

The State, Hegemony and Ideology: Reflections on the 1976 Student Uprisings and the 2015 #FeesMustFall Movement

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STATE, HEGEMONY AND IDEOLOGY: REFLECTIONS ON THE 1976 SOWETO UPRISINGS AND 2015 #FEESMUSTFALL MOVEMENT

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KEYWORDS

State

Hegemony

Ideology

Consent

Coercion

Constitution

1976 Student Uprisings

#FeesMustFall

South Africa

LIST OF ABBREVIATIONS

#FeesMustFall (#FMF)

#RhodesMustFall (#RMF)

African National Congress (ANC)

Economic Freedom Fighters Student Command (EFFsc)

Pan Africanist Congress of Azania (PAC)

Pan Africanist Student Movement of Azania (PASMA)

South African Students' Congress (SASCO)

Treatment Action Campaign (TAC)

University of Cape Town (UCT)

University of the Western Cape (UWC)

University of Witwatersrand, Johannesburg (Wits)

DEDICATION

To the generation of women that made it possible: **NOMSA VALENCIA MPUSHE** and **NOMATHOKAZI JEANNE MPUSHE** (my late Grandmothers)

and

To the generation of women that sacrificed for it to be possible: **KWAFIKA-OKUHLE MANDYOLI** (my daughter) and **IYANA DUNSTER** (my niece).

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PLAGIARISM DECLARATION

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Declaration

1. I understand what plagiarism is and am aware of the University's policy in this regard.
2. I declare that this thesis is my own original work. Where other people's work has been used (either from a printed source, internet or any other source), this has been properly acknowledged and referenced in accordance with the requirements as stated in the University's plagiarism prevention policy.
3. I have not used another student's past written work to hand in as my own.
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ABSTRACT

Advancing a Gramscian critique of the democratic constitutional state in South Africa, this study argues that the hegemonic continuities from apartheid to democratic South Africa still linger 30 years after democracy. The central thesis of this dissertation is that these two states operate primarily on the same logic of capitalist hegemony, and thus reproduce similar tensions between state and civil society. Using a comparative research design, where the case studies are the 1976 Student Uprisings and the 2015 #FeesMustFall movement, the study examines one moment of student protest in each of these regimes, to show the conditions that produce similar moments of dissent, and how both these regimes rely on consent and coercion, in varying degrees, to maintain their hegemony. The theoretical framework through which these cases and hegemonic continuities are assessed is a combination of Gramsci's theory of hegemony, Foucault's theory of power and Althusser's theory of Ideological and Repressive State Apparatus. This framework allows the study to operationalize this comparative research design through subjecting the South African state to an analysis of its use of state institutions to maintain hegemony. To implement this particular research design the study has conducted life histories, semi structured interviews, visited archives, collected data through documentary and video analysis and used autoethnographic accounts and recollections of the author, who was closely involved in the #FeesMustFall movement. These methodological techniques and instruments are used to empirically ground the central claim of this study. Thus, the final analysis here, or at least as per the scope set up in this dissertation, is: the state is a state, is a state. By this it is meant that the common denominator in the modern state of South Africa has been that it will use consent and coercion in various machinations and combinations to maintain its hegemony. Ultimately, making the case that these two 'states' are the same unit of authority which only differ in the balance of use of consent and coercion, regulated by the extent of their legitimacy - largely coercion for apartheid and largely consent for democracy. Nonetheless, they are both

different elements of the same hegemonic machine that will both use consent and coercion, depending on the circumstances, to maintain such hegemony when contested.

Chapter 1: The Problem that is Democratic South Africa: An Introduction

We, the people of South Africa,

Recognise the injustices of our past;

Honour those who suffered for justice and freedom in our land;

Respect those who have worked to build and develop our country; and

Believe that South Africa belongs to all who live in it, united in our diversity.

(Preamble, Constitution of Republic of South Africa, 1996: 1)

1.1 The Democratic ‘Break’: Between Promise and Pain

The South African democratic state’s Constitution has been lauded the world over for its comprehensive appreciation of human rights, freedoms and equality. Anciano and Wheeler (2021:3) cogently summaries the spirit of the South African Constitution as a document with clear intentions of contending with a challenging past. Of course, there is existing work critiquing the South African democratic constitutional state, this study does not discount that. Instead, first, I want to look at the possibility and promise of the democratic ‘break’¹, which is connected to and represented through the somewhat sterling reputation that the South African Constitution has accumulated since 1996.

In this vein, the Constitution of the Republic of South Africa recognizes the tragedies of the past, while positioning itself as an instrument of redress of this unfortunate history. This is evidenced by the number of reforms facilitated by deliberate legislative intervention (Langa, 2006). As Ngcukaitobi (2018: 1) argues in his timely book *The Land Is Ours*:

The magnitude of its [the South African constitution] vision is unprecedented. Coming after centuries of settler violence, economic exploitation and apartheid racism,

¹ The idea of a democratic ‘break’ here means the transition from apartheid to democracy, but also plays on the idea of the broken promise that comes with the transition to democracy.

retribution is not its animating theme. South Africa belongs to all; it proclaims.

The Constitution is, and continues to be, consistently informed by this historical context and this commitment to humanity. Proponents of transformative constitutionalism, such as the founding legal minds and practitioners of the South African Constitution former Chief Justice Pius Langa, see the Constitution as the best response to the historical injustice of colonialism and apartheid. Making the case for transformative constitutionalism, Langa (2006) argues that South Africa's history of racial discrimination and economic inequality requires a social and economic revolution. He argues that the culture of rights and equality must take centre stage, but this must be supported by the balancing of economic disparities. More recently, Davis (2018) provides a useful review of criticisms of the South African Constitution, wherein he argues for a more balanced appreciation of the complexity of transition from apartheid to democracy. Arguing for an emphasis on the strengths of the Constitution, Davis makes the case that without a capable state, with functioning institutions, the Constitution is bound to face difficulty in manufacturing consent amongst the South African public. He further adds a curveball by arguing that a fractured state does not mean a fractured Constitution. As such, arguments for constitutional abolition, as raised by Modiri (2018) and others are premature and not nuanced enough in his opinion (Davis, 2018).

Furthermore, there are a few more major victories of the democratic constitutional break, one of which is its ability to break the chains of political apartheid, which was in full operation before the National Party came into power in 1948 and legalised it (Simpson, 2021). The second one was to negotiate successfully for democratic elections to take place in 1994, where, for the first time until then, all South Africans 18 years and older could vote "irrespective of race, colour or creed" (South African Government, 2022: 1). With this right, the bill of rights was also introduced as an instrument of redress of colonial and apartheid legacies and a compass for the transformation roadmap for the democratic constitutional era.

A range of other victories like the Truth and Reconciliation Commission's ability to create an

environment where some sort of social repair took place along with the avoidance of the anticipated route of civil war in South Africa. Most importantly, the victory of the constitutional break was seen to be the racial break - the idea that it was to engender a society unlike its past where economic prosperity, social status and even one's humanity was at the behest of one's race. Thus, this racial break constitutes one of the major victories in the psyche of South Africans.

The scholarship appreciating the South African Constitution's groundbreaking recognition of a broad set of liberties and its potential for social transformation is vast. On all accounts, the South African Constitution covers what has become considered international standards of the ingredients of a good quality democracy. Diamond and Morlino (2004)'s dimensions to assess a quality democracy, which are: rule of law, vertical and horizontal accountability, responsiveness, participation, competition, freedom and equality, are all accounted for as areas of importance in as far as assessing the quality of any democracy. While this is not a study to assess democracy, nor democratic quality of the South African state, these concepts and issues do have some implications for the questions raised in this study. It is important to note that as far as the assessment standards set by Diamond and Morlino (2004), on paper, South Africa meets the international standards of a democratic regime. This is part of its promise, that it subjects itself to international monitoring and evaluation and the broad principles of democratic innovation and standards.

The point of contention, though, is a material assessment of South Africa's democratic state - an examination of the value of the democratic constitutional promise, and what is the response of the state to dissent when challenged about its unmet commitments? Herein lies the point of contention, or in more general terms, the 'pain' of the democratic 'break'.

Towards a Critique of the Democratic 'Break'

According to Anciano and Wheeler (2021), fractures in the social compact between state and

citizens (represented by examples such as #FMF, TAC, Marikana, Xolobeni, etc) raise questions about the quality of social justice in some post-colonial states. This is a useful characterisation as it offers the basis upon which the legitimacy – a factor upon which hegemony stands – of the democratic constitutional state becomes fragile. Its fragility comes from its strength; the aspirational and egalitarian nature of the commitments in the Constitution creates an acceptance by, and expectation from the citizens, while dereliction of duty by the state towards these commitments weakens that very legitimacy. To what extent are the commitments feasible? Reading the democratic state against its predecessor apartheid, the feasibility of the Constitution might not have outweighed the overwhelming intention to completely squash apartheid - economically and culturally. Thus, Gibson makes the potent assessment of the democratic state in South Africa when he writes:

Despite the massive changes toward a democratic and open society, black South Africans have not won social and economic justice. The poor are still black and the rich predominantly white. This limited democracy, that is, judged simply in terms of voting in democratic elections, mirrors the thesis put forward in the transition studies literature. (Gibson 2001: 1)

Key to this study is the focus on hegemonic continuity - shown clearly in the articulation of Gibson (2001) - from apartheid to democratic South Africa; particularly how state hegemony manifests in democratic constitutional South Africa in comparison to apartheid. While this study is conducted comparatively, it is carried out with the nuanced and contextual considerations that are necessary in comparing these two eras in South Africa. It is important to mention upfront that an uncritical and poorly explained ‘comparison’ of the apartheid and democratic era in South Africa is as dangerous as ignoring the very real, albeit few, overlaps. Thus, the two periods in relation to recognition of individual rights - principality of the right to life, social protection, state repression and political participation differ markedly, with democratic South Africa clearly far ahead of apartheid in terms of basic human rights standards. Also, the apartheid regime gave supremacy to Parliament, a parliament elected by a

white minority², while the democratic regime in South Africa gave supremacy to the constitution, under the custodianship of the judicial system of South Africa (South African Government, 2022). These differences show clearly that there has been a shift in the shape, attitude and functionalities of the institutions. However, to what extent has there been a shift in the underlying structural conditions that order social and political power in South Africa?

Core to the interest of this study is to investigate the various arms of the state and how they are applied or used in maintenance of state hegemony in these two eras. Additionally, it is to study the use of ideology for hegemony- comparatively - across the eras in question. To make the case that this democratic ‘break’, whether viewed from the vantage point of racial, social, economic or political life, is an instrument of ideology used in the process of manufacturing common sense, consent and ultimately legitimacy.

Recording the world’s highest number of social protests per day in the years between 2005 and 2010 (Bond & Mottiar, 2013), the democratic constitutional state is confronted with a gripping reality of social, political and economic inequality (also becoming a global trend as a feature of neoliberal capitalism) that has become untenable and the cause of sizeable discontent; both in organised and spontaneous manifestations. This is the reality for the majority of South Africans, particularly the black population. Instances such as Marikana, #RhodesMustFall, #FeesMustFall, #SaveSA and #AmINext, where the state has been confronted by unprecedented civil society backlash, have put the democratic state’s consent manufacturing aspects to the test. This culminates in the state calling on, in varying degrees, the coercive elements of the state to assert its hegemony – which has a direct impact on its popular legitimacy. Thus, the study asks: to what extent are there continuities between the apartheid and democratic state in the ways in which they maintain their hegemony in moments of conflict with civil society? Avoiding any assumption that this study levels an unfair

² Racial classifications in this context are used in the ways in which the democratic government uses them, meaning a continuation of apartheid categories. While this is somewhat problematic, it however helps to show the reader clearly how I operationalise the categories.

comparison on the democratic state both in the sense that it is a qualitatively different regime to apartheid and that the use of force is both inevitable and at some point, necessary as a sovereign authority, the question is posed to test the claims that the democratic constitutional state is premised on a fundamentally different logic of structure and organisation than that of apartheid.

The idea of the relative autonomy of the state has been a subject of Marxist debates in the 1980s between Poulantzas and Miliband, Althusser and Pashukanis before them. For Poulantzas the relative autonomy of the capitalist state, inspired by Althusserian structuralism, rests upon the idea that it can assume a position of a ‘popular national body’, which represents all sectors of and classes in that particular society. “Institutionalised power of the capitalist state” he argues “presents its own class unity precisely in so far as it can pose as a national popular state” (Poulantzas, 1978: 97. Cited in Halevy (eds) 2017). This argument shows clearly that the capitalist state remains interested in the maintenance of its hegemony by assuming the status of “a state for all”, concealing the class interests inherent in a capitalist (clearly class based) state. Moreover, the theory suggests that the superstructure (the state’s ideological apparatus) has relative autonomy from the base (the point where labour and capital produce), and thus creates the conditions for capital to accumulate. However, the relative autonomy of the state means that the state uses consent and coercion to sustain the hegemony of the capitalist mode of production - which is what Althusser (1971) would argue is the primary role of the Ideological State Apparatus.

Miliband, on the other hand, argues that the state is fundamentally organised in clearly delineated class lines, and that the state prevails upon the underclasses which inevitably draws them down to consent (Miliband, 1973). While there are stark points of contention in this seminal debate between these two thinkers, the place of agreement is that there is a capitalist state and that it is hegemonic. More pointedly, Poulantzas’ idea of relative autonomy lends itself to the central thesis of this study - that the ‘radical break’ represented by 1994 fell into the

grip of the capitalist state's quest to reimagine itself in the quest to maintain its 'relative autonomy', or in the language of Gramsci, its hegemony. Consequently, this study juxtaposes one moment in each epoch to assess the nature and patterns of hegemony in both epochs and looks at state hegemony's responses to citizen discontent. The two moments used in this study are the 1976 Uprisings and the 2015 #FeesMustFall movement.

Furthermore, the democratic constitutional project is complicated by the enduring consistencies between conquest and constitutionalism, that were not effectively dealt with by the transition from apartheid to democracy. Gibson (2001; 2005) argues that the limits of reconstituting the economic balance among the races in South Africa constricts its capacity to build this 'new nation'. That, in fact, there were other strategic directions that could have been taken by the African National Congress at the time, which were abandoned at the altar of capital's interests.

While a healthy suspicion of the post-apartheid South African state is necessary, it is also important to be gracious enough to look at the positives that emanated from the democratic triumph. Sparks (2003) acknowledges that this victory is not without its challenges, but that in fact, the challenges illuminate the achievement of the transition. Similarly, Lipton (2007) recalls the tested path of liberal democracy elsewhere in the world and argues that South Africa's constitutional choice is consistent with its spatiotemporal context. These views shine a light on the perplexing story of Mandela's rainbow nation. While fraught with major challenges, it still acts as a shining example of peaceful, considered and democratic transition from one extreme to the other.

Similarly, Justice Albie Sachs, one of South Africa's shining lights in its quest for a democratic future, is renowned for his contributions to the intellectual discourse and jurisprudential evolution of the democratic project (Menager-Everson, 1992). Beyond his work as a lawyer during and against apartheid, Justice Sachs also contested the ideas within

the broad liberation movement that he felt threatened a genuine transition to democracy. For instance, in an interview with the Southern Methodist University Law Review, he recalls there being an interesting grouping of students in South Africa who named themselves the Anti-Bill of Rights committee (Sachs, 2000). This, according to Sachs, was a rousing position, even though he understood the basis of its motivations. The argument of the Anti-Bill of Rights committee was that the bill of rights was an expedient attempt by the white ruling class to institute 'equal rights' for all; a banner under which even the white minority could be absolved from the historical justice meted out against apartheid beneficiaries. They called this the "Bill of Whites" (Sachs, 2000). Sachs contested this thinking, arguing that the bill of rights would itself be one of the most important weapons against apartheid. It would be the pathway to justice through a viable framework (Sachs, 2006). For Sachs, it was untenable to have an anti-bill of rights thinking in the liberation movement, asking:

[W]hat kind of freedom struggle takes up an anti-rights position? A Bill of Rights would be our answer to apartheid...A Bill of Rights would thus play an important political role in South Africa, countering any new project to refine and modernise apartheid. (Sachs, 2000: 1383).

Advancing a Gramscian and Althusserian critique of the state in South Africa, this study contends that constitutional democratic South Africa is premised on the same logic of the colonial and apartheid state in South Africa. This is not a study concerned with democracy or the democratic quality of the post-apartheid state; the term democratic here is used cautiously. In no way does this study accept uncritically that the constitutional state in South Africa is democratic. However, it uses the language used by the state to describe itself, in parts, as a way to show how the state reinforces this language as part of its hegemonic quest. All in all, the reference to the post-apartheid state as democratic is a play on the irony of it rather than the acceptance that it indeed is democratic. The object of problematizing the South African democratic state here, however, is paying attention to the ways in which hegemony adopts flexible and dynamic strategies, through its use of consent and coercion, to sustain itself

despite growing opposition and changing political circumstances. So partly, this study looks to lift the veil of the ideological machinery upon which this state rests and continues to thrive - revealing how the capitalist hegemonic continuities from apartheid to democratic South Africa are nourished.

While immediately accessible and palpable differences between these regimes in South Africa exist, it is not in their form (democratic or apartheid) that they resemble each other, but more so in their essence: the structure and logic of the state. Motivated by the tenacity of inequality, racial discrimination and clear tensions between the state and segments of civil society (See Woolard, 2001; Terblanche, 2019; Leibrandt et al, 2021), this study endeavours to add to the questions on, attempts to find meaning to, and assessments of the democratic constitutional state in South Africa. Suspicious of its claims that it is a “state for ALL”, the study asks: what is so different (better) about the democratic constitutional state? Furthermore, curious about its role in entrenching, particularly through obfuscation, (in)justice, the study examines how the growing inequality, unmet constitutional commitments and inevitable challenges in the transition to democracy reveal not only a developmental stagnation in the post-apartheid state, but also that it is saddled with the contradictions typical of a capitalist state - pointing clearly in the direction of a problematic continuity from apartheid to democratic South Africa.

Notwithstanding the positives in democratic South Africa and the triumph of the Constitution, the democratic project is subverted in ways that make Sachs’ fears almost prophetic as it resembles what some may call a refining of apartheid or at least as far as inequality, racism and to some extent gender inequality is concerned. Thirty years after the famous transition from apartheid, it remains necessary to study the bundle of contradictions that is democratic South Africa. A period that can be interpreted in two ways: i) too short to oversee substantive social transformation; ii) yet tensions between state and civil society suggest it is a sufficient period to expect more than currently achieved. To borrow from Modiri (2017: 15), in his study on the persistence of the problem of race in the colonial ‘afterlife’ of apartheid, he writes:

I argue that the problems of race, racism and racial inequality are not only still relevant in the post-apartheid context but that they are persistent and enduring and require continued theoretical analysis and critical engagement.

These interpretations – attributable to growing inequality and an untransformed set of social, racial, political and economic relations between the races – pose challenging and necessary questions about the ‘promise’ of constitutional South Africa. The “Rainbow Nation”, as interpellated in the period of transition, is faced with a large number of dissenting social groups who base their mobilisation against and engagement with the state largely on unmet constitutional commitments (see Bond & Mottiar, 2013; Madlingozi, 2018; Saul & Bond, 2014; Anciano & Wheeler, 2021). As such, the contradictions presented by these contested perceptions around the progress of the South African constitutional state are an important part of the motivations to further study, analyse and problematise the state in South Africa’s post-apartheid era.

Much has been made of the South African nation state as a case to be investigated for its uniqueness in its evolution, in relation to most post-colonial African states and its politically negotiated settlement as a strategy to ensure a peaceful transition. Contemplating the transition through a critique of the Truth and Reconciliation Commission (TRC), Mamdani (2002) launches a critique on the contradictory attitude of the commission towards viewing and treating apartheid as a ‘crime against humanity’, whilst looking at victims and perpetrators as individuals instead of products of a legal systemic onslaught on black people. He further writes, “if the ‘crime against humanity’ involved a targeting of entire communities for racial and ethnic cleansing and policing, individualising the victim obliterated this particular-many would argue central- characteristic of apartheid.” (Mamdani, 2002: 3). Enlivening Mamdani’s analysis, the past seems to haunt the present in South Africa by way of persisting inequality and a slow pace in social transformation. Thus, this study looks to develop a critique of the constitutional democratic state. To essentially ask questions beyond its failings, but rather how

it remains stably hegemonic despite them.

1.2 Research Problem and Rationale

The study is in essence looking to assess the South African constitutional democratic state using Gramsci's (1971) theory of hegemony. Arguing that hegemony is the spontaneous coming together of the masses under the unified authority of the state, Gramsci's theory of hegemony shows how the state uses consent and coercion to maintain its popular control over its subjects. As such, the study assesses the hegemonic continuities, through the cases of the Uprisings and #FMF, that flows from apartheid to democratic South Africa. This is done to examine the quality of the democratic constitutional state against the democratic promise espoused in the South African constitution. Abstracting from a single moment in each era (apartheid and democratic), the study will look at a case of student protest in each of the two eras in its assessment of the mechanics of hegemony in both eras. To appreciate the selection of the two moments – the Soweto uprisings in 1976 and the #FeesMustFall movement in 2015 – a proper contextualisation needs to happen.

The tensions between state and civil society persist in South Africa, and with it comes dissent which compels the state to act in defence of its legitimacy. Regardless of the general acceptance of the state's monopoly over force, there is an expectation – facilitated by the ethos of the founding values in the Constitution – of the force to be relatively acceptable to the broader citizenry. As such, what we see in cases like the Marikana massacre, #FeesMustFall and recently, the police response to the #AmINext movement against gender-based violence, shows potential veering away from this expected force. The two cases of the student uprisings in 1976 and the #FMF student protests in 2015 are juxtaposed to make an analysis of the state's response with the aim to understand the extent of the similarities, if any exists at all,

between the reactions of the democratic state and the apartheid state. The point, ultimately, is to find out what we can learn about the democratic state using these two case comparisons. Thus, this analysis will not only be useful at the level of a comparison, more than that, it will contribute to the non-definitive debate about the quality of the democratic state in South Africa; looking at the possible undermining of constitutional democracy.

Situating the South African State

The reason for contested perceptions of the South African state is however not the focus of this study; after all, political society is a product of contestation that, at some point, breeds consensus. Hence, it is the objective of this study to assess, in part, the contradictions that arise in two different eras of the South African state; from the vantage point of the uprisings in 1976 and the 2015 #FeesMustFall (#FMF) movement. This study, invoked by the seemingly categorical acceptance of the idea that there is a fundamental improvement in conditions under the constitutional state, argues for an expansion of the debate around state formation in post-colonial Africa, in general, and post-apartheid South Africa specifically. To outline the problem effectively, this section will pay careful attention to the historical context of the state in South Africa; how this lends itself to the contradictions that are the subject of this study's investigation. As a starting point, we deal here with the evolution of the South African state from colonialism to democracy; provide a brief and necessary context of post-apartheid South Africa and finally, outline the significance of all this.

The evolution of the South African state in the last century has been categorised by a period of colonial conquest, racial segregation, liberation struggle and a young constitutional democracy trying to find its feet. To draw a historical picture of the state in South Africa it is necessary to look at the historical unfolding of the state in each significant epoch. This picture will enable a nuanced appreciation of the constitutional state of today. Moreover, it can also show contradictions that seem to be present in all the different stages of the state's (in South Africa)

development. However, to do this effectively I will paint a brief historical picture of the evolution of the South African state, starting with the British colonial state, then moving to the union of South Africa between the Afrikaner Nationalists and the British, then to the apartheid state, then finally, to the constitutional democratic state.

The South African territory, much like many African territories at the time, had the interest of European colonists as early as the 15th century with the Portuguese first exploring Africa. The initial contact of the British Empire with South Africa, however, came with the discovery of minerals in the 19th Century. According to Knight (1989), the British Empire gained access to South Africa by way of conquest during the Napoleonic wars. Knight (1989) writes further that the discovery of minerals, namely diamonds and gold, led to open war between the Boer, who had settled in South Africa since the mid-seventeenth century (South African History Online, 2018) and the British. The contact between the British and the Boer became more hostile as the British outlawed the use of any other language in the Cape Colony (Kachru, Kachru & Nelson, 2009). This led to the resistance by the Boer which first was to trek (move) away from British administration and later resulted in more conflict (Kachru, Kachru & Nelson, 2009).

