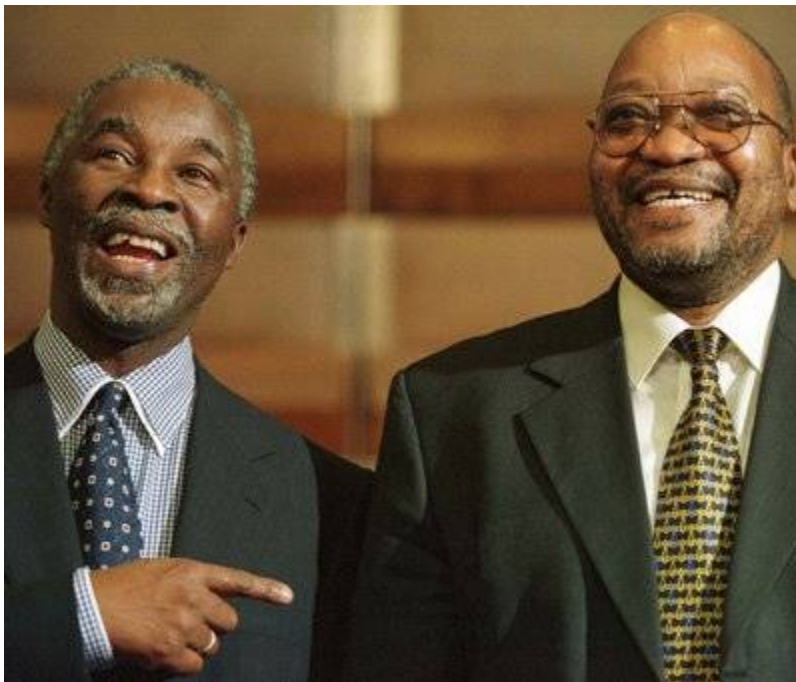
He and Mbeki worked together for decades, from the 1970s, including initial contacts with the apartheid National Intelligence Service (NIS) over prospective negotiations, on the National Executive Committee (NEC) of the ANC and Central Committee (CC) of the SACP, in negotiations with Inkatha Freedom Party (IFP) and right wing Afrikaners and other issues in the post 1990 period. They worked together in government and those who have sat together with them in NEC or CC meetings can attest to there having been no visible difference in their overall political positions. It is hard to think

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<sup>76</sup> J. Zuma, Address by His Excellency Mr. Jacob Zuma on the occasion of his Inauguration as fourth President of the Republic of South Africa, <http://www.thepresidency.gov.za/main.asp?include=president/sp/2009>, accessed, 17 June 2009

<sup>77</sup> Gordin, *Zuma*, 56. See also 47 and other parts.

of any issue where they were on opposite sides. In fact, the period from 1999 can be spoken of as a Mbeki/Zuma government.



The close comrades that formed the networks around each may in some cases have overlapped with the Zuma/Mbeki relationship, though it is not clear. It is important to remember that long, long before any tension between Zuma and Mbeki was visible, there was internal warfare seething between Mac Maharaj and Mbeki and Joe Slovo and Mbeki in the NEC in Lusaka<sup>78</sup> But the bond between Mbeki and Zuma had been consolidated after unbanning and was undeniable and there was no expression of any reservation on the part of Zuma towards any anti-popular or anti-democratic or secretive or conservative economic policies initiated by Mbeki. There would be stiff competition if one had to judge who of the two was more secretive, conspiratorial and operating more comfortably behind the scenes. That much is on the record –in the memory of all those who have worked with them- and I challenge anyone to show otherwise.

It may be that Mbeki in making Zuma deputy president believed that the latter would understand that he ought to have no ambition to succeed him as president and there is some evidence of Zuma not being very decisive or effective in managing an organisation. He was ineffectual as deputy secretary general of the ANC from 1991-1994 and as a Member of the Executive Committee (MEC) in KwaZulu Natal from 1994 to 1997. Nevertheless it later became clear that Zuma did indeed have in mind succeeding Mbeki, something that the latter may have found unthinkable. It is claimed that Mbeki initiated various conspiracies including charges to frustrate this ambition. The evidence has yet to be proven, though references to Mbeki allegedly appear on tapes that were used by the NPA to justify dropping charges against Zuma. Certainly it

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<sup>78</sup> personal information.

is far-fetched to claim that Mbeki initiated the rape trial, though the overall atmosphere made it possible for some of the SACP and COSATU leaders to depict this as part of the overall alleged conspiracy. It should also be noted that Zuma had at his disposal many close comrades with a lot of experience in gathering intelligence.