The year 1909 marks the beginning of the Union of South Africa, which would last from 1910 -1948 (Suzman, 1960). The union was under the dominance of the British Empire. The Empire, motivated by mineral discoveries and the accumulation associated with it, paid more attention to mining. Hence, the British Colonial state was fundamentally informed by mining. However, tensions festered between the British and the Afrikaner Nationalists (Simpson, 2021). The contradictions arose as interests collided between the British Empire and the Afrikaner Nationalists. Informed by these tensions, in 1948 the South African state would then take a turn. Characterised by racial segregation, separate “development” and industrialisation, the

apartheid state took on a globally alarming shape. According to Bunting (1969), continuing with racial policy, the Apartheid state – fueled by Afrikaner Nationalists interests – morphed into a legal system. The Apartheid state had relied heavily on industrialisation and had in the process of its rule developed an Afrikaner ruling class. Bunting argues that the Apartheid state had an elaborate project of state building and had an affinity to Nazi ideologies. He writes:

The ruling party in 1948, consolidated its power: control of the trade unions, banning of mass political organisations, control of education and censorship of ideas, and the building of a massive armed machinery of repression (Bunting, 1964: xi)

The structure of this state bred burning contradictions within the South African political landscape. The Apartheid state was fundamentally open about its fascism as it legislated every part of its oppressive policies like the Immorality Act of 1959 and the Group Areas Act of 1969 etc. The banning of political organisations fueled more resistance rather than instituting control; hence, the rise in liberation forces was inevitable.

After internal resistance through military wings and consolidation of the liberation project in South Africa, the global pressure became too much to ignore. The South African (apartheid) state could not engage in trade with the rest of the world as the globe caught wind of the atrocities visited upon black people in the country. Inevitably, this led to the collapse of apartheid and the birth of what we now know as the liberal democratic constitutional state.

The ideological project of the democratic state seems to have been largely successful in its first decade to create a widely accepted notion of a ‘working democracy’. Slogans from the ruling party such as “A better life for all” encompass this, to suggest the offering of this new state. Conceptualised against the grain of the apartheid logic – which was to engender separate development through racial segregation as a point of departure – the constitutional state takes on a fundamentally democratic form. What has happened, whether inadvertent or intentional, is a seemingly widespread acceptance of these ideals to be so; the democratic state having the

interest of all South Africans at its belly. Bond (2013), in an article examining social relations in democratic South Africa using the Marikana massacre as a case, argues that civil society slipped into notable dormancy after the 1994 transition. Bond (2013) further elucidates that this is important because civil society played a huge role in the dismantling of apartheid and it would therefore be common cause to expect the same watchdog nature over a new regime. However, a new democratic order was received with warm hands, and perhaps the necessary work of civil society was compromised in the first decade of democracy. The maturation of democracy in South Africa also brought tensions between state and civil society that dispel this notion that democracy would work without challenges. However, that considerable period of lull (first decade of democracy) suggests an expectation of little or no tension between state and civil society (at least not to the extent that resembles apartheid). Hence, it is important to investigate the extent to which conditions under the democratic constitution are different to that of apartheid. To assess whether the conditions that informed the structure of the apartheid state affect or obtain in the democratic state. Using a Gramscian framework, the study looks at the structure of the state; essentially evaluating the hierarchy of interest in the democratic state; who is running the state, with what interests? To do this, the study will assess the constitutional democratic state against its own constitutional commitments, which form the basis of its social contract with its citizens. It is thus upon this background that this study argues that the quality of the democratic state is not fundamentally different to that of apartheid. The constitution will be put at the centre of the study's interests as it is the symbol of fundamental difference to apartheid. It is the bedrock of the democratic commitment in South Africa; envisioned largely against the grain of an authoritarian, racially discriminatory and openly violent apartheid state. In principle, and on the surface, there is a clear difference between apartheid and democratic South Africa. However, the growing pockets of dissenting groups evidenced by the growing rate of protests and pressure tactics from civil society, show that there is, at some level, a distance between what the constitution promises and what the

obtaining material conditions of the majority are. The implications of the distance between the constitutional promise and South African contemporary reality are of some interest to the study, however, in the main, the study seeks to find out why the distance exists at all.

There can be a multitude of ways to carry out this investigation. One way could be to study patterns of inequality broadly in the two and a half decades after apartheid. The democratic constitutional state stands diametrically opposed to the apartheid state, and that informs its conceptual outlook. It is therefore quite fitting to look at how the constitutional state is developing. This will be done by way of abstracting one moment in each era and evaluating conditions that made the moments possible, along with the two different states' responses to each moment. This way we can detect whether the democratic states' response to #FMM is consistent with constitutional ethos and general South Africans' expectations.

Owing to the crude nature of apartheid, it helps to understand the developmental setbacks faced by the post-apartheid state in that context. The formation of legal systems of segregation, oppression and discrimination dating back to colonial rule and spiralling into apartheid, is a major part of this context. Suren Pillay writes that “colonial law incorporated and normalised the distinctions between race and tribe and produced the political distinction between civil law and customary law” (Pillay, 2014: 1). Pillay brings to attention the long-standing history of laws developed in the interest of domination of the natives for colonial interests (Pillay, 2014). Given this history in the laws and basic governance of life in South Africa, the initial conceptualisation of the constitutional state presented a fair amount of challenges. Unsurprisingly, the constitution of this state (post-apartheid) has, in comprehensive terms, taken a shape that not only differs from apartheid ideals, but also accepts the responsibility of addressing the consequences of its period. Upon this backdrop, comes to light this Constitution; a document wherein the interests of all South Africans are supposed to be reflected and a contractual covenant to never return to the defeated ways of the past.

The preamble of the South African constitution sets out, quite boldly, the values of the document clearly. It reads, “We the people of South Africa, recognise the injustices of the past; honour those who have fought for justice and freedom in our land” (Constitution of the Republic of South Africa, 1996). The acknowledgement of a dreaded past, and commitment to ideals such as justice and freedom – ideals unimaginable in the past – articulates the commitment to redress, to a fundamental change of life in the new order. This commitment is born out of an overwhelming yearning and call for a democratic trajectory – evidenced by the widespread organisation of the liberation struggle.

Historical Challenges and Contemporary reality

Now that formal democracy is realised in South Africa, the tough work of moving from conceptual to material desirability needs to be done. It includes collapsing of the old, building new and fortifying necessary existing institutions that support the democratic project. Foremost to this work is the conceptualisation and drafting of the Constitution – the supreme authority of the new order. Guiding principles to be reflected in the Constitution are representative of the values espoused by the mass liberation movement in South Africa. Ideals such as the right to life, which is covered immediately in the constitution with a landmark case dealing with the death penalty (Bill of Rights, s7: 1996). In addition to this, is a range of other rights and founding values such as: human dignity, equality, human rights and freedoms, non-racialism and non-sexism (Constitution of South Africa, Chapter 1, 1996). All these founding provisions set out a task for the state to defend, uphold and realise them. This, in the view of many, is no simple task, given a history of undemocratic and discriminatory social, economic, political and legal frameworks.

The democratic state has been subject to many criticisms relating to its capacity to uphold

constitutional provisions. Scholars such as Lane and Ersson (2007) have made the case that as much as an ideally democratic constitution has been developed in South Africa, the words on paper are only as good as the social practices of institutions designed to enact them. They argue that social practice of the political elite can either make or break the integrity of any constitution, regardless of proximity to democratic ideals (Lane & Ersson, 2007). Furthermore, they argue that the Constitution is fundamentally aspirational and, while it intends to aggregate interests, it falls short due to historical and global factors. This debate is particularly appreciative of the challenging nature of building a democracy in the aftermath of a political system such as Apartheid.

Furthermore, the Constitution of South Africa, admirably ambitious in its conceptualisation, creates an array of expectations for its citizenry. Couched in the spirit of the collective and a commitment to the aggregation of interests, as can be understood in the Bill of Rights³, the citizenry should be fairly happy – at least on the face of things – with the transition. Notwithstanding the challenges faced in democratic South Africa, some might argue that it naturally takes time to reverse the gains of over 300 years of systemic oppression. Hence, many have argued, in defence of the Constitution and the aspirational aims of this state, that even the rights enshrined in the Constitution will be difficult to attain. Wagstaff (2004), who write extensively on rights to healthcare, opine that there is a direct relation between a performing economy and the realisation of rights. They estimate that in Africa, over half a million child deaths could have been averted had there been sustainable economic growth and fiscal capacity to attend to clearly avoidable causes of child deaths. One gets the sense, here, that the Constitution is fundamentally aspirational and, while it intends to aggregate interests, it falls short due to historical and global factors.

However, the reality on the ground in post-apartheid South Africa presents a much more intricate picture than that. The picture is of a growing community – organised according to various issues and geographical spacing – of dissatisfied and dissident citizens. A reliable

measure of dissatisfaction within civil society is protests, among others. In the mid 2000's the rate of protests known to the police in South Africa was amongst the highest globally. According to Bond and Mottiar (2013), this was the consequences of neoliberal government policies – an ideology rooted in free market capitalism (Vincent, 2009) – that clearly favoured the elite in terms of growth and service delivery. For instance, the expansion of the social welfare programme to an estimate of about 10 million people at the time did not amount to more than 5% of the Gross Domestic Product (GDP) (Bond and Mottiar, 2013). They further state that this amount was considerably less than that spent on the development of infrastructure and economic services that predominantly subsidised the affluent (Vincent, 2009). Moreover, even though more state-subsidised houses were built, they were of far less quality and still restricted to the peripheries of the city, in the main (Bond & Mottiar, 2013). Further, “while more water, electricity and telephone lines were installed, there were unprecedented levels of disconnection due to the inability to pay, as the price of services soared far above the inflation rate” (Bond & Mottiar, 2013).

In the context of the difficult conditions unpacked above, a notable dissatisfaction in civil society began to evidence itself through a range of new social movements. Motivated by moribund economic growth, these social movements organised protests and agitated for a variant engagement with the constitutional democratic state, in relation to its commitment to the people of South Africa (Ballard et al, 2006). These social movements represent the voice of marginalised interests in the broader South African democratic tale. This wave of unprecedented protests, and the rapid and sporadic forming of social movements symbolises a contestation, not only of interests, but of the constitutional promise itself. As argued by Gibson (2005) in *Challenging Hegemony*, these are movements pursuing something greater than currently experienced, quoting Biko, he calls this search for a ‘true humanity.

In fairness, viewing these challenges in light of progressive realisation of rights, it seems one should be more generous before making wholesale determinations on the integrity of the

Constitution. Nonetheless, Felner (2009) has written a provocative article on the misuse of progressive realisation of rights. The author argues that states have, at times, used the notion as a means to escape the realisation of certain rights altogether (Felner, 2009). He argues that the Human Rights Movement has been managed by states using this ‘escapism’ of progressive realisation. For instance, if one closely reads section 29(c) of the South African Constitution, relating to the right to tertiary education; it states that “the state must make access to education *progressively* available” (South African Constitution, Bill of Rights 1996). Felner (2009) argues that it is difficult for human rights movements across the world, FMF in this case, to hold states accountable due to the ambiguity created by ‘progressive realisation’. He therefore advocates that:

Elucidating the precise meaning of the notions of progressive achievement and maximum available resources ... is essential to give real meaning to these rights for many people who are deprived of the most basic needs (Felner, 2009: 3)

This escape tactic noted so profoundly by Felner (2009) draws us closer to the notion of the form versus the essence of the Constitution. In other words, what it appears to be versus what it actually is. Of course, this can be down to the attitude of governments, the social fibre informing the standard of morality in varying societies, however, what is very clear is that the socioeconomic structure of a society will influence how rights are realised. More specifically, what rights, for whom, and at what cost.

1.3 Research Questions

Main Question

To what extent are there continuities between the apartheid and post-apartheid states when maintaining their hegemony in moments of conflict with civil society, and what does this tell us about the state in South Africa?

Sub Questions

1. In what ways, and to what extent do responses of the constitutional state to #FMM resemble the apartheid state's response to the 1976 student uprisings?
2. How were various arms of the state used by, or in response to, the 1976 student uprisings and #FMM ?

1.4 Structure of Dissertation

The dissertation consists of eight chapters - structured carefully for the incremental development of the overall thesis.

Chapter 1: *The Problem that is Democratic South Africa: An Introduction.* This chapter introduces the study, its aims and objectives and the question (s) which it investigates. It situates the historical context and evolution of the South African state, within the period of British colonialism to democratic constitutionalism. Setting up the varied contemporary experiences of South African citizens, the chapter presents the complexity faced by the constitutional state and the unfulfilled social expectations that rise from there. As a rationale for the necessity for the investigation, the chapter juxtaposes the aspirations of the democratic constitutional era with the overwhelming material realities of South African citizens. It also introduces the practical way in which this comparison will unfold; looking at state hegemony in two eras and examines the patterns of hegemony and resistance regardless of changes in the character of the state.

Chapter 2: *From Conquest to Constitutionalism: Enroute to the Rainbow Nation.* This chapter

performs two functions: i) first it acts as a review of literature that deals broadly with state formation in post-colonial Africa. In this part it mainly focuses on the scholarship that has chartered the path of thinking about an Africa post conquest, reflecting on the various debates on the direction Africa should take (liberal democracy, socialist democracy, delinking with the West and radical reconstruction); ii) the second aspect of this chapter is a review of the modalities and philosophy on/of justice in South Africa. In other words, what are the debates about what direction South Africa chooses to take; having the unique position of seeing the rest of the African liberation programme unfolding? Moreover, how does this 'new' South Africa conceive of justice, and to what extent does the Constitution of South Africa create fertile ground for moments like #FeesMustFall, through an unrealistic or merely ideological commitment to any form of material justice? In this second part, the chapter looks at arguments for the Constitution, along with arguments for constitutional abolition and finally, inserts itself with an intervention of an argument or reading of justice materially, which shows the inefficiency of essentializing race when reviewing the South African problem, and explores the possibility of understanding justice through the lens of a more broad array of theoretical perspectives.

Chapter 3: Hegemony and Ideology in the South African State: Towards a Framework for Analysis. This chapter thinks through the South African state. By looking at the various conceptual interpretations thereof, and debates on how to construct it, it lays the foundation for the theoretical intervention of Gramsci's (1971) concept of hegemony. In this chapter, the state is set up historically first to show the various stages in its development, and finally, hegemony as the underpinning theoretical framework (as the arena for hegemonic struggle) is introduced along with its assisting conceptual paradigm, viz; ideology. It defines and explains key concepts.

Chapter 4: *Methods, Memory and Ethnography*. Atypical to a conventional research methodology chapter, this chapter outlines the dynamic method developed to answer a research

question that is asking a historical question juxtaposed with contemporary occurrences. As such, it merges the use of archival documentary research, auto-ethnography, desktop study and interviews neatly into accounting for the two moments of comparison adequately. Besides the narration of the story of how the research for the dissertation unfolds, this chapter advances an intervention on the possibility of viewing research methodologies as something fundamentally connected to the overall argument of the dissertation, not only a function of making the argument.

Chapter 5: *Memory and Hegemony: Recalling the Uprisings Alongside the Fall.* This chapter deals specifically with the recollection of the Soweto Uprisings of 1976 and the 2015 #FeesMustFall moment. While dealing extensively with the narrative account of the uprisings, this chapter frames the recollection of the uprisings specifically, and the apartheid regime more generally, within the context of a theory of memory as power. It explores the ways in which remembering is not neutral to social power dynamics, and thus extends an analysis on how memory is vulnerable to hegemony's exploitation and abuse for its own ends. Ultimately, while reflecting on the two stories to draw the connection between memory and hegemony, this chapter shows empirically how these moments were historically constructed; how the state and civil society used consent and coercion in the battle for hegemony.

Chapter 6: *Education as Ideology? Comparing Consent.* This chapter looks at the consent manufacturing elements of the state in both the regimes in question. With a focus on educational institutions, the chapter operationalises the theoretical framework of Althusser's (1970) understanding of education as an Ideological State Apparatus, and asks the following questions about education in both these regimes: How does hegemony use education to create consent? What does counter-hegemony have to say about this?

Moreover, beyond education, and in keeping with the themes isolated in the theory such as the media and the family, the chapter delves into these (in considerably lesser detail) with the

intention to show the vast machinery of consent manufacturing available to hegemony. Ultimately, the chapter argues that education under apartheid tried to insist on an acculturation of Afrikaner nationalist values and found the uprisings as the opposite. While democratic South Africa has seen education as a space to pacify through ‘being open’ to all knowledges, while materially closing down space for critical reflections on curriculum and transformation, as espoused by the demands of #FMM.

Chapter 7: Comparing Coercion: Hegemony and its Relationship with Force. This chapter set out to compare coercion across two moments selected in this study. Augmenting its existing framework of analysis, the chapter developed a framing of coercion through law. This strategic choice was linked to conclusions reached in the chapter preceding it, where it became clear that consent – which now is proven true for coercion as well – relies heavily on a legitimating machinery to be viable. For instance, with education there is a legislative framework that informs access to, quality of and other variables of education provision both in apartheid and democratic South Africa. Similarly, in this chapter we looked at the legal framework that enables coercion, not to justify it, but to show clearly how coercion is not mindless actions from a blood thirsty state, but rather calculated actions informed by counter-hegemonic responses or resistance to hegemony itself. Thus, this framework opened up the possibility to view the repressive apparatus of the state outside just its actions, but to look deeper at its legal foundations and therefore the more complex processes that go into sustaining hegemony - be it in illegitimate apartheid or largely legitimate democratic constitutional South Africa. The final analysis of this chapter is that while varying degrees of coercion are used in these two moments by the state, it is clear that they rely on the same hegemonic machinery available to the state. For instance, both states use the police to manage protests; both states use the law (through draconian legislation like the terrorism act in apartheid and interdicts against protests in democracy).

Chapter 8: *Democratic Constitutionalism: The Ideology of Capitalist Hegemony.* This is the conclusion chapter of the dissertation. It rounds off the whole argument by drawing a final analysis on its assessment of the nature and quality of democratic constitutional state hegemony in South Africa. Ultimately, the chapter argues that the comparative exercise between the 1976 student uprisings and the 2015 #FMM movements show similarities in the state's response because both states are responding in defence of their hegemony. The linchpin of the argument is that it may present as though these are two qualitatively different moments in question, or two qualitatively different state responses, but this chapter shows that the differences are merely tactical or circumstantial and not fundamental.

Finally, this chapter sums up the chronological unfolding of the argument presented in this whole dissertation. It argues that the democratic constitutional state is, in fact, a problem itself. It goes on to set up an analytical framework of hegemony, ideology and the state against which to measure the democratic state. It then unpacks its methodological approach and conducts a literature review surveying the ways in which the democratic state has been understood, critiqued and defended. The chapter recaps the dissertation's argument on the complex relationship between memory and hegemony. In the analytical stage of the chapter, it reasserts the argument that the two key instruments available for both hegemonic moments are consent and coercion, which are compared across the two moments. This is done to show that the state, although shifting in political character, remains firmly undergirded by its global capitalist hegemonic foundations. Hence the reproduction or nurturing of conditions that make #FMM, Marikana, Life Esidimeni and #AmINext possible even 30 years after democracy.

1.4 Conclusion

The background lays the contextual basis for developing a coherent, researchable and empirically arguable response to the question, 'so what'? What makes the detailing of the history of South Africa's state development important? What is the significance of outlining

the challenges presented to the process of democratising and developing a Constitution aimed at assisting that process? And why then, after fair concession is given to these challenges, does it seem that the prevailing conditions still warrant a further inquiry into social relations in South Africa today, to a point of instituting a comparison many would deem harsh with the apartheid state? Well, this is what this study seeks to attend to in attempts of setting out the preoccupation of this whole study, in its various chapters, with the relations between state and civil society in post-apartheid South Africa. This study looks to abstract a moment in apartheid along with a similar moment in democratic South Africa in order to examine the state's responses and to investigate whether there is a pattern in the instruments of responses when a state is 'threatened'. So, here, we look at a consistency in patterns of responses in defence of hegemony. Whether there is a reliance more on consent or coercion, is however, determined by the nature of the state's ideological character. What remains consistent, is that both states have/had the intention to remain hegemonic. The question is: what are the implications of this hegemony for different class groupings in society and why is this so?

The constitutional state's commitment to human rights, 'development', freedom etc. is the 'form' that appears radically and necessarily different from the apartheid state, however, large scale protests and tensions between and within the state and civil society compel us to examine it in its essence. This leads us to a question of whether a state with complex developmental problems and history can afford to make the commitments enshrined in the Constitution of South Africa.

Chapter 2: From Conquest to Constitutionalism: A Literature Review of the South African State

The constitution is grounded upon a set of faulty political, conceptual and ideological predicates that not only violate the principle of historical justice but also stand in the way of a radical democratic, decolonized and liberated future (Modiri, 2018:304)

2.1 Introduction

This chapter reviews the literature on state formation in Africa generally and South Africa specifically, in the aftermath of conquest. This is to situate the study within the broader scholarship around theorising the state, which is a quest for finding the best possible explanations for social justice, equality and eradicating racism. The debates around state formation in Africa post conquest are helpful in this study as they perform two functions;

- i) Show the differing ways in which various modes of thought have contended with the problem of state formation beyond conquest. This fits neatly with the overall critique of this study, that the ways in which state formation has proceeded has not broken from global capitalist hegemonic ways of organising political society in Africa generally and in South Africa specifically. While this is not a novel argument, seeing that it is made by contemporary scholars in South Africa like Ndlovu-Gatsheni (2017); Xaba (2017) Modiri (2016) Ramose (2018); Madlingozi (2017) etc, my intervention is that what is usually argued is the continuation of colonial and apartheid legacy and not how this continuation is sustained.

Organised in two parts, the chapter has a historical review and a conceptual review⁸. Kennedy (2007) conducts an extensive review of various approaches to review literature, depending on the objectives of the study and the utility of such a review. He cites different kinds of reviews, namely theoretical, methodological, systematic, historical, conceptual and situational reviews (Kennedy, 2007). Depending on the objectives of the broader project, one or more of these

reviews may work. I find this particularly persuasive in that it gives this chapter the necessary elasticity it requires to carry out the complex task set out in Chapter 1. The historical review will do the work of mapping the coming to being of South Africa. On the other hand, the conceptual review will enter the arena of various conceptual debates canvassed in the process of that evolution and those developing arguments for South Africa's future.

Firstly, the chapter will evaluate the historical becoming of South Africa, by tracing the period from conquest to constitutionalism. Secondly, it is to draw on various debates that attempt to explain/critique/understand South Africa—debates which this study looks to intervene in. The third part is to draw on the historical impact and significance of student movements and student political action in South Africa, Africa and the globe.

By way of a theoretical intervention, the study surveys this literature to understand the ways in which the problem of hegemony has been appreciated in South Africa, and advances an argument to re-center the historical materialist method in such an endeavour. Invariably, comparisons of the apartheid and democratic era have been done by a number of scholars (see Mamdani, 2002; Bond, 2017 and Mattes, 2002). As such, the intention of this study is not to repeat the comparative exercise, but to execute a comparison using two moments that have not been explored together enough, partly due to the recent occurrence of #FMM protests. The uprisings in 1976 and #FMM protests in 2015 happened in two different regimes; racist authoritarian and constitutional democratic, respectively. As such, the debates in these two eras would have different vantage points in relation to the context and quality of the state. This study, therefore, looks to compare these two moments by looking at the mechanics of state hegemony, responses thereto and how this has shaped political subjectivity in these two periods. In other words, what is the nature and extent of agency and freedom of the citizens in those periods? What are the historical and social circumstances that shape the coming to being of these moments? Can such a comparison arm us with a reflective arsenal to critically evaluate

our prevailing conditions of inequity and social contradictions in democratic constitutional South Africa?

The object of this chapter is to develop a literature review that situates the study in the broader scholarship of the evolution of the South African state. This chapter looks to examine the literature that develops an array of explanations of the relationship between the formation of the South African state and capitalism. Key studies on this historical tension include Merle Lipton's *Capitalism and Apartheid* (1986), Thula Simpson's *The History of South Africa* (2019), Freund (2015)'s *Urban History in South Africa* and Magubane's *Political Economy of Race and Class* (1979). These are some of the outstanding contributions that, read together, help craft a historical understanding of South Africa's making. Importantly, the examination of these accounts is not done in isolation of the main task of this chapter: reinvigorating an underutilized historical materialist reading of the making of South Africa.

2.2 The South African State

What underpins the South African state, as most postcolonial societies, is the set of developmental challenges left by colonialism. In South Africa, however, the added tragedy of apartheid delivered another sustained onslaught on social, political and economic relations in South Africa. Explaining the collapse of apartheid, Seekings (2009) argues that the apartheid regime was defeated because of an overwhelming movement of descent against it from various corridors in the country. Speaking on the continued importance of social movements in the process of democratisation in the aftermath of apartheid, Madlingozi (2007) argues that regardless of all progressives welcoming the move to democracy in South Africa, the fruits of that illustrious move – embedded in a 'transformative Constitution' – have yet to be enjoyed by the majority. Citing a dreaded turn to neoliberal policy, Madlingozi argues that "the government's embrace of neoliberalism has, however, meant that these legacies [lack of access to basic human rights] remain largely untreated but have also become entrenched" (2007:1).

He argues that the influence of social movements on policy has been constrained by this shift, and it has translated into far less engagement with civil society, and a steady move away from principles of a democracy from below. This move also instituted a policy shift that articulated the neoliberal ambitions of the democratic state.

Madlingozi (2007) also argues that this shift in policy development, notable in programmes like the Growth, Employment and Redistribution Program (GEAR), was one that aided a problematic move to the hierarchical structure of decision making which favoured the elite. Invariably, this policy shift was favourable to the market. More critically, Bond (2006) argues that the situation on the ground in South Africa reflects the tenets of what he calls 'an elite transition'. This he describes as the "an intra-elite, so called economic reconciliation that generally worsened poverty, unemployment and ecological degradation, while exacerbating racial, gender and geographical differences" (2006: 141). Thus, alluding to the collusion between state and capital to overthrow apartheid not for its ethical and human dubitability, but for the endurance of the conditions to accumulate.

As such, according to Lipton (1985), regardless of the under-reporting of it, capitalists also played a role in the collapse of apartheid, for them it was as untenable as racial discrimination was for black people. This is important because it allows us to appreciate the full story behind the realisation of the democratic order as we know it. Also, it is to appreciate some of the arguments made by Madlingozi (2007) around the preferential treatment of the market at the expense of an engaged civil society. Moreover, Mattes continues to argue that "apartheid ultimately fell because the norms of racial separation, racial hierarchy and white superiority were rejected by the vast majority of the South African populace" (Mattes, 2011: 2). Thus, there came a point where in apartheid South Africa these dominant ideas, primarily sustained through coercion, faced the challenge of a society whose values and attitudes stood diametrically opposed to the political institutions of the racist apartheid regime. This contradiction usually prompts demand for change and that is what had happened in South Africa leading up to the CODESA negotiations.

Bernard Magubane (1979) makes a case for a re-examining of underdevelopment in South Africa by way of revisiting, in historical materialist terms, the development of race and racial ideology in South Africa. Magubane argues for an objective location of the development of racism as a consequence of the economic ambitions of the British Colonial Empire in South Africa upon mineral discoveries (Magubane, 1979). In polemic terms, Magubane implores us in his work to do the historical trace of the dehumanisation of native South Africans from “warriors, kings and queens” to “kaffir, bantu and natives” (Magubane, 1979). Critical in Magubane’s historical appreciation of race and racism is that he links it to the development of capitalism in the South African colony (Magubane, 1979: 3). He argues “...that to do so places socio-economic relationships at the heart of the problem” (Magubane, 1979: 3).

Moreover, the ideology of racism, which Magubane argues is a consequence of capitalist expansion, is pronounced by exploitative social relation of capitalism which became a permanent stimulus for the social ordering and maintaining of unequal and exploitative social relations of production based on race (Magubane, 1979). Of course, this does not happen as a matter of conscious action only, in that it is a result of the complex interactions between the dominant and dominated and the principal interests of the dominated that necessitate a subjugation of the other. In addition, it sort of justifies the preservation of these unequal social relations. Hence the deployment of racism was twofold, it was instrumental in that it was used to maintain a particular economic structure, capitalism, within the confines of a particular racial logic, and it was an exercise in justification. Racism was used as a rationale (scientific racism) for accepting as common sense that the dispossessed African was only capable of being a necessary form of labour crucial for capitalist expansion.

The important point of comprehending the importance of capitalism in the making of racism is that historically and even presently, racism is seen as an autonomous social phenomenon, that it is self-generating from within itself. This ahistorical reading of race and racism is what often limits attempts to redress it in the postcolonial state. In that the dangers to viewing race as self-

generating, and at times, a concept across space and time is that it suggests ‘moral’ action against it is enough to eradicate it. Capitalism as an economic system is all about the production and transfer of wealth; that is its morality. In the production and transference of this wealth, it advertently and inadvertently creates social orders and circumstances that make it possible for it to thrive. As such, particular political and ideological systems are generated in the process of the facilitation and transfer of wealth. And Magubane makes the crucial point that racism as an instrument of capitalism arises because of the specific nature and uniqueness of a particular society given its spatial-temporal locality that is as a specific historical entity.

Ultimately, the dehumanisation and underdevelopment of native South Africans has an objective basis in the development of capitalism, which has its roots in the development of the colonising world.

2.3 Situating the State Post Conquest

Setting the scene for a tracing of debates around hegemonic clashes between the state and civil society in South Africa, this section looks at the evolution of what we now understand as the democratic constitutional state. The purpose of reviewing literature on the state is to help locate various interpretations of political society in South Africa, Africa and the world; particularly post independence¹⁰. Moreover, the case to be made here is that anti-colonial and postcolonial thought, although emanating from different parts of the world, share similar bones of contention with the process of colonisation and its remnants, understood in postcolonial corridors as ‘coloniality’.

Tracing the Postcolonial

Drawing on Spivak’s ground-breaking conception of a neo colonised postcolonial world, Ndlovu-Gatsheni (2013) – in the book titled *Coloniality of Power in Postcolonial Africa* – opens up the debate about the postcolonial state of affairs in Africa. Defining the “neo colonised postcolonial world” refers to the usually short and complex process of liberation projects that

resulted in compromised nation-building processes in Africa (Ndlovu-Gatsheni , 2013). The persistent logic of colonialism in the postcolonial present, argues Ndlovu-Gatsheni (2020), is the result of a neo-colonial arrangement of power and coloniality. Expanding on the problems of the postcolonial present, Ndlovu-Gatsheni and Walters (2013) explain there is an open and largely indefinite debate about whether we are truly in the ‘post-colonial’ ‘independent’ era. It is important to note that this study doesn’t suggest a break or convergence with that notion, but rather to acknowledge the use of the terms for the purposes of indicating the period in question. To argue that liberation took a backseat for emancipatory reformism; which is the negation of genuine African liberation politics being replaced by a reformism that is shaped by “neo-colonial imperatives” (Ndlovu-Gatsheni and Walters, 2013: 4). They argue that the main weakness of emancipatory reformism is that it fails to question the central logic of western modernity which generates a racialised, patriarchal and capitalist global system (Ndlovu-Gatsheni and Walters, 2013).

While Achille Mbembe, one of the foremost theorists on power and subjectivity in postcolonial Africa, focusses rather on the dominance of western modernity at the detrimental marginalisation of its counterparts. Mbembe (2001) takes issue with the western tendency of ‘othering’ societies that it has meant with the contempt of conquest. Emphasising the incredulous role of the Western world on Africa, he argues, in the chapter on commandment, that there are two major ways in which the justification of colonialism was posited. The two being Hegelian, which sees Africans as having desires but no capacity to fulfil them and the second being the Bergsonian justification which views the native African as a child-like subject needing adult care and supervision (Mbembe, 2001). This very perverted reasoning is what has shaped the relations between the empire and their former colonies, persistent, in many ways, to this day. The picture painted by Mbembe shows in many ways the historical context of the relations of power in Africa. It calls to question the logic that the democratic constitutional state is developed against, and whether it goes against that grain at all.

Gatsheni Ndlovu (2020), consistent with Mbembe's appreciation of the legacy of colonialism, has sought for different ways to understand the problem of social organisation in Africa. Levelling a critique against Marxist treatments of the problems in Africa, he looks beyond economic relations and questions of underdevelopment, towards a reimagination of the African state grounded in what he terms, with little or no explanation, "African values". He suggests a reimagination of the postcolonial state through the lens of African values, situating it within African society and a new humanism that comes with it. Making a case for this reconstitution, he argues that there is a need to reconstitute the postcolonial state in order to ground it within "positive African values, embedding it within African society and imbuing it with indigenous institutions".

As bold, ambitious and noble as this attempt is, it falls short because of an uncritical appreciation – which dangerously suggests purity – of the complex evolution of 'African values', 'African society' and 'indigenous institutions' in the context of the economic, cultural, social and political impact, influences and legacies of conquest on these ideas. To be fair, Gatsheni Ndlovu does acknowledge that the 'neocolonized postcolonial world' is steeped in western ideas of modernity and being. However, the spirit of this acknowledgement is missing in his argument for the 'reconstitution' of the postcolonial state using the very values and institutions that are not without the impact and influence of – by his own admission – the persistence of coloniality in the postcolonial present. Pillay (2020) shows clearly this shortfall from Ndlovu-Gatsheni by warning against the danger of interpreting pre-colonial power relations in Africa as absolutely favourable to the marginalised. Pillay (2020) further asks a question that looks beyond the perverted influence of colonialism on African cultures and institutions; he asks what of the new values, cultures and institutions that are born out of colonial encounter and the complex process of resistance? (Pillay, 2020). Thus, as important as the task set out by Ndlovu-Gatsheni is – to reconstitute the postcolonial state – the points of departure and strategic suggestions prove more limiting than its liberating intentions.

On the other hand, the importance of Mbembe's historical appreciation of the ideological component of colonial justification is that it lays a basis for ideas of governing and power. As such it helps to explain and locate the native African in apartheid and democratic South Africa. Is the native still in need of rearing according to the apartheid government, or is the native a notable adversary? In the postcolonial context, what is the relationship between the citizens (former natives and settlers) with the state? In what ways does the change in the form of relationship between the two present challenges that are caused by the same structure of colonial and apartheid times? These questions do not always have definitive answers, but Mbembe's work helps to ask them in the first place which is a good place to begin. In the context of this study, the questions are all the more relevant as they lead to the crux of the problem contended with here; how different can political subjectivity, as influenced by an arguably consistent logic of state hegemony, be in democratic constitutional South Africa as compared to apartheid South Africa?

Moving towards an appreciation of the structural basis of modern subjectivity in the postcolonial, Mbembe has a resoundingly dynamic appreciation of the impact of colonisation on postcolonial state formation and even democratisation. This dynamism moves from the ideological justifications ventilated above, and his recognition of the economic factor in colonisation. Moving beyond the ideological to the objective rationale of colonialism, Mbembe states that "it was through the slave trade and colonialism that Africans came face to face with the opaque and murky domain of power, a domain inhabited by obscure drives and that everywhere and always makes animality and bestiality its essential components, plunging human beings into a never-ending process of brutalization" (Mbembe, 2001:14). Here he explains how the violent chasing of accumulation by colonial powers in the *longue durée* of coloniality left the colonised with residual problems of being and becoming (Mbembe, 2001). As such, Mbembe's poignant articulation of the postcolonial problem from ideological justification to objective rational shows not only the materiality of ideology, but also its true living character.

Structural and Post-Structural Critiques of Development

The assessment of postcolonial conditions in Africa cannot be done without the necessary examination of the historical development of the state in Africa. As such, an evaluation of the motives for the conquest of Africa that goes beyond normative appreciations of colonialism are necessary. The normative appreciations usually do not go beyond the explanation of colonialism beyond its consequence on race relations in Africa. Thus, an explanation of colonialism's root—the development of capitalism—will lead to a more historically rooted understanding of the development of the state in Africa. The economic drive of colonialism must be given important attention as its remnants are the result of the mass inequality and underdevelopment we see in Africa today. The Guyanese historian, Walter Rodney echoes this in his seminal text *How Europe Underdeveloped Africa* (1974). Central to Rodney's argument is that the development of Europe came at the cost of the underdevelopment of Africa, and that the 'impressive' rate of Europe's development was directly proportionate to the 'ghastly' rate of Africa's underdevelopment (Rodney, 1974). In damning terms for Europe, Rodney posits the process of Europe and Africa's development and underdevelopment dialectically. Extending this dialectical appreciation of the two, it views Europe as we know it as impossible to conceive without the vanquishing of Africa. Ultimately, this line of criticism leads to a relegation of western/European civilisation to subhuman; not only in that it dehumanises, but also that it is dehumanises in the process.

Staying on the path of civilisation and colonialism, Aime Cesaire's (1950) *Discourse on Colonialism*, originally published as *Discours sur le Colonialisme*, is a poetic renunciation and radical critique of the consequences of colonialism on culture, history, civilisation, the coloniser and the colonised (Cesaire, 1950). The central thesis of his argument is that colonisation, contrary to normative appreciations at the time of his writing (arguably persistent till date), in effect dehumanises the coloniser (Cesaire, 1950). He argues that "Europe is morally, spiritually indefensible" (Cesaire, 1950: p. 32). He cites the "barbaric brutality, violence and hatred"

transposed in the process of conquest as a mirroring of the moral bankruptcy that besets Europe. Moreover, he argues that a large part of European ‘civilization’ is dependent on ‘othering’ while universalizing itself. Written in the form of a manifesto, the *Discourse on Colonialism* represents the anticolonial spirit of the time, and sharpens the appreciation of colonialism as a process that has ‘no winner’, so to speak. Although Césaire appreciated, generously at that, pre colonial African communities, he does not advocate for a baseless return. Instead, he argues for a *respice prospice* principle, meaning looking back to look forward. The thinking of Césaire contributes importantly to the appreciation of the destructive nature of colonialism, and the responsibility we have of developing a new civilisation – in his terms ‘new universal with no particularities’ – that is just and humane. The idea of ‘renewal’ is well embraced in the spirit of the constitutional democratic state. It is developed, as a matter of course, as repudiation of all the damning things imposed by Western modernity as cited by Rodney and Césaire. The question, however, is what is the root cause of this failed Western humanity? Is it dehumanising only on a basis of race, hate or cultural vanquishing? If so, does changing the course of Africa’s trajectory rely on substituting westerners with Africans, replacing Western culture with African values as per Ndlovu-Gatsheni (2020)?

Adom Getachew (2019), in a more recent addition to postcolonial thought, revisits the intellectual histories of anticolonial nationalism to reveal lost, or missed nuances in the imagination of a postcolonial future. Her intriguing argument is: ‘anticolonial nationalism was a project of world making’ (Getachew, 2019: 2). Intriguing because how can one bestow on nationalism the responsibility and even the claim of ‘world making’. The task of investigating anything in the history of the conquest of Africa or any territory by western colonial powers is complicated by the persistent unequal relations of power among nations and stubborn cultural, economic and political legacies of colonialism. Postcolonial scholars have termed this coloniality. This is so because it is riddled with dubious and, for the most part, biased historical accounts.

If anticolonial nationalism culminated in widespread liberation victories and independence in Africa, why then not view it as the remaking of Africa? What is Getachew, wittingly or unwittingly, doing to a bound, unilineal appreciation of this history? This question provokes a thinking that lends itself to this study's investigation – did liberation victories truly remake Africa, or in this case South Africa? Moments such as the Marikana massacre and #FMF call to question this remaking. Without taking away the relative gains made by the constitutional democratic state, it is fair to ask questions about the nature of state hegemony and how it is performed in an 'inclusive' regime. Has the constitutional democratic dispensation reimagined itself outside of the legacy of colonialism and apartheid?

Consistent, in ways, with Césaire's critical appreciation of colonialism, Getachew's 'world making' moves from the normative diagnosis of decolonisation being a process of unshackling only the colonised world, towards a conception that broadens its ambition to remaking an unjust and unethical world altogether. In this view of worldmaking, she invokes the principle of non-domination which should inform the foundations of an egalitarian international order (Getachew, 2019). The novelty of her intervention, in part, rests on the idea of non-domination, which she argues should be the building blocks of the process towards a more just world order. Moreover, Getachew attends to the thorny subject of inclusion of African countries into the international arena after the repealing of the legality of alien rule, which can be at times conflated with decolonisation. She makes the case that it is not an objective inclusion of African nations, but rather a conditional integration. She notes that this unequal integration is premised on an obligation of African states to submit to the international order as it were, and not on the basis of rights and equality. As such, this symbolic inclusion into an unequal terrain is reinforced, in fact, made possible in the first place, by the historical logic of international relations (Getachew, 2019). The changes in the form (which is the legal recognition of all nations and fairly significant representation in the governance of most international institutions) do very little to the substance of international relations (which is the unequal hegemonic relations among states),

regardless of self-determination. Ultimately, she makes a sound case that self-determination and getting rid of alien rule does not presuppose an egalitarian international society. Hence, the idea of non-domination in international relations, for me, is contentions under these conditions. As ambitious as it is to look to non-domination, it is difficult to conceive under a historically and persistent hegemonic logic. The next step is to ask, how would such an ambitious goal be achieved? Through the lobbying of existing international organisations? Or the organisation of all dominated states for revolutionary action against the dominant? What would be the strategies for this?

Ideally speaking, this principle would be sound and maybe even plausible. However, the relations between international actors are asymmetrical. In fact, the international order as we know it has its basis on domination; in that the logic of colonisation of specific territories is consistent with that of global domination. I revisit my use of idealism here not as a critique, so to speak, but as an acknowledgement of the ambitious and revolutionary intentions of this intervention. Because, the idea of non-domination is only ideal due to the unequal power relations between states and the underwhelming impact of attempts to redress it.

The work of thinkers like Azikiwe, Du Bois, Manley, Nkrumah, Nyerere and others does more than put Africa at the centre of a discussion in a new international order, it also disentangles these intellectual histories from normative understandings of anticolonial nationalism as parochial and limited, while still acknowledging the strategic mishits of it as well. However, as mentioned above, the structure of the international world is informed by the same logic that suffocates former colonies domestically. As Samir Amin (1972) once articulated, nation states can never truly be free while they are still beholden to unequal economic relations internationally. Therefore, Getachew's proposition of a theory of non-domination fails to address that, something Rodney, and even Mamdani addresses.

Mahmood Mamdani is arguably one of the most important thinkers in the twenty-first century.

His research on the postcolonial state in Africa, therefore, is an important tool to understand certain peculiarities of the postcolonial present. Mamdani (1996) argues in his seminal text *Citizen and Subject*, that the postcolonial African state is state ridden with unfettered impact of colonial legacies on the culture, politics, economics and institutions in Africa. Of particular importance, he isolates the problem of bifurcation, where he argues that the state is divided into two; one civil division and the other a customary division, which ultimately creates the contradiction of citizen and subject (Mamdani, 1996). Developing this critique further, he argues that the theory of separation was the basis of the state; natives were ethnicised and ruled under tribal authority as subjects, while the British were civil citizens with rights. Furthermore, he contends that the failures of postcolonial democratisation are rooted in its inability to unshackle itself from colonial logic of bifurcation. Moreover, Mamdani's appreciation of the state in postcolonial Africa provides a useful lens through which to view the state in the postcolonial present. For instance, the persistent violence that the state metes out to dissenting citizens, unbridled corruption and eroding of democratic practices and principals could be understood, in ways, as problems of the past revisiting the present. The difference being that all these things are now facilitated by former liberation movements. Echoing a number of the arguments in the postcolonial theory examined in this section of the study, Mamdani attributes this sullyng of post-colonial African democracies on the perversion of African institutions by the colonial state.

2.4 On the State in South Africa

It is sufficient to restate that the chief interest of this study is the democratic constitutional state. Hence, a foregrounding of what is meant by the state in this study is important. Furthermore, with the methodological strategy relying on the assessment of hegemonic patterns at two different conjunctures in the South African state, it is important to identify the site of struggle for hegemony and to explain how it will be defined and understood in this study. Thus, this section of the theory sets out to develop a working conceptualisation of the state by assessing

existing definitions and the ongoing debates for definition by an array of intellectual persuasions. A reasonable understanding of the state is necessary to examine hegemonic patterns, contestations and instruments of its maintenance; as such it is the first key concept dealt with within the theory.

However, this study does not concern itself with an attempt to add to the congested library of interpellations on the state, rather it wants to set the parameters through which it understands and uses the state throughout the study. That lens is viewing and appraising the state as a collection of institutions – with a government – tasked with the responsibility of affecting and defending the collective will of the population over which it is sovereign. This definition is not one I necessarily ascribe to, or not for that matter. My conceptual decision to leave the concept of the state open-ended is influenced by Schmitt's (1996) thinking on the state. In an attempt to break from the equation of state equals politics, he makes the claim that “the concept of the state presupposes the concept of the political” (Schmitt, 1996:19). Here he foregrounds, in similar ways to this study, the state as the arena of the political or civil society. He further argues that “the state is the political status of an organised people in an enclosed territorial unit” (Schmitt, 1996:20) and notes that this definition is acceptable in most treatments of the state. In line with the treatment of the state here, Schmitt concedes that the characterization of the state as a set of institutions or “social and procedural order in a given territorial unit” is one of the most definitive things about the state, however, not the things that are enough to argue homogeneity across space, time and contexts. Therefore, this open-ended definition is helpful in the context of this study in that it helps to characterise the state in South Africa, while opening up the possibilities of political action within the state, at different historical moments.

Speaking on conjuncture, Gillian Hart, an important South African Marxist, thinks about the South African state using the method of relational comparison (Hart, 2018). Hart takes on a radical comparative method which looks at South Africa's transition from apartheid to democracy in relation to other postcolonial states, particularly India. Centred on the Marxist method of

dialectics, Hart offers this provocation and rationale for thinking comparatively, also conjuncturally as done in this study:

“I want to reach out to those for whom the very term ‘dialectics’ provokes an allergic reaction, and try to persuade them that there are ways of thinking about dialectics that are neither teleological nor totalizing – and that provide a comparative analytic that is both methodologically useful and politically enabling.” (Hart, 2018: 42).

Hart’s thinking here coincides with the justification offered by this study as to why it remains important to study the South African state comparatively. However, for Hart it is in relation to other states, with an interest in the rise of populist nationalist politics in South Africa, while for me in this study it is looking at the South African state comparatively with itself at ‘different’ conjunctures in order to level a fair and sustainable critique of the democratic constitutional state in South Africa.

Furthermore, the concept of the state is developed here to interpret the democratic constitutional state – which is of a capitalist orientation – and therefore will be used as a framework for analysis. By capitalist I mean “a social system in which there is a substantial degree of private, as distinct from the state or communal, ownership of the means of production” (Lipton, 1985: 2). As such, an emphasis on the building blocks and logic of the state is more helpful than the myriad of definitions that enjoy no consensus.

Theorising the State

Max Weber is still identifiable as one of the key contributors to many contested definitions of the state. In his essay *Politics as Vocation* (1919) he argues that the state is an entity that has complete and legitimate monopoly of force over a given territory. The motivations for state control are attributed to various interests by scholars; for Hobbes it is to mitigate the dangers of having no central authority. Hobbes (1651) made an argument in *Leviathan* (1651) that all humans are born free and have the innate need to preserve their lives. His characterisation of the individual human being became his premise for conceptualising the organisation of society. Hobbes coined the pure

state of nature, a hypothetical assertion as to what social relations were like before the formation of political society in the form of the state, in his book *Leviathan* (1651). Arguing that human capacity in concert can achieve most things, he made the case for the necessity of a central authority to mitigate innate human misguided ambitions to control others. In the pure state of nature, without any efforts to organise society, he argues that life would be “nasty, brutish and short” (Hobbes, 1651). Hobbes does agree that this must be the collective agreement of all, and in essence a social contract of the people. This social contract gives a certain group of people the right to act on behalf of the collective interests of all people. Hobbes’s contribution to the recognition of individual liberties can be traced from this pattern of reason. Thus, the guiding principle is that the state should act in the interest of the people that make it legitimate. The state should provide security, as an anarchic society is prone to the encroachment of individual liberties (Manent, 1994).

In addition to Hobbes’ conception of individual liberties, is the importance of John Locke’s take on the ownership of property. Locke (2017) argues that while God has given the earth and all its fruits to man in common, it remains possible to own property by way of embedding labour on it and giving it utility. This idea became the penchant of settler colonial adventures that ‘discovered’ lands and used them and thus ‘allowed’ empire to lay claim on them.

Moreover, Hobbes (1651) argued for the necessity of the state based on liberal ideals, which are individual liberties, private property, equality and freedoms ranging from expression, association etc. (Dunn, 1979). Liberalism came into prominence during the age of enlightenment, when western political society started to be formed (Dunn, 1979). The formation consequently, of political society in the west was informed by liberal conceptions of the state. The general idea being that the state exists to ensure that the insecurities that are presented by a stateless society are mitigated. Furthermore, it looked to establish authority in the interest of those who succumb to this authority, henceforth the rise of constitutionalism in the form of the social contract.