Whatever Mbeki may or may not have done to frustrate Zuma's rise to power, the outcome is not an ideological or programmatic victory, the 'democratic genie' has not been let out of the box as Neil Coleman of COSATU (and now adviser to Minister Ebrahim Patel) put it<sup>79</sup>, this is not necessarily a new opening for democracy in any greater respect than before. There is no reason to believe that the mode of working will involve any greater mass participation than in the Mbeki period (earlier Mbeki/Zuma period). The notion of democracy will be essentially representative democracy and there is little practical mention of a mass driven process, as before. Any plan for popular driven policies depends on organisation and clear programmes. The preoccupation at the moment and in all previous statements has been around government delivery. After 3 months there are no indications to the contrary (late August 2009).

The fervour surrounding support for Zuma *may extend well beyond the ANC*, for Zuma has managed to reach out to people with apparent warmth and many of the public who are not ANC supporters appear to cast a blind eye towards the various warts which attach to him.

It is very interesting how not only business but the (big business owned) media have decided to 'give Zuma a chance' and the mass circulation Sunday Times has opened a column for a key Zuma backer, Mac Maharaj, former ANC and SACP leader, with his e mail address given as at the Sunday Times. Such placing of ANC individuals in that or similar newspapers may be without precedent.

The Zuma electoral campaign was not geared towards politicisation but personalisation and elevation of the allegedly homely qualities of the leader. This definitely inspired a sense of warmth and also religiosity. One person spoke of meeting him and feeling as if she had met the Lord. Many churches have blessed the ANC and its members have drawn parallels between Zuma and Jesus Christ.<sup>80</sup> Zuma and the ANC have done nothing to stop the messianic element that has emerged and whether that will cause problems in the future is not clear. It may be that the level of emotional rapport between Zuma and the masses has surpassed that of Madiba on the level of communication.

The same victory arouses dread in others, by their threat to freedom of speech, organisation, breaking up of meetings and high tolerance of gender violence. Some of these fear that a Zimbabwean type crisis will emerge. My personal belief is that this may well turn out to be a relatively conservative administration on an economic level,

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<sup>79</sup> N.Coleman, Neil. 2008. 'Polokwane has opened the way'. Sunday Times( Johannesburg), February 2008

<sup>80</sup> References\*

judging from the early but contradictory statements of Zuma, Phosa and now various ministers, like Pravin Gordhan in Finance. Plans for radical restructuring, emanating from COSATU and SACP may well be stalled or sidelined or the name of such plans may appear, but a left programme is unlikely or certainly not going to be implemented, as with the RDP. Even at this moment there are at the same time some successes that have been scored (though built but unpublicised in previous administration) in small business development, for example, which may increase in the period ahead.<sup>81</sup>

That the end of violence may not be here is evident not only emanating from the youth but the aggressive approach of the new Minister of Police who has indicated that police should not hesitate to shoot, fearing media responses or human rights groups, in dealing with crime.<sup>82</sup> This has now been formulated in a range of ways, by MECs and the new Commissioner of Police, but the desire for greater use of *lethal* firepower is clear.

On one level it responds to an alleged crime wave where statistics are not clear, but where there is little doubt in our consciousness and experience that crime is rife. Apart from jobs and poverty relief, there is a broad consensus, extending across all sectors to end crime or bring it under control. The Minister is speaking into that sense of fear, insecurity and uncontrolled crime. The important thing is how we deal with crime that we do not feed into the idea that it is only through strong, highly aggressive policing that it can be contained. Where is the community policing and street committees in this plan, if the element of participation is taken seriously?