Like Hobbes and Webber, other political philosophers and thinkers have preoccupied themselves

with reasons for the state, the state of nature and further theoretical contributions and suggestions on how to organise human life. A history marred with wars, civil and otherwise, has made the necessity for social organisation greater over the years. Western political thought, the hegemonic epistemological vantage point on political thought, notes that the justifications for political society have largely emanated as a result of the necessity to deal with the state of nature. The universalisation of western modes of political thought and experience has amounted to western understandings of political society being dominant and imposed to the world outside the west as objective and at times uncontested forms of social organisation (see Germino, 1970). Mehta (2012) argues that there are three points of emphasis that arise from the 17th century which give basis for the formation of political society. The first being, “the idea that political society offers the only reasonable redress to the insecurity, fear and prospect of violence” (Mehta, 2012: 1). Here he makes the case that political society is formed as a counter to the insecurity provided by the state of nature. The need for humans to have guarantees of security and manage their fears saw the need to form one body which will take the duty to secure all from each other, so to speak. He argues that the second is that political society must expect opposition to it and must be ready to defend itself against such opposition. Then finally, he links this to political unity, which would minimise possibilities of political opposition external to the state (Mehta, 2012: 2).

Furthermore, Mehta (2012) holds that western political thought recalls the state of nature when it comes to security, fear and violence. Hence, the logic, at least according to Mehta, to establish the state was to mitigate these factors. However, when one looks at a more materialist analysis of the state, one can see the shift from mutual protection of individuals who consent in a social contract to the state, to an imposition of ideals – in other words, hegemony. This argument is made by many critical Marxists and by Franz Fanon, who stands on opposite ends to Hobbes, in his book *The Wretched of the Earth* (1963), where he argues that the violence of the state is perverse because it is in the name of protection (Fanon, 1963). Thus, breaking with the conceptualization of the state as inherently true to the social contract with its

citizens, in terms of protection or the management of interests. Here he makes the case that the state uses the discomfort that comes with anarchy in order to impose on them an organised and secure society that represents the interests of the elite (Fanon, 1963). Fanon's appreciation of the state lends itself to ideas of the state as an instrument of violence; epistemic and otherwise. Fanon brands the modern state as a problematic capitalist and racial social ordering of life (Fanon, 1963).

Furthermore, more critical appraisals of the modern state, and how to understand it have come from thinkers like Carl Schmitt (1996) – who open up the complexity of the process of defining the state. As stated earlier, defining the state for Schmitt is not of immediate concern. Instead, Schmitt looks to problematize the contradiction between what is the state and what is political – in other words to draw a seemingly dissipating distinction between the two. The importance of Schmitt's contribution here is to show that the interaction between the state and society produces new political realities that have consequences for the state and for political subjectivity. Essentially, Schmitt's treatment of the state is a break from the linear appreciation that understands the state and the political to be two distinct fields, but rather two components that make up each other in various ways. Therefore, taking a very different bend on the concept of the state, he puts an emphasis on the state as informing the political, being the political and being informed by the political. This dynamic treatment of the state is radically different from the earlier Victorian appreciations of political society, such as the ones proffered by Hobbes and Locke.

Whilst Mamdani (1996), not completely against Althusser's position, argues in *Citizen and Subject*, that the post-colonial African state is one which is faced with the contradiction of bifurcation. This means that the theory of separation was the basis of the state; natives were ethnicised and ruled under tribal authority as subjects, while the British were civil citizens with rights. He argues, further, that postcolonial democratisation in Africa is not successful because it has inherited the colonial state, which has a logic designed for native oppression for colonial, and ultimately, capitalist gains. Ultimately, Mamdani held that the state, particularly in Africa, in its

current form is very repressive due to its continuance of the colonial logic of divide and rule. Mamdani is interesting to mention here as he rests the faults of post-colonial African democracies on the perversion of African institutions by the colonial state. He therefore argues for a complete dismantling of the state and a new one to be imagined.

2.5 Thinking through Education in South Africa

The cases used in this comparative study are situated within the context of education in South Africa. Thus, in this section I will be engaging literature on the history of higher education in particular, as it informs the historical context within which #FEMF comes about. The 2015 moment in universities both in March (RMF) and October (FMF) set to challenge the endurance of the colonial legacies of the higher education framework in South Africa (Mandyoli, 2019; Luescher, 2019). While the 1976 uprisings take place within basic education, and as a response to and rejection of the racist imposition of Afrikaans and a low-quality education, it is more obvious in the uprisings that the battle is against an illegitimate hegemon in crisis – the apartheid state. Thus, here I focus on literature on higher education, which draws its legacy from both conquest and apartheid.

Reflecting on the long and arduous history of Cecil John Rhodes, through the historical making of Rhodes University, Paul Maylam (2017) offers what I see as a bibliography of three entities or processes: (a) Cecil Rhodes the man; (b) Rhodes University as a microcosm of South African universities and (c) the role of higher education/knowledge in conquest. Central to the development of the ideological institutions that would reproduce what Marx (1887) called ‘conceptive ideologists’, those responsible for producing the knowledge that sustains capitalist society, was the university. During the colonial period the university played a critical role in setting up the institutions that would hold up empire.

Furthermore, Maylam (2017) argues that Rhodes University was amongst the most conservative universities in South Africa, regardless of it being a Victorian, English medium university. This position was informed by its tendency to avoid conflict with the apartheid state. Heffernan (2020) also notes that the legacy of Cecil Rhodes endured even in democratic South Africa, such that the

students and progressive staff have started to reject even the name of the university, resorting to an interim name, viz; the University Currently Known As Rhodes (UCKAR). The #FMM movement raised this problems with this institution, which is applicable to almost all universities in South Africa regardless of their era of founding. This is to say that the university in South Africa has remained largely colonial based on its foundations and structures.

2.6 Constitutionalism and Material Justice

The constitutional democratic state promises, in policy and theory, an improved quality of life for all. Through the Constitution, this state gains legitimacy; on the basis of a social contract with its citizens. To lay a foundation for this, in this section, I locate this study within the growing debates for and against the Constitution as an instrument of transformation.

Hobbes (1651) argued for the necessity of the state based on liberal ideals, which are individual liberties, private property, equality and freedoms ranging from expression, association etc. Liberalism came into prominence during the age of enlightenment, when western political society started to be formed (Dunn, 1979). The formation, consequently, of political society in the west was informed by liberal conceptions of the state. The general idea being that the state exists to ensure that the insecurities that are presented by a stateless society are mitigated. Furthermore, it looked to establish authority in the interest of those who succumb to this authority, henceforth the rise of constitutionalism in the form of the social contract. Hobbes (1651) made the case in *Leviathan* that all humans are born free and have the innate need to preserve their lives. As a classic liberal, Hobbes's conception of freedom is centered on the individual; noting the limitations of individual freedom to not encroaching on that of others (Hobbes, 1651). Recognising the difficulty for individuals to self-govern, Hobbes conceptualised the idea of pure state of nature, a hypothetical assertion as to what social relations were like before the formation of political society in the form of the state, in his book *Leviathan* (Hobbes, 1651). Hobbes

emphasised the insecurity that comes with the state of nature. He argues that human qualities are predominantly similar, and that there would be too much uncertainty and insecurity without a central authority that can represent the interests of all. If not, he warns of a consequence of life being “nasty, brutish and short” (Hobbes, 1651). It is at this characterisation where there is a meeting of the minds between Hobbes and the South African reality; the nasty, brutish and shortness of life is certain, even with the forming of a social contract, for some people. It is so because of the legacies of colonial encounter, and the failures of the postcolonial state to reimagine itself outside of the shackles of modernity. Hobbes’s qualifying of his advocacy for mitigating the state of nature by suggesting that the central authority must be arrived at collectively does nothing that places his thought as useful in understanding the South African problem of inequality that produces tensions between the state and civil society. This social contract gives a certain group of people the right to act on behalf of the ‘collective’ interests of all people does not exist in the sky, but it is located in a set of social relations that make the idea of ‘collective’ untenable.

Political and moral philosopher John Rawls has relied on Hobbes’s view of the state of nature to develop much of his own ideas in his seminal text *Theories of Justice*. In this contribution, he coins a concept of justice as fairness; upon which he recommends a promotion of equal opportunity, a fair economic landscape and the prioritisation of the disadvantaged members of society (Rawls, 1971). Refreshingly, Rawls develops, in defence of his ideas of justice, the notion of the ‘original position’. This is refreshing because through this notion, he deals with what most liberal political philosophers of his time had been criticised with; the assumption of the original position and starting an analysis of society from there. He intends to make people imagine the most ideal society they would like to exist in, and works his way from there. Of course, Rawls played a critical role in the development of most constitutional frameworks in the world, on top of being cited in legal judgements as well. However, Rawls’s conception of justice and ‘fairness’ is an ambitiously idealistic – and admirably brave – appreciation of the history of

humanity and the connected social processes. To use his own arguments, he advocates for equal opportunity and the prioritisation of those least advantaged in society, but does not ask the question of what makes them less advantaged. Are all disadvantaged people so because of natural limitations in their ability, misfortune or lack of foresight of their parents? Or is there an objective matter of course that influences the ordering of society? Therefore, the idea of basing a social contract from this vantage point does not begin to address the systemic cases of ‘disadvantage’ and cannot be sustainable both in the practical attainment of justice or as part of a complete conceptual repertoire to theorise (in)equality. How has the South African Constitution fared in this complex task?

Transformative Constitutionalism

The former Chief Justice of South Africa, Pius Langa, drove compelling arguments for the transformative potential of constitutionalism. In an article titled *Transformative Constitutionalism* (TC), Langa (2006) does the work of setting the scene for what makes constitutionalism not only inevitable but also opportune for South Africa. He defines TC as a prompt to change, to address the historical injustice through an instrument that fosters substantive equality (Langa, 2006). Further, Langa elaborates “transformation is then a social and economic revolution. South Africa has to contend with unequal and insufficient access to housing, food, water and electricity” (Langa, 2006: 3). For Langa, the object of TC is to arrive at a “truly equal society”. This is achievable through the very comprehensive detailing of rights and democratic freedoms in the Constitution. The challenge, according to Langa (2006) is the strength and the integrity of the institutions that must see this through. A challenge reflected in the thought of Mashele Rapatsa (2014: 1), who writes:

South Africa’s history for the better part of the 20th century reveals a variety of historical phenomena ranging from colonisation, unjust legal systems and other discriminatory practices. This bred a society of extreme imbalances and socio-

economic inequalities. Post 1994, a reconstruction and development agenda became a priority, resulting in TC, a project which adopted the stance of transforming the society by redressing the injustices of the past, to create a much just society grounded in law. It has a foundational mandate to heal the wounds of the past. This entails that the societal challenges can best be addressed using the supreme law in the Constitution, as the basis for societal transformation.

Continuing the charge for Transformative Constitutionalism (TC), former Constitutional Court Justice Albie Sachs and one of the chief architects of the South African Constitution, is an ardent believer in the transformative power and potential of the South African constitution. Sachs (2000) argues for the constitution as the only vehicle to ensure historical justice. He responds, in an address at the Stellenbosch Law Review, to why an Anti-Bill of Rights Committee was established at the University of Natal by a group of black law students? While sympathetic with their rationale for the establishment of the committee, which was that a Bill of Rights prematurely drafted would only mean sustaining the privileges of white people even in a constitutional era; he had his reservations (ibid, 2000). Thus, Sachs argued against this committee as he deemed it counter intuitive to think against a Bill of Rights, as it would be central in redressing apartheid. The central idea for Langa and Sachs is that the non-racialism as enshrined in the democratic Constitution represents a future consistent with the anti-apartheid movement in South Africa. Moreover, the Constitution, for these thinkers and others along this conviction, is the holy grail of victories in the struggle against apartheid and for a nonracial and democratic South Africa.

Furthermore, the idea and ambition of non-racialism is central in the construction of the new South Africa, which both complements and complicates the project of transformative constitutionalism. Proponents of transformative constitutionalism appreciate the value of a document that considers the complex past of South Africa and its nonracial philosophy. Their interpretation of apartheid can be understood as a racially charged discriminatory state which is

why non-racialism has such an appeal. For instance, Ngcukaitobi (2018), Langa (2006) both believe in the power of non-racialism to be the anchor of the democratic constitutional project in South Africa. While there is the globally renowned critique developed by David Theo Goldberg (2009) in the *Threat of Race* that complicates this ‘settled’ category or ambition of non-racialism. For Golberg, non-racialism, globally, finds itself entangled in a web that either promotes or does not disturb white privilege. By this he means that it suggests that non-racialism engenders a society without racism, without looking at the structural logic and historical problems that are imposed by stubborn legacies of race and racism.

Troubling Goldberg’s (2009) argument a bit more is Gillespie (2009) who argues for a deeper reading of the anti apartheid movement in South Africa – to find more deliberate and generative conceptualisations and operationalisations of the idea of non-racialism. Gillespie (2009: 61) argues that:

Goldberg's critique of nonracialism relies on a historiography of South Africa that excludes radical traditions of anti-apartheid nonracialism that would complicate the ease with which nonracialism might be seen as an ally to racism. The history of the Unity Movement is drawn on to illustrate a radical organisation in the anti-apartheid tradition that explicitly advocated the principle of nonracialism.

Thus, my engagement with transformative constitutionalism is that non-racialism alone is a non-dynamic response to apartheid’s racial, gendered, economic, political and cultural discrimination. What stifles the dynamism of non-racialism as a response to Afrikaner racial discrimination? It is the misreading of racial discrimination of apartheid as the main contradiction, instead of it being a particular manifestation of an even deeper contradiction.

Dan O'Meara (1983), in his seminal text *Volkskapitaliesme*, does the important work of revealing the relationship between ideology and capitalism in the context of the apartheid state. He argues that Afrikaner nationalism, which propagated separate development in the form of racial discrimination, is an ideology in service of capital accumulation for Apartheid capital. Consistent

with capital's ability to morph into any cultural form that satisfies its uninterrupted law of value (Magubane, 1996), Apartheid capital thrived on the ideological rhetoric of Afrikaner cultural supremacy that would mobilise the Afrikaner middle and working classes for an Afrikaner dominated state (O'Meara, 1983). As such, to understand any anti-apartheid logic without characterising it as an anti-capitalist logic is insufficient.

Thus, the romantics do not go beyond apartheid ideology, and to the heart of the problem; that is capitalist social relations that remain untainted by a 'non-racial' constitutional ambition. While the constitutional abolitionists, on the other hand, launch compelling critiques of the constitutional dispensation and its limited comprehension of historical justice, they do not account sufficiently for the economic future of a 'radically democratic decolonized future' as per Modiri (2017).

2.5.2 Material Justice, Abolition and the Limits of Transformative Constitutionalism

As a counter to the transformative constitutionalism argument, the abolitionists argue against the idea of a new South Africa, as it is predicated on an untainted basis of historical injustice. The constitutional abolitionists are legal and political theorists thinking against and beyond the premises upon which South Africa's constitutional democracy is predicated (Modiri, 2018). Modiri sets out to defend an existing critique of "Mandela's nation" or post-apartheid South Africa. He adds his voice to a body of scholarship that has insisted on thinking against the grain of an intellectually pacifying and politically moderate rainbow 'nationalism'. This scholarship consists of a number of constitutional abolitionists, radical Marxists, postmodernists and an array of Pan African thinkers. Contending that the project of building a non-racial and constitutionally democratic new South Africa cannot and should not supplant historical justice, Modiri (2018: 3) argues that:

The constitution is grounded upon a set of faulty political, conceptual and ideological predicates

that not only violate the principle of historical justice but also stand in the way of a radical democratic, decolonized and liberated future.

In search of an alternative jurisprudence, Modiri (2018) employs a number of useful concepts, such as the (dis)continuity of the history of colonial conquest and colonial unknowing. The discontinuity he sees as between the *longue durée* history of the fact of colonialism, and the supposed post conquest moment in South Africa. Modiri places the Constitution as a central problem. He argues that it figures not only as a supreme law, but also as a supreme rationality. Secondly, on the point of colonial unknowing, Modiri argues that there is a deliberate effort by proponents of constitutionalism to write out the history of colonialism in the imagination of post-colonial political society in South Africa. In other words, he infers that there is an ahistorical reading of the trajectory of South Africa, which does not sufficiently explain the historical injustice of dispossession, racial domination and epistemological violence (Modiri, 2018).

Moreover, opening the thorny debate of whether apartheid was a crime against humanity, Mamdani (2014: 4) writes:

Single most important decision that determined the scope and depth of the Commission's work. Without a comprehensive acknowledgment of victims of apartheid, there would be only a limited identification of perpetrators and only a partial understanding of the legal regime that made possible the "crime against humanity".

The TRC struggled with this categorisation of apartheid, and therefore, missed the opportunity of steering a process of structural justice. I advance Mamdani's (2014) thoughts here, particularly extending their theoretical boundary to an understanding of South Africa's transition more broadly. Also, theoretically, I strengthen my intervention by using Gramsci's theory of hegemony, which furthers the argument of a structural consistency from British Colonialism, apartheid nationalism and democratic South Africa. Of course, many things have

changed throughout these eras, to claim otherwise would be grossly ahistorical. However, the fundamental changes have not materialised, instead a plethora of cosmetic and ideological changes have enjoyed dominance.

More simply, our attempts to heal historical wounds of colonialism can only be successful if we have a full appreciation of the wound itself. As outlined earlier, those arguing for the Constitution, who are proponents of “the best Constitution in the world”, see justice only through the lens of the Constitution. In empathic fashion, Mashele writes:

South Africa’s history for the better part of the 20th century reveals a variety of historical phenomena ranging from colonisation, unjust legal systems and other discriminatory practices. This bred a society of extreme imbalances and socio-economic inequalities. Post 1994, a reconstruction and development agenda became a priority, resulting in TC, a project which adopted the stance of transforming the society by redressing the injustices of the past, to create a much just society grounded in law. It has a foundational mandate to heal the wounds of the past. This entails that the societal challenges can best be addressed using the supreme law in the Constitution, as the basis for societal transformation.

Thus, the intervention of this study is not in proffering a novel way through which we could unpack the South African state. Instead, it is to show with more evidence and with the theoretical support of Gramsci’s concept of cultural hegemony, that these continuities are evidence of a change in the superstructure of the state, and not its base.

The base, which Althusser (1970:2) defines as “the ‘unity’ of the forces of production and the relations of production and the superstructure, which itself contains two ‘levels’ or ‘instances’: the politico-legal (law and the State) and ideology (the different ideologies, religious, ethical, legal, political, etc.).” Thus, the base represents the economic, and the superstructure represents the cultural, the ideological. The deployment of the theory of base and superstructure here avoids association with, for instance, the unilinear appreciation that Tsotsky had (see Tsotsky, 1939).

To the contrary, I am more inclined to be persuaded by Althusser's more dynamic delineation of the relationship between base and superstructure – that is, a relationship where one is nothing more than and without the other. For this reason, I extend the deployment of this dynamic logic of base and superstructure to ideas of form and essence; the ideological (surface level) versus the material. In other words, what are the changes at the ideological level of the democratic state that mask the continuities and consistencies within the base?

At the level of the superstructure the problems are racism, tribalism, corruption and patronage (Horowitz, 2023). These are clear and objective problems within the democratic constitutional state. The tenacity of racial, gendered and other political and cultural injustice, discrimination and social and spatial planning embodies the day-to-day experience of South Africans. These social problems have a foundation, a base which is the economic system that orders this society according to the relations of production (Magubane, 1979; Mandyoli 2023). Thus, the base is the perennial and ubiquitous logic of capital—logic present, although in very different ways, in both colonial and post-colonial periods. Therefore, the patterns of state hegemony show no signs of having shifted, i.e., the police still meet dissent with brutality, the state still oversees the killing of unrelenting protesting workers, while the very same state provides welfare, relatively free basic services and an array of constitutional guarantees. This is a clear example of a deployment of consent and coercion depending on the circumstances.

In conclusion, transformative constitutionalists and abolitionists have one thing in common; an incomplete appreciation of the driver of colonialism – which is capitalism. Capitalist social relations (emphasis on social because they go beyond economics and entrench themselves as cultural, political, legal and social relations) are the bedrock of historical injustice. Moreover, Mamdani's critique of the TRC in South Africa clearly shows how the transition was marred with a non-structural appreciation of the problem that was racial apartheid. The massacring of black people in recorded and unrecorded moments, systemic and cultural degradation, could not – as

intended in the TRC – be reduced to the actions of individuals who committed those crimes (Mamdani, 2014). Instead, it needs to be viewed through the deliberate and calculated actions of systemic racial and economic exploitation.

2.7 Conclusion: Capitalist Hegemony as Justice?

In the final analysis, Antonio Gramsci understands hegemony to be a dynamic interchange between consent and coercion. The expressly racist and blood thirsty apartheid project was predicated on coercion, as it had no moral legitimacy. While the democratic constitutional state hinges its legitimacy on a non-racial constitutional future. In essence, both are hegemonic ruling classes, advancing different mechanisms to maintain hegemony. What is consistent despite obvious differences between these two regimes is the material dispossession and social alienation of the majority of South Africans. A reality that causes significant tension between state and civil society, creating conditions for movements like #FMM.

How do we then conceive of a way to understand what is justice in post-apartheid South Africa without the bold acceptance that the reality of its logic, while practically informed by racial segregation, goes beyond racial discrimination? The reality of democratic South Africa shows clearly that while repealing much of the racial legislation of apartheid, the root of inequality persists. Modiri argues persuasively that the persistent thing is white power and racial capitalism (2017), while compelling, I think he delivers a composite part of the problem and not entirely its genesis. Its genesis being the ubiquitous and tenacious logic of capital to withstand any social change, at least up to this point. Of course, the various debates in this chapter have revealed how the non-racial ambitions of the constitution have the capacity to alleviate this. So too have the arguments against this been more poignant, and certainly more historically viable. It is important to note that the fact of conquest, Afrikaner nationalism and democratic constitutionalism all have one thing in common; the logic of capital as a mode of production.

Chapter 3: Hegemony & Ideology in the South African State: Towards a Framework for Analysis

3.1 Introduction

This chapter develops the theoretical framework of this study. As articulated in the first chapter of this thesis, the study critically examines the democratic constitutional state in relation to the ways in which the facilitation, maintenance and challenging of hegemony play out comparatively in two different regimes in South Africa. Through a comparison between a moment in 1976 and another in 2015, the inquiry is interested in the quality of the democratic constitutional state in South Africa; fundamentally capitalist and ideologically ambiguous. As such, located in the disciplinary interface of political theory, civil society and history, the theory is an important aspect of this study; the strength thereof will rely on this chapter's ability to build the study's explanatory and analytical efficacy.

The state is an important concept to unpack in this study because in order to understand the relationship between the government and the student, one must examine the "field" in which this relation plays out. More than just the arena where this tension plays out, the state is the central focus of this study. Also, in order to examine counter-hegemonic behaviour, it is important to identify what exactly is hegemonic. Thus, the theoretical position of this study is informed by Gramsci's theorisation of the state as a mechanism that is not neutral nor absent in political and economic life, but rather is engineered to serve a particular class of people (Gramsci, 1971). The study makes this case, and will proceed to show it throughout the unpacking of this framework for analysis.

Informed by the broad nature of this quest, to isolate moments for analysis is necessary; in this case, the two key moments in the history of the South African state. Ultimately, this chapter constitutes a theoretical framework from a historical materialist orientation. The chapter is organised as follows; the outlining of key concepts of the state, hegemony/power and ideology:

- i. **The State:** the domain wherein hegemony is contested and maintained is, in the context of the problem, the state. Thus, the need to theorise the state and the choice to use Antonio Gramsci's theory of hegemony as the anchor theory in this framework. Given the conceptual variations on the definition of the state, this section outlines how the state is understood in this study along with normative understandings of the state. Beginning with the origins of the state, some working definitions are presented, including this study's particular framing of the state. The state is the umbrella of the theory while hegemony and ideology are its two anchors. The most basic definition of the state, derived from Max Weber (1919), deals with things that make up the state, such as: monopoly of force; territory; population and military. Adding to this list, Heywood (2013) includes legitimacy, government and sovereignty. In addition, for Heywood, the method of social organisation is decided through political action—this could be by the voluntary participation of the majority or the dictatorship of the dominant (Heywood, 2013). Thus, the state is the arena in which this political action is housed, and politics is the tool to decide the authority over the state. As Arendt (1970) puts it, political power is social cooperation. While Heywood (2013:57) defines the state as “a set of institutions that are recognizably public in that they are responsible for the collective organisation of social existence and are funded by the public”, conventional definitions range from that to the state as a collection of institutions, mechanism to effect accountability, international actor and even instrument of coercion (see Heywood, 2013; Galbraith, 1983; Getachew, 2020).

Counterposing this appreciation of the state, my intervention is that the state stands on two fundamental legs; consent and coercion. These are the foundations of hegemony, and a much more salient appreciation of the state. The chapter will explain why this is the case.

- ii. **Hegemony/Power** this section looks to deal with the hegemony wielded by the state. Gramsci defines hegemony as “the 'spontaneous' consent given by the great masses of the population to the general direction imposed on social life by the dominant fundamental group;” (Gramsci, 1971). Gramsci understands hegemony to be the quest for class control over state power. The mechanics of his theory are located in what he sees as the tools used to gain, maintain and defend hegemony. These are consent and coercion (Simon, 1991). With a particular theoretical vantage point informed by Antonio Gramsci’s theory of hegemony, this section of the theory sets out to understand how state hegemony forms different or the same political subjects in these two moments. How do the subjects respond, and in what ways are the responses similar or different from the state. Hegemony presupposes state authority and legitimacy, it however, does not always prescribe it in the same way. As such, the conceptual utility of hegemony in the framework of analysis is in analysing the use, quest and defence of hegemony/power in these two moments, in accordance with the study’s comparative objectives.
- iii. **Ideology** this section deals with the practical application of state hegemony through a set of institutions, social processes and normative appreciations of being. In real terms, ideology plays itself out differently in different spatial-temporal contexts, but does it serve the same purpose? In the context of these two moments examined in this process, what is its purpose(s) and how does it go about the process of legitimating hegemony? This section will help us navigate the concept of ideology in ways that break from the linear treatment of it as a mere “science of ideas”, but rather a set of social processes driven by certain interests and organically developing and shaping actual political

subjects.

3.2. A Marxist Conception of the State

Hence, it is important, for this study, to consider the Marxist conceptualisation of the state. In fact, this study understands the state through a critical Marxist lens, whilst considering opposing ideologies around the state; such as liberal and “mainstream” conceptions of the state. In Marx’s *German Ideology*, where it is most likely where Antonio Gramsci derives his conceptions of hegemony, he unpacks the vastness of the state’s impact on social relations. He situates the dominance of the state, as per his class analysis, at the point of production (Marx, 1968). In *Capital: A Critique of Political Economy*, Marx (1945) focuses on the role of the bourgeois state in creating the conditions for capital accumulation. He argues that the state is a machine that serves to keep the conditions to extract surplus value in place. Moreover, surplus value extraction is done by the capitalist, with the logic to accumulate, and this is extracted from unpaid labour of the worker. This, primarily, is the bedrock upon which the state is set up, this informs its logic and presents the principal contradiction between labour and capital (Marx, 1945). On the other hand, Althusser argues that:

The State is a ‘machine’ of repression, which enables the ruling classes (in the nineteenth century the bourgeois class and the ‘class’ of big landowners) to ensure their domination over the working class, thus enabling the former to subject the latter to the process of surplus-value extortion (Althusser, 1970: 6).

The state has apparatuses which operate merely as institutions that represent it and keep it as the ideologically dominant way of managing social relations.

The liberal democratic state has been critiqued by Marxists such as Rosdolsky (1977) for its claim to act in the interest of all, but in reality, it acts in the interest of those who control it; the ruling class. For instance, in liberal democratic states, like South Africa, there is an undertaking that states will secure the human rights of all individuals, yet liberal states support policy positions

such as a free-market state which presents some challenges for the state from intervening in the market, particularly at the point of production, labour relations and other developmental state aspirations. Therefore, it cannot entirely guarantee the fair and equal treatment of its citizens if it allows the market to operate unmonitored – even though the ANC finds creative ways to balance this, with one of the highest ratios of social grants globally (Van Der Waldt, 2015). Hence, Marx (1968) would argue that the assertion that a liberal state is there for all, is an ideological obfuscation to gain consent from the exploited classes in attempts to legitimise the state in the interests of the ruling classes (Marx, 1968).

Furthermore, Marx (1968) unpacks the engineering of state domination in *The German Ideology* quite creatively, he identifies the invisible hand of the state, on behalf of the ruling-class, in every set of society's relations. Marx argues that “the ideas of the ruling class are in every epoch the ruling ideas” (Marx, 1968: 42). Therefore, he understands the state to be a machine, dictating the direction of society, used to naturalise ideas of the ruling class, for the hegemonic benefit of the class. This take on the state by Marx, is complemented by both Althusserian and Gramscian thought on the state, through the conceptualisation of hegemony and the process of coercion (Repressive State Apparatus) and consent (Ideological State Apparatus) (Althusser 1970; Gramsci 1971). Thus, the fundamental convergence between Gramsci, Althusser and Marx is the state's dominance for and on behalf of the ruling class.

The understandings that the above authors have of the state are significant, and help craft this study's understanding of the state. As such, the study uses Gramscian conceptualisation of the state, complemented by Louis Althusser. Gramsci (1971) holds that the state is no neutral machine existing for the interests of all who accept its rule. Rather, he understands the state as a “partisan tool to advance the interest of the elite bourgeoisie” (Gramsci, 1971; 18). Thus, agreeing with Althusser on how the design of the state is ideally to sustain its dominion through the ideological “war of position” for the interests of a particular group. Moreover, Gramsci also better explains the state by providing an empirical guide to how the state sustains its power; a

negotiation between coercion and consent, the war of position, common sense and using the state's apparatus (by Althusser) to assert its dominion.

Althusser goes on to argue in his essay on the Ideological State Apparatus,

The State is thus first of all what the Marxist classics have called the State Apparatus. This term means: not only the specialised apparatus (in the narrow sense) whose existence and necessity I have recognized in relation to the requirements of legal practice, i.e. the police, the courts, the prisons; but also the army, which (the proletariat has paid for this experience with its blood) intervenes directly as a supplementary repressive force in the last instance, when the police and its specialised auxiliary corps are 'outrun by events'; and above this ensemble, the head of State, the government and the administration. (Althusser, 1970: 7).

The character of the state, according to Althusser here, is clear in the Marxist tradition. Essentially, the state is organised in a way that advances and protects the interests of the ruling class at the expense of the proletariat (Althusser, 1970). The seminal intervention from Althusser here is that he details how this repression, for consent manufacturing, plays itself out in detailed terms - ultimately, the operationalisation of institutions in the interest of class domination. The State Apparatus, which defines the State as a force of repressive execution and intervention "in the interests of the ruling classes' in the class struggle conducted by the bourgeoisie and its allies against the proletariat, is quite certainly the State, and quite certainly defines its basic 'function'". (Althusser, 1970: 6). Thus, for Althusser, the Marxist theory on the state has been useful insofar as it has laid out the characters of the capitalist state. What he proposes to do is to give the tradition a descriptive theory of the state that, in unambiguous terms, be recognisable and applicable in the process of social and historical analysis. Not to be stuck at description, but to lay it as foundation for this development of theory. Making this point, he argues that descriptive theory does run the risk of blocking the development of theory, only when it is seen as something essential and not what it is; descriptive (Althusser, 1970). This, particularly for this study, is the value of his idea of the Ideological State Apparatus (ISA) and the Repressive State Apparatus (RSA).

Finally, the theory— as a framework for investigation—helps carve open whether the logic of the state is to remain hegemonic, regardless of regime. It will demonstrate this by showing similarities in how the state asserts itself when challenged, through the instruments of coercion and consent, exercised through the ideological and repressive state apparatus. Unpacking the state means that there needs to be an unpacking of its hegemonic foundations.

Therefore, it is in the very cogent analysis of Magubane (1979), and in parts Gramsci (1971) and Althusser (1971), that this theory chapter rests its understanding of the state. The explanatory power of the historical appreciation of South Africa, the conceptual lucidity and contemporary relevance of Gramsci's hegemony and the detailed and practical unpacking of state institutions as instruments of hegemony provides a framework through which we can understand how the uprisings in 1976 come about and how the protests in 2015 persist despite the move to a constitutional state. This is why we move now to the concept of hegemony/power.

3.2 Hegemony

A key component of this study is to assess patterns of hegemony and power in two different moments in the South African state, through the assessment of two key selected moments. The two moments take place in the same state, however, with different legitimating circumstances; apartheid legitimate by coercion and democratic legitimate by consent. The moments, in both historical conjunctures, are a consequence of power contestation and maintenance thereof. Hence, it is helpful to move from the vantage point of locating hegemony and power theoretically. A look at Gramsci's conception of hegemony.

a) Gramsci's Hegemony

Gramsci argues that there is no state that is completely coercive or completely consent driven. Informed by a dialectical method of thinking, he appreciates the constant interplay that exists between these and how they are deployed based on the prevailing circumstances. Ultimately, at the centre of Gramsci's theory of hegemony is a tracing of state power. It begs interesting

questions —some which augment the interests of this study—such as; who controls the state and for what interests? Are the interests defended by the state divorceable from the interest of those ruling the state? Does the use of consent and coercion to maintain control over the state require legitimacy or does being hegemonic legitimise the use of these?

Let us attempt to answer the above questions in Gramsci's terms. Gramsci's argument on the development of organic intellectuals being important for the revolution— in which he argues against the traditional intellectual of the time that lent itself to the furthering of bourgeois hegemony and ideology—connects neatly to his identification of the central organisation of the oppressed class: the counter hegemonic. Central to his note on intellectuals is the idea that they emanate organically from concrete politics on the ground, in whatever spatio-temporality. Here Gramsci draws an important distinction between professional intellectuals who are so by social function, and organic intellectuals who have concerned themselves with the consciousness of the class they have sworn allegiance to. The important thing to note here is that Gramsci, in the introductory notes already, identifies how hegemony orders society in ways that are not objective but subjective to its interests.

Hence, the answer to all the questions above relating to control of state power, interests and legitimacy are all traced back to Gramsci's location of hegemony in the intellectual and political fight he was engaged in. Here his materialist persuasion is clear as he sees the relations of power in society along class lines – essentially the battle for hegemony is a class war to gain dominance of other classes. Interestingly, Gramsci does not suggest at all that the working class will not be problematic in its dominance, instead his Marxist sentiment puts the working-class movement above all other classes. This is important to note upfront not only for its intellectual objectivity, but also for nuanced dynamism with which he approaches his thought. For Gramsci nothing is black or white, but all is interwoven. His explanation of the relationship between consent and coercion as mechanics of hegemony proves this.

b) Consent and Coercion

Attributable to his subtle, but consistent use of the dialectical method, Gramsci is sensitive to the complexity and multiplicity that informs social relations. Gramsci treats the contest for hegemony as a fluid relation that does not equate state to hegemony and civil society to counter hegemony, the inverse scenario also being the case. An argument that bears evidence to this is his historically significant contribution to the idea of 'war' through the notion of the transition from the war of manoeuvre to the war of position. In other words, the war of manoeuvre is a traditional frontal attack with all out violence, whilst a war of position is the tactical gaining of ground by the counter-hegemonic force to use against the dominant force (Hoare & Smith, 1971). Thus, Gramsci's idea of hegemony has two notable historical origins: (a) The Russian revolution compared to Europe; namely the fact that the conquest of state power by the Bolsheviks was attained by assault (the war of manoeuvre) and (b) the "war of position" i.e. the counter-hegemonic work in "civil society" in the face of failure of the Turin workers occupations and the rise of the Fascists.

The appreciation of the dynamic nature of the quest for hegemony by Gramsci shows his theoretical flexibility to explain power from the perspective of the powerful and the power seeking. As such, consent and coercion are a dynamic duo in the process of maintaining hegemony; there cannot be one without the other. For Gramsci, this is a contest that is constantly alive, fuelled by the interest of both the dominant and the dominated. Therefore, Gramsci appreciates the role of ideology in dominance, which is located at consent. Coercion can achieve dominance, but it cannot sustain it indefinitely. Therefore, Gramsci locates a political battle hosted in the ideological theatre and not exclusive to the military/force. The ideological is reinforced by the repressive, and the repressive has its basis on the ideological. Strengthening his case of the complexity of the clash between dominant and dominated he states that "In politics, the siege is a reciprocal one, despite all appearances, and the fact that the ruler has to muster all his resources demonstrates how seriously he takes his adversary" (Gramsci, 1971: 239).

A practical glance at the interplay of the two could be illustrated as follows: the dominant group establishes or influences established culture that supports its dominance, it reinforces its domination through coercion and embeds it using consent and this cycle and contestation can play out in the inverse as well. Noteworthy in this illustration is the centrality of hegemony and the two dominant tools used to attain and maintain it. Emphasising the significance of consent and coercion, Gramsci elaborates on his description of hegemony, “a relation between classes and other social forces” (Simon 2002:22), denoting the importance of dominance ideologically, beyond force. He further adds “a hegemonic class, or part of a class, is one which gains the consent of other classes and social forces through creating and manufacturing a system of alliances by means of political and ideological struggle” (Simon, 1991:26). Moreover, thinking through the Brazilian Landless People’s Movement, Kariem (2009: 9) argues that:

“A Gramscian political economy approach is useful in understanding how elite power is maintained and how grassroots movements can build a counter-hegemonic project.”

Thus, for Gramsci (1971), ruling class hegemony is not based on force alone, but on a combination of coercion and consent. That is, a hegemonic class rules by incorporating some of the interests of subordinate classes. For Gramsci, the idea of a hegemony rests in class lines; hence the inseparable nature of hegemony and class. Although these ideas have become widely circulated, in fanatic ways, by an array of disciplines in the social sciences, it is important to evaluate appreciations of Gramsci that read him within his historical terms.

Lears (1985) does an appraisal of some of the thinking surrounding Gramsci. In this important journal article, he explores Gramsci’s idea of cultural hegemony, where he draws connection between culture and power in capitalism (Lears, 1985). Important in this contribution is the idea that Gramsci’s thought goes beyond ‘conscious Marxists’ and engages a wider variety of interests. Of course, he cautions against reading out the historical materialist in Gramsci, but points out the considerable conceptual reach his thinking has in the humanities.

Moreover, Lears (1985) makes the case that an important part of Gramsci’s thought – which

informs its conceptual elasticity – is the objective linking of cultural hegemony with domination. Further, he writes that “the concept of hegemony has little meaning unless paired with the notion of domination... For Gramsci, force and consent nearly always coexist, though one or the other predominates” (Lears, 1985: 3). Here he alludes to a flexibility in power and culture in Gramsci’s conception; in that there is no mechanical way of viewing hegemony without the interplay of a multiplicity of factors. Simon (2002) echoes this by arguing that the complex relations of power in any given society mean that there are hardly binary ways in which hegemony manifests. For instance, he argues that there is no complete harmony or homogeneity in the internal dynamics of a hegemon – in this case the state. The dominant actor has its own contradictions regardless of its dominance, while the dominated are equally marred with disputes on how to approach a counter-hegemonic strategy. Thus, these appreciations of Gramsci’s theory of hegemony speak to the dynamism of his conception of hegemony; it is without class bias in relation to its objective appreciation of hegemony, while critically evaluating the effects of the dominant class on general society.

c) From Power to Cultural Hegemony

It is important to note upfront that power and hegemony are not used interchangeably, as will be clarified in the course of this section. Instead, the two concepts have got their own generative potentials, with hegemony being the distinct choice in this particular study. However, the possible conflation is too tempting and therefore, the distinction, and not so much separation, of the two concepts is fundamentally important. In the twentieth century one cannot think of power without considering scholars like Foucault, Fanon, Schmitt, Arendt and others. The focus here will be how the concept of hegemony, as developed by Gramsci, stands alongside this tradition with its own distinctive conceptual integrity.

Extending conceptions of the state from social organisation to the intricate social dynamics of such organisation, Weber ventures into politics in a state (Weber, 1919). He understands

politics to be the process of mobilising to gain control of the state; essentially, a battle for power. Thus, to understand the state, we must understand politics, and to understand politics is to trace the power relations in a state. Adding to this, Schmitt (1996) offers a treatment of the relation between state and politics as a non-linear relation between two fields that inform one another, rather than stand distinctly from each other. In the lectures at the College of France, the one titled *Governmentality* (1991) Foucault also offers an important understanding of power and the modern state. He introduces the idea of bio power, which he also refers to as the technology of power. Central to his argument is how population control became, in the 20th century, a problem for power (Foucault, 1991). Furthermore, Foucault understands governmentality as “the art of government” (Foucault, 1991); the governing of things beyond formal social organisation but also of day-to-day human life. Like Gramsci’s understanding of culture for hegemonic purposes, Foucault notes the use of particular institutions in society as mechanisms for control, for instance schools, hospitals and psychiatric institutions (Foucault, 1991). At the centre of his argument is that these institutions are used to produce knowledge, objective or not, that institute control. This dynamic appreciation of power lends itself to the interest of this study as it engages with the idea of power not only where it lies, but how it is used in the interest of control.

Foucault’s work suggests that power is very diffuse and can be anywhere, in the control of varying interests (Foucault, 1991). This argument is an interesting conversation with Gramsci’s dynamic method of appreciating hegemony. The diffuse nature of power, as argued by Foucault resembles the dynamic appreciation of hegemony by Gramsci. Thus, this study takes the route of reading these two concepts by two very important thinkers not as opponents, but as two iterations of thinking about the problem of the state. For instance, Foucault’s critique of the modern state’s use of power as a tool to govern and manage groups of people lends itself in both cases examined in this study. Power may present in different ways in apartheid and democratic South Africa, but it is the instrument of the same function: control.

Therefore, an analysis of state hegemony is quite strengthened by the inclusion of the detailed

appreciation of power offered by Foucault. While noting the explanatory power that can be derived from the reading of these two theorists together, it is important to trace other debates on power.

Thus, hegemony can be understood in different conceptual languages and orientations, but it ultimately is central to the idea of the state and this study's analysis thereof. Both Gramsci and Foucault agree on hegemony's imposition and shaping of agency of society. In ways that craft resistance and create new political subjects. Therefore, it is important to view state power not only as a product of dominion, but also as an interaction with that dominance. To take this further, we look at the overt and covert ways that power entrenches itself ideologically.

3.3 Ideology

Consistent with the overall aims of this chapter, this section develops the conceptual framework of the study by looking at the concept of ideology; not only for its intimate relation to both the construction and sustenance of hegemony, but also how it sets up and creates the conditions for and contradictions to hegemony. The section sets out a clear intention of adding ideology as a paradigm in the building blocks of the theoretical framework for analysis in this study — incorporating ideology as part of a theoretical arsenal that will weave through the two conjunctural moments investigated in this study. Of course, there are a multitude of appreciations of the concept of ideology as either: a set of ideas; modes of thought or understanding social relations; or, as used in this study, the material, cultural and ritualistic expression of the relations of power in society. Meaning, the consent manufacturing instruments and mechanisms at the behest of the ruling hegemonic class, to achieve 'common sense' equilibrium of its ideas and how society ought to be (Therborn, 1999). For Althusser, ideology is alive in human beings; reinforced everyday by conscious and unconscious actions (Althusser, 1962); these being a myriad of social actions ranging from gender roles to going to work.

Moreover, key to the understanding of hegemony is appreciating its inextricable relation to

ideology. Hegemony, whether by force or consensus, relies on legitimacy (Santucci, 2005); without legitimacy (regardless of the substance of it) it is difficult to remain hegemonic. As such, before I commit this section to scrutiny and to the aid of the theoretical framework, the impossible task of defining ideology is attempted and the concept of ideology is placed within the context of its relation to power, and the relation of power to it. Borrowing from Therborn's (1999) eloquently posited appreciation of ideology in the *Power of Ideology and the Ideology of Power*, the connection between the two is important for the autonomy of ideology and hegemony read independently and the utility of the concepts read together. Although it is a widely accepted fact that there is no uncontested definition of ideology. This area of scholarship has many conceptual orientations, the three main ones having been briefly mentioned above. Here, however, we will focus on the classical De Tracien understanding of ideology and counterweight it to the Althusserian-cum historical materialist appreciation thereof.

3.3.1 Defining Ideology

Louis Althusser, French philosopher and internally critical member of the French Communist Party, influenced extensively by Gramsci, develops his conception of ideology from a process of critiquing the uncritical engagements with the concept and its layered meaning. Althusser's characterisation of the genealogy of this concept is articulated in his essay on *Ideology and Ideological State Apparatus* (1970), does the work of situating the concept well. He argues that it is well known that the expression 'ideology' was invented by Cabanis, Destutt de Tracy and their friends, who assigned to it as an object the (genetic) theory of ideas. When Marx took up the term fifty years later, he gave it a quite different meaning, even in his Early Works. Here, ideology is the system of the ideas and representations which dominate the mind of a man or a social group.

Althusser invokes Karl Marx's appreciation of ideology here. He takes to task the limitations of viewing ideology as having no history, and proposes instead that ideology is the history of the formation of social classes—basically, that ideology has a very discernible materiality, as

opposed to Marx's denouncing of it as a 'dream' in *The German Ideology* (Althusser, 1970). Going back to the De Trucian definition heavily critiqued by Althusser, the definition eventually met with some contestation from the likes of Napoleon – against who De Tracy's republican ideas rose (see Hart, 2002; Zizek 1994) – De Tracy argued for it in order to develop a rational system of ideas to counter the disorganised and irrational ordering of ideas of his time (De Tracy, 1817). The notion of ideology as a science of ideas and its attended appreciations of judgement, memory and volition as coined by De Tracy (1871), follow a logic that systematised ideas as part of rationalising the human experience. Whilst thinkers like Marx contested this idea, with specific reference to De Tracy, even accusing him of being “fisch blumige Bourgeois Doktrinär”—a fish-blooded bourgeois doctrinaire (Hart, 2002: 2). This line of critique against ideology as objective ordering of ideas develops further in the *The German Ideology* (Marx, 1932), where he lays the basis for his argument against Hegelian idealism, using historical materialism. Marx argues that the reliance of Hegelian philosophy on idealist notions like religion and faith is a false way of appreciating real, objective human experience. It is not that Marx rejects the existence of ideology, rather a question of its foundation; for him being in the material context of social reproduction of humans. To make this case he asserts that:

It is a definite form of activity of these individuals, a definite form of expressing their life, a definite mode of life on their part. As individuals express their life, so they are. What they

are, therefore, coincides with their production, both with what they produce and with how they produce. The nature of individuals thus depends on the material conditions determining their production. (Marx, 1932: 8)

On the other hand, Althusser, remaining within the parameters of Marx's method, develops ideology a bit further. In a section on the essays on the state, he writes:

The Marxist tradition is strict, here: in the Communist Manifesto and the Eighteenth Brumaire (and in all the later classical texts, above all in Marx's writings on the Paris Commune and Lenin's on State and Revolution), the State is explicitly conceived as a repressive apparatus. The State is a 'machine' of repression, which enables the ruling classes (in the nineteenth century the bourgeois class and the 'class' of big landowners) to ensure their domination over the working class, thus enabling the former to subject the latter to the process of surplus-value extortion (i.e., to capitalist exploitation). (Althusser, 1970:6)

There are two things that emanate from the above quotation. The first is that Althusser is basically extending the logic of historical materialism to an ability to conceptually generate a reading of ideology beyond the strictures of Engels' 'false consciousness' argument. Secondly, Althusser makes it clear that the 'realness' and materiality of ideology is essentially a historical materialist conclusion, which clears out any ambiguity around questions of the method that leads him to this conclusion. Thus, the conceptual utility of ideology both as something real and measurable is in essence why Althusser's framing is important in this study. He argues the generative potential of this theory does not come only from its descriptive capacity, but also that it must be developed in ways that can sustain its explanatory power.

Using the same descriptive foundations upon which to build a sustainable theory, Althusser isolates clearly what exactly he means by the Ideological State Apparatus. He writes:

I shall call Ideological State Apparatuses a certain number of realities which present themselves to the immediate observer in the form of distinct and specialised institutions. I propose an empirical list of these which will obviously have to be examined in detail, tested,

corrected and re-organized. With all the reservations implied by this requirement, we can for the moment regard the following institutions as Ideological State Apparatuses (the order in which I have listed them has no particular significance): the religious ISA (the system of the different churches), the educational ISA (the system of the different public and private ‘schools’), the family ISA,[8] the legal ISA,[9] the political ISA (the political system, including the different parties), the trade-union ISA, the communications ISA (press, radio and television, etc.) the cultural ISA (literature, the arts, sports, etc.) (Althusser, 1970: 5).

This descriptive part is helpful as he avoids a conflation of the ideological state apparatus with the repressive. For him, clear distinction between the two is paramount, while constantly reading them together. The reason for this is also informed by the clear differences between the ISAs and the RSAs. He writes:

As a first moment, it is clear that while there is one (Repressive) State Apparatus, there is a plurality of Ideological State Apparatuses. Even presupposing that it exists, the unity that constitutes this plurality of ISAs as a body is not immediately visible. As a second moment, it is clear that whereas the unified – (Repressive) State Apparatus belongs entirely to the public domain, much the larger part of the Ideological State Apparatuses (in their apparent dispersion) are part, on the contrary, of the private domain. Churches, Parties, Trade Unions, families, some schools, most newspapers, cultural ventures, etc., etc. are private. (Althusser, 1970: 8).