Is this a progressive way of responding, under a constitution that guarantees the right to life? Is it not replicating the type of response of some of the most reactionary regimes there have been? While we may have a crime crisis, we cannot spill unnecessary blood, whether in cross fire or through mistaken identification of criminals. We know that once the green light for shooting is given, not only the actual perpetrators of serious crimes will die, but many more. This is on the one hand, part of the new style (which was present in the previous [Jackie] Selebi and [Steve] Tshwete, Susan Tshabangu policing approach), but it is also a sense of indifference to constitutional rights. One has to protect each constitutional right with cognisance of all others. This is not being articulated.

The fight against crime does not have one solution. To shoot more people cannot be the first option in a state engaged in an emancipatory project. This is not the way a democratic government operates. It should know that there are a range of approaches especially if it has a democratic basis and draws on neighbourhoods in a structured and organised manner.

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<sup>81</sup> Report of support received from aspirant business group and detailed assistance provided by Department of Trade and Industry.

<sup>82</sup> The Sunday Independent 17 May 2009, 'Army to join crime war'

The statement illustrates dramatically the lack of breadth and depth and democratic commitment and awareness in sections of the Zuma leadership. Many do not show their hand obviously, but it is clear that the notion of an emancipatory project is not imprinted in their minds.

As indicated, a series of strikes and risings concerning wages, service delivery and a range of other issues have broken out, resulting in police using rubber bullets and live ammunition. In one report, entitled 'Different regime, same brutality' by Chantelle Benjamin, the force which the police used to stop protests led KwaZulu Natal local government MEC, Willies Mchunu to appeal for them to refrain from shooting at protesters. He was to meet with national and provincial security ministers to draw up a memorandum of understanding detailing how police officers should deal with such protests.

While Mchunu appealed for, protests to stop, he added: 'Pictures of elderly men and women with injuries sustained as a result of the use of rubber bullets, and sometimes live ammunition, only serve to cast a negative perception on our young democracy.' No report of any meeting has yet emerged.

Zuma has himself urged police to act swiftly against protesters and that there was no justification for violence, looting and destruction of violence, or attacks on foreign nationals. But John Appolis, an official of the Anti-Privatisation Forum said that the police had not attempted to talk to the community in Meyerton (one of the areas affected). They were just ordered to disperse and then police began firing.<sup>83</sup>

There is a sense that when the police arrive with heavily armed units before talking, that creates a more aggressive mood in the community. Public order policing directives require that police first attempt to resolve a situation before ordering people to disperse. In the past police have accompanied protesters to ensure that there was no violence or criminal activity. 'We do not see this any more', says Appolis<sup>84</sup>  
A new element that emerges from this newspaper report is that within the range of contradictions contained within the government, are those between departments perceiving their roles in ways that conflict with one another.

### **The argument that emerges II- The centrality of feminism, patriarchy and gender**

In earlier versions of this and other works I have failed to draw conclusions concerning gender, beyond a criticism of the Zuma rape trial. I have come to believe that the rise of the Zuma phenomenon is deeply gendered and tied to the scourge of violent masculinities. The violent masculinities are manifested in a number of phenomena that precede the rise of Zuma, such as high violent crime and gender based violence (GBV), gangsterism and so on. But what the Zuma phenomenon has provided is a model of

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<sup>83</sup> (Benjamin, Weekender, 25 July 2009).

<sup>84</sup> (Weekender, 25 July 2009)

manhood that is conducive to violence. I am not suggesting that every boy will follow any example of manhood, their agency needs exploration. (Jewkes\*).

The Zuma rape trial evoked both an image of the armed struggle being associated with a 'Zulu man' exercising his cultural duties. There has an epidemic of rapes and murder of lesbian African women, and the stripping of women wearing mini-skirts or pants, in the name of 'culture.' The ANC leadership has appealed for tolerance, while turning a blind eye to war talk and break up of election meetings, and starting before Zuma with projected legislation, there is an unprecedented standing accorded to 'traditional' affairs (unproblematised as having an obvious, essentialised meaning) in the new cabinet, also bolsters the most reactionary elements of patriarchal domination. Much of what is described in the above paragraph is likely to place strain on constitutionalism, in resolving the demands of respect for culture (where it is treated in an essentialised, static way) and that of gender equality. Large numbers of girls have their first sexual encounter through coercion. When they continue with a partner, it has been found that attempts to use a condom often lead to assault. (Jewkes\*) In other words, condoms in toilets need to be supplemented by a range of organisational efforts addressed to models of masculinity.