Althusser goes on to anticipate a critique that might emanate from the making essential of public institutions as outlined above. The critique he responds to in a way that shows an understanding of institutions under a capitalist state operated within the logic of its hegemony. His defence reads as follows:

We can ignore the first observation for the moment. But someone is bound to question the second, asking me by what right I regard as Ideological State Apparatuses, institutions which for the most part do not possess public status, but are quite simply private institutions. As a conscious Marxist, Gramsci already forestalled this objection in one sentence. The distinction

between the public and the private is a distinction internal to bourgeois law, and valid in the (subordinate) domains in which bourgeois law exercises its 'authority'. The domain of the State escapes it because the latter is 'above the law': the State, which is the State of the ruling class, is neither public nor private; on the contrary, it is the precondition for any distinction between public and private. The same thing can be said from the starting-point of our State Ideological Apparatuses. It is unimportant whether the institutions in which they are realized are 'public' or 'private'. What matters is how they function. Private institutions can perfectly well 'function' as Ideological State Apparatuses. A reasonably thorough analysis of any one of the ISAs proves it. (Althusser, 1970: 9)

Ultimately, it is important here to not only develop an outline of the way in which Althusser understands the ISA vs RSA dynamic idealistically, but also to confront it critically. As much as it has generative potential in ways clearly exhausted above, it does not account for the way in which these public institutions and their modalities are fluid in the process of hegemonic contestation. How often do they maintain the same tone and language? For all of Althusser's gaps, Gramsci's logic is sufficient in that he shows a dynamic interaction between the dominant and dominated that created a synthesis of its own which must then be subject to a new antithesis. In this process, the contest is infinite, because human progress is boundless. What is consistent is hegemony, which usually shapes this development or underdevelopment, through imposing itself and resistance to its imposition.

Furthermore, scholars like Fairclough, key to the development of the method of critical discourse analysis (see Fairclough 1995; 2001, 2003), represent a twentieth and twenty-first century adaptation of the Marxian appreciation of ideology. Focusing on language and power, Fairclough examined the ways in which text and spoken language produce and reproduce hegemonic appreciations of human interaction and social ordering (Fairclough, 2003). His appreciation of ideology is, as Marx would have it, grounded in empirical assessments of social relations. Fairclough is influenced by the thought of Althusser and Gramsci, who both

derive their intellectual gripe from an intention to affirm, critique or expand Marx. According to Honderich (1995), however, ideology is a set of accepted ideas attributed to a person or group of persons, held without any particular verifiable evidence that corresponds with reality. In addition, Van Dijk (2006) asserts that ideology is an established set of moral ideals, doctrines, myths or symbols of a social movement, institution, class or large group that informs the operations of society and provides a rationale for its political action. In this definition we find, as is present in most of the reviewed scholarship, the latent presence of power in the form of legitimacy, common sense and naturalisation of subjective ideas as objective reality. These appreciations of ideology have in common the connecting relationship between ideology and hegemony. However, some, like Hegel, De Tracy and Van Dijk, do not consider the material social relations that inform, shape and or give rise to these “ideas” that become “ideology”. While, for the historical materialist thinkers, there is attention paid to the concrete circumstances that affect ideology— notwithstanding the contest for hegemony which makes this a dynamic and endless process.

Moreover, there are thinkers like Goran Therborn and Michel Foucault, who also offer valuable appreciations of ideology outside of traditional Marxist lenses. For Therborn the main argument is “the untenable idea that ideology is merely false consciousness” and moves the debate from the strictures of “opposition between bourgeois and proletarian ideology” to a more depoliticized debate “between science and ideology, true and false consciousness” (Therborn, 1980: 4). Therborn argues that ideology transcends the reduction to class interests that it is viewed in by Marxian thought—offering a thinking of ideology as a co-constructive result of the relations and contradictions of power in society (Therborn, 1999).

Ultimately, we want to get here to a conceptual framing of ideology that opens up

possibilities for sustained critique of actions of political subjects in the contest for hegemony.

This study merges Althusser's idea of ideology as lived experiences reinforcing social ideas (Althusser, 1979) with Therborn's appreciation of ideology as a battle between truth and false consciousness (Therborn, 1999), and not in itself false consciousness. With this definition, the framework will look to identify how ideology is embedded in social processes, institutions and culture as practical implements of the mechanics of hegemony. Looking at the ideological institutions as spelt out in Althusser's essays on ideology viz the family, the school, the church and the law, this section develops an added layer to the framework to understand hegemony not only in its repressive form, but in its more consent manufacturing character—embedded principally in ideology.

3.3.2 The Mechanics of Ideology as Power

As such, if human beings are the producers and reproducers of ideology and ideology helps legitimate problematic hegemonic patterns, what drives them to continue doing so? Is it their inability to problematise the social relations that inform their actions? Or are they fine with 'their' ideology? As a starting point to unpack this I draw here on Van Dijk (1998) who takes on a multidisciplinary approach to the study of ideology; making his orientation of the concept quite broad. He remarks that the common-sense use of ideology is often oppositional; people see what they believe as objective and that of others opposing them as ideological (Van Dijk, 1998). Putting it plainly he writes:

Ideologies express or conceal one's social or political position, perspective or interests: few of us describe our own beliefs as 'ideologies'. On the contrary, Ours is the Truth, Theirs is the Ideology" (Van Dijk, 1998: 2).

To answer the questions above, the theory will help to make sense of the acts of the subjects under state rule in both regimes in South Africa. For instance, does the fact that people carried a 'pass' during apartheid willingly reflect an ignorance of the social effect of the pass or is it

reflective of a self-regulation achieved through the latent consequences associated with defying this 'law'? In the context of democratic SA, do students who throw bricks at police or even vandalise property in response to violence hide their faces out of ignorance of the fact that they are breaking the law or are they reinforcing the idea of the rule of law by accepting its legitimacy and hiding from it? Furthermore, Althusser's conception of the ideological state apparatus (ISA) and the repressive state apparatus (RSA) complements Gramsci's theory of hegemony neatly by giving it a more pragmatic and graphic dimension, which helps to answer these questions. Consent and coercion, as propagated by Gramsci, are more nuanced ways in which hegemonic states operate, whereas the ISA and RSA are, per se, the sites of operation for consent and coercion; the institutions developed to carry out the function of maintaining hegemony (Althusser, 1970).

There is no question in Althusser's conception of the state about the ultimately repressive character thereof. Although, like Gramsci, Althusser recognises that states are not purely repressive; they do deploy ideological instruments as measure of control as well. For instance, hegemonic states, for the most part, have people self-regulating; people carried the pass because the latent presence of the consequences was always there. Thus, violence – or the real threat thereof – can be an ideological instrument that promotes self-regulation. Here is the notable convergence and complementarity of Gramsci and Althusser; the deploying of ideological instruments for the same objectives as repressive tools (Althusser, 1970).

Althusser goes on to do a very useful identification and division of the actual institutions in society that fall into either ideological or repressive state apparatuses. The list of the ideological reads as follows: the religious, the educational, the family, the legal, the political, the trade union (civil society), the media and the cultural (Althusser, 1970). The repressive reads as follows: the army, the police, and the courts (Althusser, 1970).

Following Althusser, with particular variance, Therborn (1980) provides an opportunity to

extend the thinking on ideology beyond the idea of it being false consciousness. For the purposes of this study, the particular institutions of interest will be the legal, the family, the political, civil society and the media and the army, the (security) police and the courts. These will make up a framework that not only looks at the functioning of these institutions but also the use thereof and responses thereto in the quest for hegemony.

Furthermore, Therborn goes on to separate two important features in Marxist appreciations of ideology; historical and materialist conceptions of ideology. He remarks, importantly, that in Marxist terms there are ideological systems that must adhere to the classic interpellation of history and materiality (Therborn, 1980). By this, he argues that ideology is as much historical as it is material, but the mechanical insistence on the interplay of both is not necessarily helpful. Hence, he adds to the Marxist orientation of ideology that:

All human activity is invested with meaning and all ideological interpellations have some kind of material existence, in bodily movements, sounds, paper, and ink and so on. This does not mean, however, that it is impossible to distinguish, analytically, ideological from material, discursive from non-discursive dimensions of human practices (Therborn, 1980: 33).

On the other hand, scholars like Mannheim (2013) argue that ideology is neither materially based nor is it real social processes that shape subjects, instead he argues that “ideology and utopia are mental fictions whose function is to veil the true nature of a given society. They originate unconsciously in the minds of those who seek to stabilise a social order” (Mannheim, 2013: 49). Although this definition is different to the two offered here, it also connects ideology invariably to power. However, the idea that ideology and utopia are inextricably related is too simplistic an analysis of a complex process of social formation like ideology, in that utopia speaks to idealistic things that have no basis in scientific life. Whilst ideology, although often used in idealistic terms, is born out of real social relations – whether the subjects or purveyors thereof are aware of it or

not.

Moreover, drawing the connection between philosophy – the science of knowledge – and ideology, Nkrumah adds an important variation to the treatment of ideology. He argues that “in every society there is to be found an ideology” (Nkrumah, 1970: 57). He argues that there can be various ideologies, but also guaranteed is a dominant one (Nkrumah, 1970). The overall appreciation that he has of ideology is important as it lends itself to the link between systems of knowledge, knowledge production and knowledge value to ideology. In that, the dominant philosophy of that society will determine its ideology. This understanding is closely related to Althusser’s take on ideology as a function of state power. Along with Therborn’s take on ideology as a product of social processes both historical and material. For Nkrumah “philosophy admits to being an instrument of ideology” (Nkrumah, 1970: 56). If knowledge is an instrument of ideology and ideology an instrument of hegemony, it broadens the site of struggle beyond institutions but the knowledge peddled by those institutions. Ultimately, this dynamic is important as it relates directly to the functions of the school and university which are the two sites of the moments of this study’s concern.

Finally, having facilitated a conversation between different treatments of the concept of ideology, it seems quite pertinent to note the value of the nuances proffered by Therborn’s critique of classical Marxist determination, while noting the undeniable materialist appreciation of ideology as part of state apparatus and distinct from state power (Althusser, 1971; 18). The intention here is to develop a framework that is rich and dynamic for the purposes of analysis; in that it illuminates and not limits the concept, in this case ideology. Therefore, Althusser is helpful in the practical engagement with ideology and power, adding Therborn to this strengthens the framework.

A Brief Note on Legitimacy

The units of authority (the apartheid and democratic constitutional state) in the two case studies both suffer the crisis of legitimacy, in that both face inevitable opposition to their hegemony in

various times and to various degrees—the 1976 Uprisings and the 2015 #FMF ‘moment’ represents this. However, it is not the conclusion of this study that these crises are the same — only that they exist. “Authority stands for a right to rule—a right to issue commands and, possibly, to enforce these commands using coercive power. An additional question is whether legitimate political authority is understood to entail political obligations or not. Most people probably think it does.” (Peter, 2010: n.p)

A sweep of the literature on legitimacy reveals its multidisciplinary utility. Generally, legitimacy is used by scholars to, among other things, understand the state, power relations, popularity, and crisis (see Lipset, 1959; Habermas, 1975 and Fallon, 2005). According to Suchman (1995:574) in Suddaby, Bitekine and Haack (2017), “legitimacy can be defined as a general perception or assumption that the actions of an entity are desirable, proper or appropriate within some socially constructed system of norms, values, beliefs and definitions”. For Weber (1964), legitimacy can be understood as a general standard of acceptance of a central authority by those it rules over. In his sociological investigation, Weber goes on to argue that this ‘benchmark’ of acceptance is usually dependent on the general feeling of the people towards the unit of authority, and would thrive or dissipate depending on how it is nurtured.

Offering a definition more intimate to the discipline of political studies, Stillman (1974:3) defines legitimacy as “the compatibility of the results of governmental output with the value patterns of the relevant systems, that is, those affected by these results (especially the value pattern of the society, but also of individuals, groups, and other societies)”. This understanding of legitimacy connects it to the values of the society, but does not deem it dependent on the mass opinion of the government by citizens. Referring specifically to what, in my opinion, makes legitimacy legitimate in the first place, Stillman (1974) further argue:

“taking legitimacy to be a matter of degree rather than of either/or, the definition is held to be empirically useful, that is, to permit "operationalization," building, for example, on some of Lasswell's work. In sum, we are helped in inquiring into what

justifies a particular system of ruling and what is the status of any specific regime”
(Stillman, 1974: 4).

The notion that legitimacy hinges on the status of any specific ‘regime’ or unit of authority makes this particular framing of legitimacy both compelling and fitting for this study. Particularly because the study investigates this concept in one state, across two different regimes. As has been explained in this section so far, legitimacy relies heavily on mass opinion or collective (un)consciousness—thus we will now move to the concept of common sense. The connection between common sense and mass opinion is how the two feed each other—mass opinion usually shapes common sense, while common sense can either shape, reinforce or reject mass opinion. Thus, relevant to the theoretical framing of this study, legitimacy extends the framing in ways that are relevant to the particular objectives of this chapter—the behaviour of hegemony based on the extent of its legitimacy.

Finally, all the elements of these definitions tie neatly with consent. For instance, the acceptance and or assumption of any action or system to be ‘the norm’ usually comes from the deliberate or otherwise actions of some apparatus in the interest of a dominant authority. Thus, the addition of legitimacy to the overall framing of this study strengthens its existing theoretical framework, even though it applies quite specifically to the objectives of this particular chapter. Naturally, legitimate units of authority require some level of normative ideas and ways of being that are accepted in society, which reinforce their legitimacy.

3.4 Conclusion: Towards an Analytical Framework

The goal of this chapter has been to develop a theoretical framework that will help answer the questions posed by this study. We start with the state. Understanding the theory of the state will help us identify the terrain in which hegemony is found. Key things to look for are the central characteristics of the state during the two moments under study. Do apartheid and the democratic constitutional state, represent two different states or regimes? This question will be answered by

using the outlined definitions of the state in this chapter. Guiding characteristics will be whether the territory ruled over is consistent in both moments, are both regimes sovereign, do they enjoy a monopoly of force? It can of course be perceived as a redundant exercise, the state vs regime debate in the context of these two moments, but it is important to deal with it outright in order to defend the veracity of the comparison between the two moments. Ultimately, this key part of the framework will not be concerned with merely the narrative account of each moment, but more so what the moment tells us about hegemony.

Another key part of the theory chapter helps to surface the mechanics of hegemonic patterns in both these moments; what is the relationship between state and civil society and to what extent is political action required/resisted? These sets of questions will help the study continue its comparison at the level of hegemony. Moreover, the study is looking to find out the different ways in which power manifests itself in these two moments, and whether that can tell us something about the nature of the state at all. If so, in what ways does it do so? Through an evaluation of two principal tools of the state, coercion and consent, this theory will look for the ways in which these two moments deploy these tools. For instance, the role of non-racialism and the Constitution in the democratic state and the role of Christian ideology and colonial rule in apartheid; are these essentially different or are they informed by the same logic within their own historical contexts? Moreover, a focus on the use of force in these two moments will be evaluated as well. When and how is force administered, against who and on what basis? These questions, asked of both moments, fortify the comparison, and the overall aim of the study; evaluating the quality of the democratic constitutional state by way of comparing it to its conceptual and political counterpart which is apartheid.

Furthermore, the use of force, be it legitimate or not, which is usually triggered in its express manifestation by state responses to counter hegemonic action, is a sign of dissent. The evaluation of state responses, therefore, to dissent will be a key part of the analysis done by this study in its

comparison of the two case studies. This evaluation will lend itself to an assessment of power in these moments; from institutional power to diffuse, sporadic power resisted formal power. As such, the evaluation of hegemony in this study is intended to be as fluid and dynamic as inspired by the conceptualisation of hegemony and power by both Gramsci and Foucault, respectively.

Of course, the specific spatiotemporally, shift in political motivations and governments presents immediately identifiable differences. However, what this study is looking for is the general logic of hegemony and power, through manifestations of its mechanical particularities. Which leads us to the final component of the theory; ideology. The focus on ideology in this study is to look at the mechanics of power through state apparatus in these two moments. For instance, the institutions such as the family, schools, universities, entities like the media and police/army. What is their role in structuring, maintaining and communicating hegemony?

The chapter has set out to outline a theoretical framework that will be a conceptual arsenal to deal with the problems posed by this study. It has defined the parameters of the conceptual framework by dealing with three concepts fundamental to this study, viz the state, hegemony and ideology. Thereafter, an assessment of the debates surrounding the key theorists has been done to strengthen and expand the theory, and to build a rationale for the particular selection of the concepts and their purveyors. Ultimately, this chapter will inform the lens through which the study will look at the problem—the persistent contentions between state and civil society, and the seeming overlaps in the two moments of state responses to resistance.

Emphasising the general significance of a theoretical framework in research, Grant and Osanloo (2014: 1) write:

The theoretical framework is one of the most important aspects in the research process. The importance of theory-driven thinking and acting is emphasised in relation to the selection of a topic, the development of research questions, the conceptualisation of the literature review, the design approach, and the analysis plan for the dissertation study.

The accurate positioning of theory by these scholars, at least in relation to the proposed and

foreseeable trajectory of this study, further alludes to the importance of theory. More importantly, theory is developed through the constant engagement of knowledge and how best it explains and improves or destroys the world (Grant & Osanloo, 2014).

As such, the framework of this study is to help evaluate a moment in the democratic era against one in the apartheid era, to assess similarities and differences in the responses of state hegemony. Fundamentally, it is to test the hypothesis that the differences between the democratic constitutional state and that of apartheid are not fundamental, but rather merely ideological. Ideological, in that it (the constitutional state) provisions for a comprehensive list of human rights, social transformation and individual liberties. These differences are seemingly not essential as the inequalities, response to mobilisations for a realisation of constitutional rights and pace of social transformation – although better than apartheid – do not reflect a completely different picture than that of apartheid. As Madlingozi (2007: 2) argues “twelve years down the line, not much has changed for South Africans now grappling with unemployment that stands at 40%, half the population is living below the poverty line and millions remain landless and ravaged by HIV and AIDS”. Speaking on the general situation in post-colonial states in the global south, Bayat (2013: 33) remarks:

One major consequence of the new global restructuring in the developing countries has been a double process of, on the one hand, integration and on the other, social exclusion and informalisation... the historic shift from socialist and populist regimes into liberal economic policies have led to the erosion of much of the social contract and welfare state structures. Thus, millions of people in the global South who depended on state provisions must now rely on themselves to survive.

This shows a persistence in low quality of life and socioeconomic disparity, despite the transformative intention of the Constitution both here and in many other states in the global South. Thus, the rationale to continue to be curious about, and suspicious of, the democratic

constitutional state. Gramsci's theory of hegemony and Foucault's distillation of power help to investigate the state from the base right down to the superstructure. Althusser's rendition of the ideological and repressive state apparatuses and Therborn's conception of ideology help to launch the argument that the state in South Africa is predicated on a logic of global capitalist hegemony, and therefore responds the same way in defence of its hegemony.

Chapter 4: On Methods, Memory and Ethnography

4.1 Introduction

This chapter will deal with the methodological approach deployed in the study. According to Bryman (2001) research methods pertain to the tools, instruments and methods used for data collection. The methods are informed by how the study can approach and investigate a specific phenomenon in a way which preserves the vital data that comes with it, and also observes the highest levels of ethical integrity (Marshall & Rossman, 2006). In keeping with ethical considerations, the study has undergone a process of considering the nature of the problem it investigates, and as such attained ethical clearances to allow for this work to be as considered and ethical as possible.

The study is qualitative in scope and makes use of primary and secondary data. Justifying the decision to approach this problem using the qualitative approach, I draw on the work of Jean Ivey (2012: 2) who writes that:

Qualitative approaches provide not only answers to the researcher's questions, but also the participants' feelings, perceptions, experiences, and thoughts about the question. This approach preserves the context for the data, rather than eliminating such information as extraneous variables.

The mainstay in Ivey's canvassing for qualitative research is its ability to survey the problem and recognise how to leverage the lived experiences of the participants, not as scientific facts but as valuable insights to the context within which they experience life (Ivey, 2012). Relevant to this study, the qualitative approach is not in pursuit of solid facts, but rather of making certain theoretical assumptions, derived from real-life experiences of participants through interviews or the evidence in documented archives. This chapter starts out by reliving the research experience of the researcher (telling the story of data collection); it sets out the design, methods and limitations of the research process. Additionally, this study takes a leaf from the book of critical

theory as seen in the work of Horkheimer and Adorno (1998) which basically attains its methodological approach from Marx and Hegel's critical theory paradigm. These scholars look at social phenomena within its historical context and its dialectical presentations. In other words, it looks at incidents of history in relation to each other, the time and the material circumstances within which they occur. Given the conjunctural approach to this study's research design, this approach strengthens the methods employed in this dissertation.

4.2 Research Design

Research design can be defined as “the overall strategy that you choose to integrate the different components of the study in a coherent and logical way, thereby, ensuring you will effectively address the research problem; it constitutes the blueprint for the collection, measurement, and analysis of data.” (Muaz et al 2013). In this section I will map out the data collection tools, case study selections, sources, methods of triangulation and the epistemological nature of the study. The study takes a Gramscian orientation to understanding power and relies on the use of both empirical data and theoretical engagement.

4.2.1 Case Study Research

Given the methodological approach of abstracting two moments in two different periods in the South African state, the most appropriate design was case study research. Explaining case study research, Yin describes it as “an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used” (Yin, 1984: 23). The strength of using case study research is that it allows the researcher to narrow down the focus of a study. This study proposes to isolate the 1976 student uprising which happened at the heart of apartheid in South Africa and the 2015 #FeesMustFall movement which ensued in democratic constitutional South Africa. These two cases share some similarities in the make-up of the actors in the moments; the state, students and police, in the main. The selection of these cases is based

on the variables that can be found in both eras, as mentioned above, which will be manageable, researchable and explicable in analysis. Thus, case study research will be one of the strategies that form part of the research design of this study.

4.2.2 Comparative Research

Informed by the use of case study research, the comparative research method is a key strategy in the research design of this study. According to Heidenheimer, Hecllo and Adams (1983) comparative research can be understood as the act of comparing two or more things with the intention of proposing new ways of understanding one or all subjects in the comparison. They add that “this technique often utilises multiple disciplines in one study. When it comes to method, the majority agree that there is no methodology peculiar to comparative research.” (Heidenheimer, Hecllo and Adams, 1983: 1). This research strategy has great possibilities for any qualitative research project. For this study, in particular, it will prove quite effective in the assessment of hegemonic patterns in two different eras by way of comparing two moments in each.

Moreover, there are a number of issues to consider when deploying this strategy; one of which is the equivalence of data collection and management in all cases compared. Esser and Vliegenthert (2017: 2) note the following on equivalence: “A key issue in conducting comparative empirical research is to ensure equivalence, that is, the ability to validly collect data that are indeed comparable between different contexts and to avoid biases in measurement, instruments, and sampling”. This is carefully considered and can be avoided by both deliberate and incidental means, respectively. The first being an objective sampling in the process of data collection and the second being the comprehensive nature of archives developed on historical cases and the growing use of archival and documentary research in social sciences. Thus, the comparative research strategy will help us understand the cases, as well as how well the theory can, if at all, help us understand both cases.

4.3 The Place of Ethnography

The lived realities of people and their general experiences with power is the backbone of political studies research specifically and the social sciences generally (Ellis et al; 2011). This important work requires careful methodologies and strategies to elicit information in ways that do not invalidate the participants' experiences. Upon this backdrop, and the intention to bring more first hand accounts into research, there has been a stage of unprecedented social science research that seeks to put human experiences at the centre of knowledge production.

Auto-ethnography is a method that allows this by giving the researcher an opportunity to provide first hand data and analyze it using theory and triangulated with primary and secondary data. Given that autoethnography is one of the study's primary research techniques, it is necessary to posit it correctly within the methods chapter. It is fit then to unpack the reasons for using auto-ethnography as one of the data collecting techniques. (Mandyoli, 2019: 68)

Therefore, given how new this movement is it is inevitably under-researched, particularly in a specific way which looks at how the movement unfolded in different campuses across South African universities. Even though this has changed in the past decade, my closeness to the situation allows me access to a unique set of dynamics like mobilisation techniques, negotiation trade offs and interaction with the university management, the police, civil society and the state. It is then upon this backdrop that the decision to use auto-ethnography as a technique is taken – to use the researcher, as a central figure in the movement, to give evidence that is of course triangulated by the experiences of other key stakeholders. A researcher uses tenets of autobiography and ethnography to do and write auto-ethnography - in my case I look at my experience as a leader and participant in #FMF as a resource to collect data.

Furthermore, according to Davies:

In doing research of any kind there is an implicit assumption that we are investigating something ‘outside’ ourselves, that the knowledge we seek cannot be gained solely or simply through introspection. This is true for both the social and natural sciences, although in the latter the separation between researcher and research object may appear both more self-evident and more readily attainable. On the other hand, we cannot research something with which we have no contact, from which we are completely isolated.” (Davies, 2008: 3).

Reflexive ethnography considers the multi-layered, long term and complex nature of the relationship between researcher and the subjects or objects of research. Noting that researchers are not completely alienable from their research subjects, it motivates for a process of ethical rigour while not compromising qualitative depth (Davies, 1998: p. 3-4).

Conducting a series of life history interviews and in depth interviews with people with complex and varied lived experience on the subject matter of this study along with my own experience (auto ethnography), reflexive ethnography gives this study a place in its qualitative objects of reflecting on moments in the past as a way to interpret the contested present. It takes the shape of delving into the making of the subjects in the research, while paying careful attention to the mediating process that shapes this ‘making’. As a dynamic research method, it allows the researcher to contend with complex issues that are quite subjective, with the ethical, methodological and scholarly reflexivity to isolate it for thorough analysis.

Here I give a justification for why I use this methodology despite the risks, and how I maintain the integrity of the study. Firstly I introduce and locate the central figure in this autoethnographic account – myself, Lindokuhle Mandyoli. I am a PhD candidate in the political studies department at UWC. I am a two time SRC leader and a two time branch executive committee leader of the Pan Africanist Student Movement of Azania (PASMA) at

UWC; first as its Organiser in 2012 then as its Chairperson in 2014/2015. The UWC chapter of #FMF was sparked by about six activists from PASMA, ALUTA, EFFSC and SASCO – including myself. I had facilitated the first few gatherings of the movement at UWC, in trying to spearhead its shape and form until the students gathered in a mass gathering on the 22nd of October 2015 to elect me and Msingati Kula as the two heads of a flexible leadership collective of about eight student activists. My central role was also captured in media reporting, seeking clarity on the motives of the UWC chapter and various outlets interviewed me.

There are notable limitations to this approach which are there largely because of its unorthodox nature in as far as conventional research is concerned. It is however not credible enough to write off a method purely because it has risks to it. In this case, I note the risks that can be brought forth by this method and the study has put in place triangulation methods as mentioned above to combat them. Moreover, this method gives the study a cutting edge dynamic, while still contributing to a body of knowledge and delving deeper into the experiential ways of doing research.

4.4 Methods of Data Collection

Here the methods of data collection will be outlined. They are as follows: archival and documentary analysis; in-depth interviews and desktop research.

4.3.1 Archival and Documentary Research

Given the historical situation of one of the cases, the 1976 Uprising to be specific, selected for abstraction in this study, it will be important to embark on a process of archival and documentary research as a means to collect data pertaining to the case study. According to Ahmed (2019:2), “documentary research method refers to the analysis of documents that contain information about the phenomenon we wish to study”. In this case, it is a fitting research method as it will provide primary data for the 1976 movement/moment. Guba and

Lincoln (1981) have broken down the understanding of documentary research into three parts; documents and files, statistical records, and images. The authors understand a record to be any written statement by an individual or organisation given an account of an event (Guba and Lincoln, 1981).

I visited the official 1976 June 16 Movement's archive at the University of Fort Hare, Alice Campus. The visit was two weeks long, and the time was used to collect data relating to the conditions that encouraged the movement's establishment, speeches of leaders and general document analysis of pamphlets, meetings and circulars of the movement. This archive holds the official special collections of the liberation movements as donated by the African National Congress, the New Unity Movement, the Pan Africanist Congress and the Black Consciousness movement. Therein, the documents and collections of the 1976 Soweto Uprising are housed.

The data collection process in this study took a shape demanded by the complexity of the problem. The problem is that patterns of hegemony and political subjectivity in the democratic state seems to be reminiscent of the apartheid state. As clearly conceded in earlier chapters of this study, a dry, unilineal comparison of apartheid and democratic South Africa is both ahistorical and lacks scholarly gravitas. Thus, this study took on a more nuanced comparison, a comparison on the relations and machinations of power; one informed by the very real and ephemeral social inequality in South Africa. To do this, the study looked at the 1976 Uprisings and the 2015 #FeesMustFall movement and examined the context, rationale, forms of organising and responses of the state in or to these moments.

In the process, I visited four archives, namely: The National Heritage and Cultural Studies Centre (NAHECS) at the University of Fort Hare; the Central Records Office at the University of the Witwaterstrand; the Mayibuye Robben Island Archives at the University of the Western Cape and the University of Cape Town's Special Collections. The objective of these visits was to understand the 1976 uprisings beyond the moment, but in the context of its time, space and

historical significance. This helps to understand the conditions that led to the uprisings and perhaps the nature of such a brutal response to it. The second part of this process was to understand the 2015 #FeesMustFall moment using the same parameters of context, space and time, through the interviewing of activists, both of 2015 and 1976.

Concerned with memory and the story it tells about hegemony in the South African state, the archival documentary analysis is best placed to revisit the past through the eyes of the subjects of its time, both alive and late. Making a case for archival research, Gilliland and McKemmish (2014) argue that the growth in interest in archival research methods is informed by the evolving nature of social problems. While empirical research relies on observation and lived experiences of participants, they argue that the archive is a conversation with a past in its own terms (ibid). Notwithstanding the value of archival research, scholars like Barry Godfrey (2011) highlight the paucity of deliberate scholarship and publication around archival research methods. He argues that beyond “obscure footnotes” mentioning the process of archival research, there is no real effort to build a blueprint for an archival researcher to use when venturing into this kind of research (Godfrey, 2011). Motivated by the nature of the research problem, and the realisation of the gap in archival research scholarship, this study advanced its investigation through the archives. As such, its design and methodological approach is informed by this strategy.

Life Histories

To make sense of how the life histories and documentary evidence is organised in this chapter, it is important to contextualise the respondents, who they are and why their experiences are of particular interest and value to this study. Firstly, what are life histories and what is their importance in research? Life histories can be described as subjective accounts or recollections of situations by research participants in the form of an open-ended interview (Olive, 2014). The benefit of life histories is that they help situate the research subject within their broader

context of upbringing, social and political development. This makes for a richer data source as one can mine the data from a multitude of angles. Of course, the length of the interview process is also another benefit which allows the researcher to give latitude for longer, more contextual responses from the subject.

There is a total of six 1976 activists' life histories examined in this study, and four of them also witnessed intimately the unfolding of the 2015 moment—being within the higher education context in various spaces and capacities across the sector. The rationale for the sampling choices here is that these individuals were either Vice Chancellors at a South African university at the time or a leader in student affairs or the actual Minister of higher education; all of which were present during the 1976 Soweto Uprisings as well. This gives them a unique comparative insight into the two moments in question. These four respondents are Professor Adam Habib, Minister Blade Nzimande, Doctor Max Price and Mr. Winston Middleton. This does not discount the experiences or life histories of the other two 1976 respondents in this study, but justifies why there will be a significant concentration on the life histories of the former four mentioned. Of course, all the interviews are triangulated by the documentary evidence that is collected at the three different archives mentioned earlier in this chapter.

A key figure in South African higher education today is Professor Adam Habib, who is currently the head of the School of Oriental and African Studies, United Kingdom and the former Vice Chancellor of the University of the Witwatersrand. Although Habib was not a university student in 1976, he was heavily involved in anti-apartheid activism in the early 80s as a result of his own moral beliefs and generally, the state of affairs in South Africa, which he would encounter both in secondary and tertiary education. Tracing Habib's activist footprint, Imraan Buccus (2019: n.p) writes:

Adam Habib's political roots lie in the Unity Movement...the Unity Movement never achieved anything like the scale of mobilisation associated with the United Democratic Front or the trade

union movement. However, the Unity Movement was arguably the most intellectually serious of the various factions of the anti-apartheid struggle. Its leading intellectual light, Neville Alexander, was a profound thinker who always refused both dogmatism and populism.

Characterised by this sharp focus on the intellectual impetus of the struggle, Habib would be involved in the Unity Movement's thinking and rethinking of the problem of apartheid, thus shaping his contention with the state.

Winston Middleton is a retired student development practitioner at UWC and activist who was jailed and tortured by the apartheid regime in the 1970s. He reflects on his experiences of being educated in a Catholic missionary school during the time of an imposed Bantu Education system. Mr. Middleton, educated in the Little Flower Catholic School in KwaZulu-Natal, Eshowe, had a fundamentally missionary education. He recalls that this was to a large extent a very pleasant experience as a child.

Relebohile Moletsane is a Professor and the JL Dube Chair in Rural Education in the School of Education at the University of KwaZulu-Natal. As part of her Chair in rural education, she has worked in South African rural schools and communities, focusing on teacher development around such issues as poverty alleviation, HIV & AIDS, gender inequality and gender-based violence as barriers to education and development. Moletsane's work focuses on addressing sexual violence with girls and young women in rural communities. She organized women during the late 1970s as a scholar and confronted patriarchy as imposed by the apartheid regime and within the contours of liberation struggle, thus offering this study a valuable lens into the contradictions within the counter-hegemonic space.

Blade Nzimande is Bonginkosi Emmanuel "Blade" Nzimande (born 14 April 1958 in Edendale near Pietermaritzburg) is a South African politician, sociologist, philosopher, educator, anti-apartheid activist and Minister of Higher Education, Science and Technology. In 1976 Nzimande enrolled at the University of Zululand to study for a BA degree in Public

Administration and Psychology. He became involved in student activity, including a food boycott and demonstrations against the award of an honorary doctorate to Prince Mangosuthu Buthelezi in May 1976. Nzimande returned to university in 1977 and completed his degree in 1979. After graduating, he returned to Edendale and joined the Azanian Students' Organisation (Azaso) which eventually broke away from the Black Consciousness Movement (BCM), aligning itself with the Congress or Charterist (this is a political group associated with the Freedom Charter in the South African liberation movement) tendency. For Nzimande the shift from BCM to the Charterist position was facilitated by weekly Zulu broadcasts from Radio Freedom and Radio Moscow. In this way he and his colleagues became acquainted with the policy of the African National Congress (ANC) and they started to receive underground ANC documents. While active in Azaso Nzimande completed his Honours and master's degrees.

Marquard Simpson is currently the Community and Health Sciences Faculty manager at the University of the Western Cape. He was involved in the United Democratic Front as a young person. In the interview with him he recalls preferring to operate behind the scenes at the more strategic level within the movement. He is a very influential leader amongst administrators at UWC, and had some insightful things to share related to his experience as a student activist in the 1970's and his experience as an administrator in the year 2015.

Max Price is the former Vice Chancellor of the University of Cape Town (UCT), who was at the helm during the 2015 #FMM protests. He is a medical doctor and academic who studied at the Witwaterstrand University (Wits), which is where he interacted with the 1976 Uprisings. His insights have enhanced this study's comparative objectives, given his proximity to Soweto in 1976 and to #FMM in 2015.

Finally, Tyrone Pretorius is the current Vice Chancellor of the University of the Western Cape. He led the university I was active in and it became significant to talk to him about his experience of the moment that was #FMM.

4.3.2 In-depth Interviews

Interviews are a method used in research which enables participants to describe their experiences, in order to be used for data purposes. Interviewing is a theoretical approach to data collection, an engaging form of inquiry, and an appropriate method for collecting data regarding human experiences (Kaufman, 1992; Kvale, 1996). According to Reinhartz (1992), interviewing offers researchers access to people's ideas, thoughts, and memories in their own words, rather than the words of the researcher. The researcher explores a few general topics to assist in uncovering the participant's perspectives, but demonstrates the utmost respect for how the participant frames and structures the responses (Marshall & Rossman, 2006). In depth interviews were used in this study to gather data from living members of the UWC community who were present during 1976, or shortly thereafter. This strategy encourages interviewees to provide a recollection of events in their life, "described in their own words across their own personal timelines. They are therefore used to study temporality, and are often conducted over multiple interviews during which there is a constant reference to instances of change." Their most valuable utility is in enhancing the capacity of the interviewee and the researcher to make sense of events, their contexts and rationalise certain behaviours. (Ingelaere et al., 2018).

The interviewees consist of activists of 1976, some of whom are still intimately involved in the higher education landscape in South Africa. Life histories have also been utilised for student leaders, university staff members, and executive management in the 2015 #FMF instalment at the University of the Western Cape, with a few interviews with key figures in other prominent campuses in South Africa.

The interviews conducted with the activists of the #FMF movement gave a contemporary account, in particular the 2015 #FMF movement, of how things unfolded in the period in question, and thus bolster the richness of the study by way of qualitative depth.

4.3.3 Desktop Research

Desktop research includes the sourcing of information through the internet and other sources online. (Management Study Guide, 2013) In this particular study it has been used to triangulate the other data collection methods through the sourcing of academic articles, statistics, government documents and #FMF statements and social media campaigns.

4.3.4 Triangulation

Given the vast range of data available for the two cases selected in this study, it is important to pay close attention to triangulation. According to Bogdan and Biklen (2006), triangulation is the process of using a combination of data collection strategies to understand a particular phenomenon. This process, they argue, is to avoid inherent biases that can be present as a result of using one method. As such, this study has employed a few research strategies as means of triangulation that will help strengthen the integrity of the data. The interviews form part of the primary data sources, and will be triangulated by a series of other primary and secondary sources by way of a desktop study.

4.5 Data Analysis

Given the data heavy nature of this study, an efficient method of data analysis was necessary to fulfil the study's objectives. Zohuri et al(2017: 1) define data analysis as "Analysis of data is a process of inspecting, cleaning, transforming, and modelling data with the goal of discovering useful information, suggesting conclusions, and supporting decision-making. Data analysis has multiple facets and approaches, encompassing diverse techniques under a variety of names, in different business, science, and social science domains". Therefore, this study will be using the theoretical framework which has been developed as a means to analyse the data. Within the theory framework, paradigm building will be in place; meaning that key concepts will be used for thematic analysis and finally, a golden thread will be knit through to develop the final

analysis.

4.6 Ethics

This study is a qualitative study and will involve people in the process of research, so it is important to deal with issues of research ethics. The research ethics policy of the University of the Western Cape was followed to the letter, by ensuring that there are consent forms provided to participants. The objectives of the research are explained thoroughly for each participant throughout the process. The form covers the following:

- Informed consent where participants agree explicitly to participate and know that they can leave any time.
- Anonymity – protect identities as requested
- Confidentiality – protect potentially harmful information for all respondents, including those who do not choose to be anonymous
- Information sheets, explaining the nature of the study, and consent forms will be provided for each respondent.

Research ethics can be understood as “specifically interested in the analysis of ethical issues that are raised when people are involved as participants in research” (Walton, 2011: 13). The proposal has undergone the process of sanctioning the study by both the Department of Political Studies and Faculty of Economic and Management Sciences. Coupled with this form, the respondents’ confidentiality was guaranteed at all times throughout the study, unless the respondent expressed clearly the interest to be mentioned.

4.7 Conclusion

This chapter has mapped out the methodology of this study. It has provided the basis and rationale for some of the choices on questions of data collection, analysis and interpretation. The chapter outlined the importance of archival and documentary analysis merged with in-

depth interviews and life histories. It provided the rationale for these choices, which were dictated by the research problem. In principle, in order for the data for the story of the 1976 Soweto Uprisings to come to life an archival documentary analysis was merged with life histories of some key figures involved in the anti-apartheid struggle during the uprisings, who hold/held strategic leadership positions in South African higher education during 2015 #FMM moment. While the #FMM moment was investigated using desktop research, in depth interviews of some student leaders and an auto ethnographic reflection of the researcher's own experiences and recollections as a leader of the movement at the University of the Western Cape.

It is complicated historically by the ways in which hegemony influences what we remember, in what order and with what particular interest. Also, the political complications are about who crafts this culture of heritage or commemoration that inevitably makes these choices of what, how and who we remember. Thus, this chapter cultivated a triangulation strategy that would mitigate the complexities of memory, while not allowing the imperfections to inform the overall authenticity of the data collection process and the intellectual engagement with it. Finally, this chapter has outlined the methods guided by the nature of the problem contended with in this study.

Chapter 5: Memory and Hegemony: Recalling the Uprising alongside the Fall

“If there is a crisis, then all I can say is that in my lifetime I have seen bigger crises. Those who want to shout ‘wolf’ are doing South Africa a disservice.”

(John Vorster, South African Prime Minister, 1976)

“The power to assign names has long been a topic for anthropologists. Renaming frees the object from its prior referents and bestows on it a new signification, a social identity that often determines the observers’ perception”.

(Borneman, J & Masco, J, 2015: 782)

“To contest the past is also, of course, to pose questions about the present and what the past means in the present”

(Hodgkin & Radstone, 2003: 2)



Image of Zolile Hector Peterson during the Soweto Uprisings, June 16, 1976. Image by Corbis via Getty Images.

5.1 Introduction

This chapter examines how hegemony shapes memory and resistance in times of crisis during political struggle. It compares two case studies; the 1976 uprisings and the 2015 #FeesMustFall

moment. It looks at the two moments in context by examining questions like why they happened, when they happened and what political effect they had. Questions of what is/becomes common sense, celebrated or memorialised are of specific importance in this chapter. The chapter applies Gramsci's theory of hegemony and David Scott's meditations on tragedy and memory in order to investigate the role of hegemony in the shaping or reshaping of memory.

This chapter will first provide the essential historical context and conceptual framework through which to view the two moments, viz; memory, common sense and hegemony. Secondly, the chapter uses data collected through a diverse methodological strategy to tell the stories of these two moments from the point of view of the a) life histories of participants interviewed, b) archival documentary analysis, c) public documentary analysis and d) a desktop study reviewing some of the academic literature that performs, critiques or builds on the memory of these two moments. Finally, the chapter will unpack the implications of hegemony on how we remember, memorialise and operationalize the past, both for and against dominance.

5.2 Framing Memory

While this study's framework for analysis is anchored on Gramsci's theory of hegemony, in this chapter that framework is tweaked in order to accommodate a reflection on the relationship between memory and hegemony. It is generally understood that Gramsci's idea of hegemony stems from popular resistance and thus it is plausible to assume that the data set used in this chapter would be biased to popular sources of information, which is not the case. From the outset, it must be clear that throughout this chapter I consider predominantly memories recalled within academic discourse of the 1976 uprisings, with help from some material from popular memory such as mobilising material from the South African Students' Organization along with circulars and pamphlets leading up to the protest. For consistency, the same is applied to the 2015 moment. The chapter opens with a quotation from Jon Vorster, the apartheid prime minister, categorically

denying that South Africa is (in) a crisis. His denial lays the basis for the relationship between hegemony and memory. While collecting the data for this study, an unsettling pattern repeated itself. Respondents assumed, at least at first, that I was drawing an uncritical comparison between apartheid and democratic constitutional South Africa. Of course, this is largely because some of the participants lived through both these eras and have very real and practical repositories from which to derive a comparison. It became apparent to me that this was more than a mere celebration of the triumph of democracy over illegitimate apartheid rule, but a question of contested memory itself - essentially the contestation of what is remembered and how it is remembered. Thus, the participants who had experienced first-hand the wrath of the apartheid regime met the suggestion of an uncritical comparison between these two conjunctures in the development of the South African state with suspicion and justifiable condemnation. For instance, Professor Adam Habib argued vociferously that there is a clear distinction between the past and present. To put it in his own words:

“However, flawed that the democratic state is, which I have been critical of, it is still not the apartheid state. There is a big difference between a democratic state and the apartheid state.”

(Interview with Adam Habib, 2021).

At this stage, I had not invited Habib to draw a comparison between the two states, yet his response pre-emptively anticipated the logic of bringing the 1975 and 2015 cases together. Our interaction is striking for illuminating how memory is not free from the vestiges of hegemony. This is either through sustaining its dominant ideas or using them as a way to sustain its overall hegemony in society. This propelled me - along with similar patterns of responses from other participants in my research - to think of unsettling questions that recollection of these moments might bring. Might Adam Habib inadvertently be defending the ideology - represented here as the memory of the liberation struggle and its democratic ideals - of democratic constitutional South Africa by rebutting any comparison of it with apartheid? Or is he reflecting purely in objective, uncertain terms about the hegemony of these two moments?

Memory and Transitional Justice

Memory - especially in the face of tragedy or struggle - is contested and contentious, and that is not taken for granted in this study. A brief review of the literature on memory and tragedy leads one to the compelling work done by quite a number of thinkers concerned with the concept. For Hodgkin and Radstone (2003), the relationship between the present and past is always riddled with the presupposition that the one informs the other, and vice versa. To open this up in a more nuanced way, they consider the present and past as things with both historical and political purchase. By this they mean that both have a place as a historical record of events or moments, but also as contested memory in service of the present political landscape. Elaborating on the political nature of history, they write “the idea of contest in the literal sense is apparently a straightforward one; it evokes a struggle in the terrain of truth” (Hodgkin & Radstone, 2013: 2). Echoing the utility of history in the interest of politics, Verovsek (2016: 1) argues that “politicians frequently make use of mythologized understandings of the past to mobilize memory as an instrument of politics in the present”. He goes on to argue that collective memory, especially in politics, shapes discourse by its interpretation of the past in ways that position a certain historical figure(s) or moment(s) in the interest of a dominant memory. Scholarship on collective memory, he argues, should look at the substantive content of collective memory as expressed by actors within state institutions - where power to direct society is located. He also proffers that the channels through which ideas about the past are conveyed, debated, privileged, marginalised and negotiated outside of the formal settings must be considered more substantively (Verovsek, 2016).

Boyarin (1994) suggests that we look at the time between past and present as a complicated line that does not always move in a straight, or predictable manner. He argues that several historical examples exist to suggest that the present sometimes reflects a regression deeper into the past; one such example of this according to him is the post-communist imaginary of society beyond

the fall of the Soviet Union (Boyarin, 1994). This is supported by research in the field of memory seen in the works of Maurantonio (2014); Rasool, Wits and Minkley (2013); Uhl and Golsan (2006), whom all complicate the relationship between history and memory and attribute it - although in varying degrees - to the instrumentality of power and politics in every conjuncture.

David Scott's conception of memory and tragedy offer one of the most compelling ways to understand the political consequences of public memory, especially in postcolonial contexts. In *Conscripts of Modernity*, Scott (2014) draws a dynamic relation between the evolving public memory of anticolonial politics. Prior to the wave of decolonization in the twentieth century, Scott observes, anticolonial independence was a story of heroic, revolutionary triumph, while afterward, it was retold as one of uncertain tragedy. e. In *Omens of Adversity* (2014), Scott explored the slipperiness of revolutionary public memory using the collapse of the Grenada revolution as a case study. Here, Scott examines the demise of this revolution as they relate to tragedy, temporality, memory and transitional justice in the postcolony (Scott, 2014; see also Bonilla 2015). Scott's conception of memory and transitional justice offer a productive framework here; especially his discussion of the implications that the past has on the future and how the imagination of the future impacts the present. While focussed on the history of the Caribbean's resistance to conquest, he does not set out to revisit the task of retelling the story of the Grenada revolution; instead he uses it as an analogy to represent the tragedy and uncertainty of a present permeated by the past (Nichols, 2017).

Moreover, Scott (2014) persuades one to think of the tragedy of failed revolutions as a basis for the way in which people can or want to imagine 'political possibilities' of the future. In relation to memory and justice, this work uncovers the hegemonic nature of the 'neoliberal present' - primarily the tendency of it to be accepted as the dominant common sense. Moreover, Scott's ideas about the problems and interconnectedness of memory and transitional justice are useful in analysing how participant recollections of their experience of hegemony in both apartheid

and democratic South Africa have an implication for ‘a freedom of the future’.

Common Sense as Common Memory?

In addition to Scott, Gramsci’s concept of common sense in his *Prison Notebooks* can help build this paradigm upon which the framing of these two moments is to rest. Gramsci defined common sense as the naturalisation of the cultural, political and social order of the dominant class – in which ideas about being are taken for granted (Gramsci in Hoare & Smith, 1971). Common sense can help frame the various ways in which the historical events can be compared, recalled and interpreted, like the stories of both 1976 Uprisings and the 2015 #FeesMustFall moment. Like Gramsci, this chapter does not take for granted the role of hegemony in the process of remembrance.

In his prison note on education, which is particularly relevant here since both historical examples erupted in the realm of education, Gramsci establishes quite clearly that crises that engulf education are directly linked to the overall crisis of a given society (Gramsci, in Hoare & Smith, 1971). This avoids looking at any organic crisis that occurs in a society outside of the prevailing structural contradictions that ignite its eruption. By this I mean the limits that come with focussing too much only on the contradictions that manifest, and not enough attention to the material conditions that make them possible in the first place. Thus, the idea here is that the opposition to Afrikaans and protests to this effect represent way more than a resistance of a language. More importantly, it calls into question the motives behind the apartheid regime’s imposition of Afrikaans. What brings it about? Why is it important? This is delved in further in the following chapter dealing exclusively with education. Thus, Gramsci’s understanding of the relatedness of educational crises to larger societal ones, we can perceive how the Soweto Uprisings represented the general problem of the apartheid state – as something quite counter-hegemonic.