What we are dealing with is that the ANC has never confronted feminism, patriarchy and gender in their fullest extent, but dealt primarily with women's advancement and thus places great weight on its commendable attempts to advance the number of women in various positions of government and other structures. But by failing to locate the quantitative questions within the qualitative nature of patriarchal domination they are leaving the notion of masculinities unscrutinised and also neglecting the fact that some women elected to high office practice patriarchal modes of domination towards both men and women.

Because this paper is 'abridged', I must merely note that other key arguments that will be explored as this work develops, include: ESSENTIALISM, PLURALISM, CONSTITUTIONALISM AND SYSTEMIC CRISIS, COLLECTIVISM, some having connections to what has gone before.

### **The way forward**

Underneath the euphoria we have seen that there is incipient instability within the Zuma support base. That may be seen as healthy disagreement by some; alternatively and more likely it is a manifestation of personalised political infighting and potential instability. This is not a good condition for dealing with a recession and widespread unemployment and loss of food security and other social problems on a possibly unprecedented scale. There is not yet an alternative that can be inclusive and popular and involve a large number of people. Already, some have suggested that high wage rises in response to strikes may deter investors.

I have been hovering over the significance of the potential of a Marxist explanation of the rise of leadership like Zuma's and its apparent popular base and how this relates to

‘circumstances directly encountered, given and transmitted from the past.’<sup>85</sup> In the Eighteenth Brumaire amongst other works, Marx, Engels and Lenin provide significant and complex qualifiers, which need more study than can be provided here. Whatever the context currently framing political issues, the importance of leadership and the lack of leadership is an element in whether or not we are dealing with a crisis or merely personalities, or in my view both.

An example of Zuma’s ad hoc leadership is his eve of election promise to delay implementation of the Bus rapid transport system (BTR), thus throwing all earlier negotiations into confusion. There is also an example of unrealistic undertakings in the promise to provide 600,000 jobs in a time of grave economic crisis. We have had a situation where leadership was conducted by a powerful mind, when those around him delivered the good things of life to the masses, who were onlookers.

We have now moved to someone – and his followers – who combine promises with threats and inspire dread in some and trust in others. There is a break with the leadership tradition that has been bequeathed to the ANC. That tradition of Luthuli, Walter and Albertina Sisulu, Kotane, Tambo, Mandela, Ngoyi, Hani and others needs to be revived in public debate and teachings, emphasising its selflessness, the willingness to serve rather than to gain, to benefit the people as a whole rather than to secure one’s own wealth or position. *These also needs to be scrutinised without romanticism and weaknesses identified before they are raised as models to follow.*

It has been suggested that Mandela spoke from strength because he had organised backing. Mandela, Mbeki and Zuma, however allowed the ANC as an organised force to be run down. It is no secret that very few branches have clearly functioning roles between elections. It may well be that Zuma has aroused much emotional fervour. Whether or not this will be translated into continued support for him and the ANC, especially if it faces hard times, depends on organisation. Whether that has been thought about in a serious way, remains to be seen.

My concern in this paper has been primarily with safeguarding and extending the ‘democratic breakthrough’ of 1994 in a context where its foundations are threatened. Democracy is a value in its own right but the quality of that democracy affects the type of transformation understood. At this stage the ANC remains the most powerful political actor in South Africa. One cannot simply conclude that there is no remedial action to re-direct it towards a more sustained democratic path. What can be done in the short run appears limited and difficult to achieve or foresee how it will be achieved over time. It requires longer observation of the Zuma leadership and to see how the various potential divisions play themselves out and the extent to which other forces, inside and outside the ANC play significant roles and of what type.<sup>86</sup>

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<sup>85</sup> Marx, *Eighteenth Brumaire*, 10

<sup>86</sup> In writing this paper and earlier versions I have benefited from comments of Professor Narend Bajjnath, Greg Rosenberg, Marc Suttner, Mervyn Bennun and anonymous peer review. Not all of their opinions and suggestions are represented here, nor are they responsible for some which they may not share (especially Mervyn Bennun on my legal interventions) or that are absent and may be included in the broader work that is envisaged.

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