How then does common sense morph into common memory, especially given that memory is a fundamentally contested terrain? Rasool and Minkley (2013) prove that memory is not immune

to the power structure of the society that seeks to remember or forget. Thus, dominance goes beyond the physical, the psychological and economic, it pertains to the cultural as well. What we deem to be normative and socially acceptable is as much at stake as what we remember and how we remember it.

Ultimately, the above framing - built to tell the story of both the Uprisings and the Fallist moment - will be operationalized by drawing a connection between memory (how, what, and why we remember) and hegemony (the dominant structure that imposes its memory on general society). The framework will not attempt the impossible task of detaching memory from hegemony, rather it will explain and situate it. To begin this task, we look at the moment of the uprisings, which takes place in apartheid South Africa.

5.3 The Story of the 1976 Soweto Uprisings

Now that the chapter has outlined the foundational framework and lens through which it will tell the story of both the moments of this study, in this section I deal with the 1976 uprisings. The objective is to, as comprehensively as possible, contextualise the moment in all its complexity. Thus, this section will include the political circumstances that made the moment possible, the protagonists in setting them in motion and a range of other motivating and demotivating factors that constituted what we now remember as a moment of valiant heroes of the liberation struggle against Apartheid.

In the strictest sense, the apartheid regime is an illegitimate state governing people against their will and agency. However, the idea of legitimacy is more complex than purely the positionality of the political subjects of a particular hegemon. In fact, if anything, apartheid presents us with a very challenging case of assessing how the legitimate can be 'illegal' and the illegitimate can be 'legal'. Apartheid legalised its clear racial ideology, and therefore made it legally justifiable to disenfranchise black people. How does this connect to questions of hegemony? In the construction of the other, the apartheid state is involved in a process of legitimising itself - in other words asserting its hegemony. Because, as Gramsci teaches us, hegemony is not a one to

one relationship, hegemony is dynamic and therefore needs to survive beyond questions of legitimacy, but also on the mechanics of sustaining this legitimacy. For the apartheid regime, coercion was the predominant hegemonic mechanism because of the moral and ethical incongruence of its idea of social life with the majority of South Africans. This, however, does not mean that it does not deploy consent in the process. The intricacy of consent in the apartheid regime context was manufactured through its promise of coercion - the not-so-latent consequence of force. As Žižek (2008) describes symbolic violence, apartheid, too, has the element of force that is not only a threat upon its actual occurrence, but more potent in the possibility thereof.

For instance, the passbooks³ that black people had to have in order to access urban South Africa were a very palpable reminder of how the black population was essentially made ‘foreigners’ in the land of their birth - something that was met with resistance. However, the consequences were grave and clear for not carrying your pass. So, in order to avoid this, black South Africans self-regulated and carried their passes. In one of the interviews conducted with Mr. Maquard Simpson, a faculty manager at the University of the Western Cape’s Community and Health Sciences Faculty and former youth activist in the 1970s, he recalled how some parents of his comrades would impress heavily upon them to make sure they took their passes with them into town. His recollection typifies the condition of self-regulation that hegemonic force manufactured what I term ‘coercive consent’. (Interview with Marquard Simpson, 2021). This consent is coercive in the sense that one is only consenting or self-regulating to avoid the coercive repercussions of not doing so. This intricate dynamic helps the hegemonic order, in that it alleviates the necessity to be violent in the process, thus making the process of dominating seamless.

³ The passbooks, also called pejoratively the ‘dompass’, was a passport for Native South Africans who had been banished to the homelands (outside of South African cities), as a way to gain entry into SA. These laws were enacted under the population registration act of 1950.

5.3.1 The Origins of the Student Uprisings

Across the world the origins of student uprisings are impossible to interpret in isolation of broader societal mass mobilisation (See Hlongwane, 2009; Brown, 2016; Luescher, 2016). Like many of these researchers, I am concerned here with the Soweto Uprisings of 1976, but not without considering what contributing factors were shaped this moment. As part of this consideration, I build on the work of Hlongwane (2007), wherein he takes on the task of mapping the routes (both literally during the protests and metaphorically in terms of strategy) that the students took during the protests. He argues that this mapping exercise does not only create a historical trace of how the day of the protest unfolded, but also that there is more than one account of these events (Hlongwane, 2007). In many ways, Hlongwane's work lends itself to the idea of contested memories. Expanding on the idea of contested memory, Baines (2007) argues that the contestation of the Soweto Uprisings is not outside of claims to historical significance of the past, and therefore of the future. He further argues that the battle for how the Uprisings are remembered, or forgotten, are down to the implications either of those actions have on the construction of the future. For instance, who we remember as the protagonists shape how we remember the Uprisings and therefore what we celebrate (Baines, 2007). For Neville Alexander (1990), the uprisings represented the beginning of the end of what he called "Verwoerdian Apartheid". In an essay lamenting the state of South African schools in the late 1980's, he writes (Alexander, 1990: 6-7):

“...from 1973, and especially from 1976 onwards, the whole edifice began to crumble. The great Soweto uprising starting in June 1976 was the ‘What is happening in our schools?’ warning signal that the racist fantasies of the Verwoerd/Vorster era were about to be blown away by the winds of change. The onset of the economic crisis of the South African ruling class coincided with and was reinforced by a profound political crisis”.

This is how Alexander remembers and recalls the impact of the uprisings, particularly in his examination of it within its broader political context in South Africa and the world. Of course,

this specific way of remembering the Uprisings contrasts with Jon Vorster's dismissal as a spectacle of "crying wolf". Hence, the public memory of the Soweto Uprisings is contested not merely by external hegemonic factors, but also internally between the architects of this historic moment. Therefore, there is no one, incontestable origin or narrative.

In my interview with Thierry Luescher (2018), a discipline leader in the study of both historical and contemporary student movements in South Africa, he said that the student movement has a genealogy that goes as far back as the liberation movement in South Africa. He argued that whatever contemporary iteration of the student movement we see today, cannot and must not be divorced from the years of mobilisation, change and protest repertoires that have characterised struggle in South Africa. As a result, Luescher states the origins of the uprisings within a long lineage of the student movement's contribution to the South African liberation project. Emphasising the significance of seeing the student movement, and specifically the Uprisings as a component of the complex whole project of liberation, Baines (2007: 3) proffers that "the living memories of the Soweto Uprisings of June 16, 1976 have been inscribed in the master narrative of the liberation struggle constructed by the ruling African National Congress (ANC) party in post-apartheid South Africa". However, Baines, quite problematically, promotes the reading of the uprisings as part of the ideological project of the present. Thus, reading the Uprisings as a moment in isolation from the broader hegemonic crafting of memory.

The Soweto uprisings in 1976 presented the apartheid regime with a unique challenge. The students were not organised within the traditional liberation movements, which were banned at the time, and therefore became difficult for the security police to detect (Hlongwane, 2007). Responding to the imposition of Afrikaans and the general Bantu Education system, the students involved in the uprisings organised and mobilised the youth at a time where political activity had become markedly less prominent, due to the banning of the liberation movements. How did the moment come about? What are its historical origins? Finally, did the violence meted out to the students represent the extent of the pressure the uprisings had on state

hegemony – and in turn showing the significance of the student action? All these questions are either answered, explored or even asked again in a series of literature that attempts to understand the year 1976 as a pivotal moment in anti-apartheid struggles.

Indeed, the view that there were processes of deliberate planning is widely supported in the recollections of several students (Hlongwane, 2007). Relative spontaneity is what generally characterises moments like the uprisings in 1976, but I am convinced by the recent research that demonstrates evidence of planning. Characterised as a turning point in the South African anti-apartheid struggle, the 1976 uprisings in Soweto came about at a time of ultimate state repression. Curfews were imposed and the state of emergency was in full effect after the Sharpeville massacre in 1969 (Ndlovu, 1998). Looking at developments in a number of high schools, especially Naledi High School and Morris Isaacson High School, reveals why these schools ended up playing an overall leadership role in the student struggle leading to the June 16 uprisings (Hlongwane, 2007). Tsietsi Mashinini, the foremost recognizable organiser of the protests on the day, also president of the Soweto Students Representative Council, was enrolled in Morris Isaacson (South African History Online, 2011). The bulk of the organisational and mobilisation activity happened at these schools. The vacuum created by the banning of liberation movements needed to be filled, and the mobilisation efforts by leading students at these schools were critical.

According to Hlongwane (2007), even though secondary school students were more politicised than those in the lower grades, their ideological fluency was still rudimentary. Due to the strict monitoring of any and all insurgent political activity by the security police, the students' access to political literature was limited to a small body of works — largely about cultural awakening (Hlongwane, 2007). He further argues that “in addition to their emergent political consciousness the practice of organisation was also taking root among high school students in the form of the Student Christian Movement (SCM) and the South African Student Movement (SASM). This pattern was characteristic of most high schools in Soweto.” (Hlongwane, 2007: 4). However,

Baines (2007: 18) argues that “there is no evidence to suggest that these organisations (SCM, BCM and SASM) or any other political movement were significantly involved in the revolt”. Baines does, nonetheless, acknowledge that these movements of Black Consciousness might have inspired the bold and militant action of the students. These two narratives further reinforce the idea of contested historiographies of the same memory, but also the complexity of the moment in its totality.

Students reached out to ‘extra political’ actors in attempts to broaden participation and increase the overall impact of the protests. School and university-based activists, recognising the political potential of gangs, made some attempt to draw the gang constituency into disciplined political activity, but they were largely unsuccessful. Gangs participated spontaneously in the uprising but the Soweto Students Representative Council, in order to maintain credibility with a broader Soweto support base, distanced itself from all gang activity and even mounted anti-gang operations during late 1976 and 1977 (Glaser, 2007).

A Crisis of Authority

Notwithstanding an array of other challenges presented by the liberation movement in South Africa against the apartheid regime, the Soweto uprisings in 1976 triggered the state into a further crisis of authority. For Gramsci, such crises refer to instances where the hegemonic group does not enjoy legitimacy and faces recalcitrant resistance from the dominated group (Gramsci, 1971). This South African crisis prevailed for two reasons; the first is that the apartheid regime had successfully imposed its draconian laws on the people before and only faced opposition from the liberation movements (which were at the time of the uprisings banned), and did not anticipate such resistance from students. Secondly, students were more organised than the official record shows. In a personal testimony by an unnamed black office worker/clerk in Johannesburg, located in the University of Fort Hare Liberation Archives, they recall how the students had distributed flyers to the length and breadth of all areas in Soweto,

all the way up to public transport headed to central Johannesburg. They reflected on the bold nature of the demand “No to Afrikaans, No to Apartheid” (African National Congress, Sechaba, 1979), at a time where political activity from black people was closely monitored. These details, when analysed closely, reveal an insecurity from the apartheid state that is induced by the boldness and courage of the students involved in organising the Soweto uprisings. The reaction of the apartheid state shows this in gruesome terms, no less.

Moreover, in a security police report to the Minister of Justice and Police, the head of special operations in Pretoria reflected on a possible ‘stir up’ that was happening among the students in Soweto (The Cape Times, 4 November 1975). This triggered the activation of the apartheid regime’s embedded spies to report suspected counter hegemonic plans or mobilisation in the townships or even in the military camps housed in neighbouring Southern African countries such as Tanzania, Zimbabwe and Angola. With counter-hegemonic intention, the liberation movement also employed the use of certain white progressive South Africans as spies. One spy in particular, Sue Dobson, almost suffered the grave consequence of execution after surreptitiously getting romantically involved with a member of the South African Security Police in efforts to sniff out ‘counter terror’ operations (Alberge, The Guardian, 2021). This displayed a very clear process of different kinds of warfare, split into two strategic fronts, as explained by Gramsci’s war of position and war of manoeuvre. While the counter deployment of spies represented a war of manoeuvre, the war of position represents the direct, physical battle between the hegemonic and counter hegemonic. The value of the long-term embedded spies would result in valuable intelligence which the liberation movements would use to reorganise themselves, determine the safety of certain camps and the viability of launching ‘compromised’ attacks on the apartheid regime. These were the building blocks for the staunch resistance that was to be the Soweto Uprisings in 1976.

Confronted by an unanticipated target with detailed preparation, the apartheid regime responded in a brutal and struggle-defining way to the Soweto students. The Uprisings inspired courage in

a previously dormant political landscape, a sense of responsibility from various sectors of the oppressed community (Kruger, 2017). To this effect, students at the University of the Western Cape and elsewhere in the country rose up against the actions of the state, in solidarity with the students in Soweto. Essentially, the crisis of authority born from the illegitimacy of the apartheid regime was exacerbated by its brutal response to the students of Soweto. This reinforced the necessity to resist it, by deepening the crisis of authority. In other words, the state's violent response to the protests in Soweto - which is an intention to quell further dissent - sparks both a domestic and international outcry - further plunging the apartheid regime into crisis. The ripple effect of the uprisings and the apartheid state's response sparked a series of campaigns and efforts to end apartheid, but to understand this large-scale impact it is important to step back to the actual day of 16 June 1976.

The Day of the Uprising



Image 2: Tsietsi Mashinini, Selby Semela and Barney Mokgatle (1976). Source: SA history

Online.

On Wednesday morning at 11 am in June 1976, students had begun gathering in the streets of Orlando (Brown, 2016). They had a clear intention to execute a peaceful protest against the institution of compulsory instruction in Afrikaans, then a language representing purely the cultural hegemony of the Afrikaner white minority in South Africa. As the students gathered and marched just outside of Orlando West High School, the once peaceful protest was met by unprecedented police force (Brown, 2016). When asked by a journalist how the violence erupted, Tsietsi Mashinini said:

“We started marching with the intention to gather all different groups of students around Soweto. All of a sudden, they just got out of their cars and came advancing towards us. The first white policeman threw a teargas canister. We were seeing a teargas canister for the first time, we did not know what it was. So, when we saw it emitting smoke, we dispersed. All of a sudden the first police officer who threw the teargas started opening fire on the students.” (Tsietsi Mashinini Interview, New York Times, 1976 in a YouTube clip published in 2011)

Mashinini’s retelling exposes the extent to which the security police had anticipated the actions of the students and in ways had premeditated its response. In gruelling detail in the same interview, Mashinini recounted the infamous shooting of Hector Pieterse after being shot:

“I was with Hector Pieterse when he was shot, the boy who was in that picture. He was the first student I saw going down, I could not believe it. I saw a boy of about 11 going down under police fire, I could not believe it. Apparently when Hector was shot, the students ran back. I was left with Hector and a girl, I was feeling scared and wanted to run away too. This policeman was aiming his gun at Hector again, the girl stood in front of Hector and told the policeman in Afrikaans that “Skiet vir my” ‘shoot at me’ and the policeman deviated his aim and shot in the air.” (Tsietsi Mashinini Interview, New York

Times, 1976 in a YouTube clip published in 2011)

Julia Brown in her book *The Road to Soweto* (2016), echoes Mashinini's recollection of events.

She writes:

“a group of between thirty and fifty policemen confronted a large crowd of students. The students had been halted in their march, and they were standing in place. They were singing, whistling at the police and brandishing placards. In a moment, though, this changed. In the words of Sophie Tema, a journalist at the scene: ‘a White policeman hurled what seemed to be a teargas shell – which released a cloud of smoke and gas – into the crowd ... [I saw] a White policeman pull out his revolver, point it, and fire it. As soon as the shot was fired other policemen also began firing.’ The shots sped into the crowd, where they killed two youths. Tema saw ‘a young boy ... fall with a bullet wound’. She reported: ‘He had a bloody froth on his lips and he seemed to be seriously hurt so I took him to the ... clinic in a press car but he was dead when we arrived.’” (Brown, 2016: 1).

Based on the above accounts, the violence started quite early on that fateful day, way before the students could even generate the sort of momentum or awareness of the march for the media to catch on. While the security police were not informed about the planned protest, typical of a hegemon, they reinforced themselves quite quickly and efficiently to deal with this hindrance. Typical of any politically charged environment like that of 1976 June 16, the violence happened in waves and was usually instigated by the trigger-happy, insecure power. In the hours after Peterson's death, violence spread across Soweto.

As the police attempted to restrict the students' movements, and suppress their protest, large numbers of the youth began to resist the state's efforts. Instead of accepting the authority of the state – or even choosing to bend before its overwhelming force – students began to fight back: they picked up stones and threw them at the police, they used sticks to resist assaults, they set fire to a post office and the local administration office and, as the day progressed, they made makeshift Molotov cocktails from petrol, glass and rags. They ran from the police, taking advantage of their knowledge of backyards and alleyways; they evaded arrest, and turned the

streets of Soweto into a battlefield.

There were countless protagonists in the Soweto Uprisings, many of whom have not been the subject of scholarly or even media attention. Like most political events that have been shaped into national myth, popular memory tends to narrow onto a few select heroes. (Scott, 2013). While Teboho 'Tsietsi' Mashinini, Hector Peterson and Antoinette Sithole (Hector Peterson's sister) are the names that resonate within the popular imagination of the uprisings, there are other actors whose contributions are left untold. For instance, names like Sithembele Khala, a student at Orlando High who was part of the Pan Africanist Congress of Azania (PAC) - one of the two most significant liberation formations in South Africa - where he was eventually sentenced to a 10-year prison term on Robben Island (Hlongwane, 2007). Khala and others were part of the PAC underground operations in schools (Hlongwane, 2009). In an article reflecting on this underground network, Hlongwane's observation of youth mobilisation coincided neatly with the organic crisis that emanated from the imposition of Afrikaans by the Apartheid state. While Hlongwane does not apportion any special significance in terms of shaping the uprisings to the PAC or its student activists, he does draw a connection between all various forms of anti-apartheid mobilisation. Importantly, he also highlights the political ambition of protestors that went far beyond the question of Afrikaans-language instruction and took on the hegemony of the illegitimate Apartheid state.

c. The Uprisings in Memory

The 1976 Soweto uprisings played their part in undoing apartheid, and they are commemorated as such within South African popular memory. Adam Habib is not alone in viewing the uprisings as a critical moment that propelled the broader liberation struggle. While the Prime Minister of apartheid South Africa clearly denied that the uprisings represented a crisis, to avoid the concession of its counter hegemony and in turn apartheid's vulnerability. This section has shown that the apartheid state responded violently to the uprisings not out of pure desire for violence, but a perceived necessity, from the view of the state. The crisis of authority that

informed hegemonic insecurity meant that the security police needed to respond in a way that sent a clear message against any other dissenting voice.

5.4 The Story of #FeesMustFall

Although Rhodes Must Fall (RMF) preceded Fees Must Fall (FMF), the movements are inextricable from each other. Filled with youthful exuberance and a language and attitude of resistance, these moments/movements emanated out of South African higher education in the year 2015 (Hodes, 2017). In a testament to the massive impact #RMF had its message reverberated across the globe. To this end, Luescher (2017: 4) describes it:

“#RhodesMustFall briefly became an inspiration to iconoclasts across the country. Even on university campuses as far as in the United States, the monuments of Thomas Jefferson, Woodrow Wilson, Jefferson Davis, and others, started shaking. In South Africa, true to Fanon’s famed call that “each generation must, out of relative obscurity, discover its mission, fulfil it or betray it,” students in other universities asked themselves what needed to fall within their context—when at UCT it was the Rhodes statue that had to fall.”

Although RMF and FMF were driven by different demands, these two moments shared the anticolonial spirit that once characterised the colonial world (Luescher et al, 2017). In a YouTube clip of the Black Kollektive, a black radical space, Masixole Mlandu – a leader of both #RMF and #FMF – outlined the three lenses through which the movement navigated colonialism; pan Africanism, black consciousness and black radical feminism (Black House Kollektive, Thando Sipuye on YouTube, 2016), which will be examined in the following sections. Ultimately, both RMF and FMF moments demanded for the remnants of colonialism to fall.

#FeesMustFall in Brief Memory

So far, we have told the story of how the 2015 campaign unfolded, what inspired it and how it defined itself. All of this is to construct the memory of this moment, both to inform the

comparative analysis undertaken in this study, but also to weave a connection between memory and hegemony. #FMF purposefully connected itself to a more distant memory: the 1976 Uprisings, while cementing itself with the political historiography of South Africa's unfolding search for freedom.

Cohen (2015) further argues that within the South African context, #FeesMustFall represented a new kind of activist politics with respect to at least three characteristics: It embraced a non-partisan and inclusive politics; it brought together various social groups, in terms of cultural, religious and racial background; and, it was national and had a flat leadership structure. However, Luescher-Mamashela & Mugume (2016) argue that instead of declaring the movement non-partisan, it is better suited to call it 'multi-partisan', "in that frequently the full range of political parties or rather, party-aligned national student political organisations were acknowledged; and simultaneously it cannot be said that it was leaderless but rather that as an internet age network movement, its organisational centre was a virtual one, linking highly localised and in most cases formal leadership structures, such as campus SRCs and the branch leadership of national student organisations, into a multimodal virtual network which only rarely issued in a physical meeting beyond campus-level, such as the meeting at the Union Buildings." (Luescher-Mamashela & Mugume, 2016; 4). The multidimensional and multimodal approach of the movement shows the uniqueness that #FMF, in many ways, embodied.

The theme of unity seems to overlap all the accounts of the FMF campaign, despite the inevitable moments of infraction protestors faced in their quest. Reflecting from an autoethnographic perspective, Mandyoli (2019) argues that the #FMF movement presented a unique opportunity for the student movement nationally to organise on the basis of student interests instead of party-political ones. All these ways of 'remembering' the #FMF campaigns lend themselves to the idea that moments are contested not only in their making, but also in the ways in which they are kept alive. The success of the 2015 campaigns might be measured, among other ways, in the official move from loans to bursaries for deserving students at

undergraduate level. This outcome is not despite the contested memory, but precisely because of it in that there is still a raging debate within student activist circles about what could be appropriately termed a victory under the circumstances.

Booyesen further adds that, “moving from collective action to the logic of the demands, the students’ renewed objections and challenges to the prevailing socio-political order – embodying tales of alienation, of anger and of rejection of much of the status reverberate broadly” (Booyesen, 2016: 2). The movement challenged more than an increase in fees, in fact, it embodied outsourced workers’ demands and wider issues of social inequality. Hence, #FMF was identified as a movement by its participants in relation to their multi-campus, cross-province and international action under the banner #FeesMustFall – along with several other offshoots such as: Fallism, #RhodesMustFall in early 2015, #RhodesSoWhite, #OpenStellenbosch, #TransformWits, #TheStatueMustFall. This notwithstanding the post ‘moment’ reflections on it as a campaign rather than a movement, due to its limited lifespan and its reliance on spontaneity.

The 2015/16 #FMF Campaign

The #FMF campaign emerged a few months after the Rhodes Must Fall movement, as a struggle against the exorbitant and constantly increasing fees in South African higher education. This initial demand about financial barriers to education expanded into a larger fight against the commodification of education, with implications for institutions beyond the university (Hodes, 2017). FMF connected their campaign to wider discontent with persistent economic inequality within South Africa overall, thus making the state the target of #FMF. Protestors challenged the government with respect to its constitutional obligation of “making education progressively available, through reasonable means” (South African Constitution, 1996). How did this campaign start and unfold?

In the month of October 2015 students at the University of the Witwatersrand embarked upon mobilisation against a proposed increase of tuition fees at the university (ENCA News Online, 2015). University students contest fee increments, registration fees and issues of accommodation almost every year, but in 2015 the political mobilisation behind RMF changed the stakes of the demand over fee increases. Drawing from both my auto-ethnography and interview data, this campaign was arguably distinguished in three ways:

i) The name and its etymology: By using the hashtag and the ‘must fall’, the #FMF campaign built upon the momentum and energy of the #RMF moment. For Luescher, the hashtag student movements were embedded within an unfinished, Fanonian project of decolonization (2016: 2):

“While #RhodesMustFall mobilised students demanding the removal of Rhodes’ statue and disappeared from the public gaze when the statue was removed on April 9, 2015, the excision of this “symptomatic sore” was but a symbolic step in the Fanonian “decolonization” process of healing the post-apartheid university, and creating a new intellectual space.”

This ‘intellectual space’ countered the neoliberal direction of the South African university, a demand that was essentially anti-colonial in its nature and combative in its approach.

The call for things to “fall” thus drew rhetorically and politically upon a legacy of anticolonial student protest

ii) Broad Mobilization: After connecting the FMF campaign to broader social and economic inequality struggles, the movement began attracting attention in ways different to other student protests in post-apartheid South Africa (Mandyoli, 2019).

iii) The nature of mobilisation: The #FMF campaign successfully mobilised many university campuses in South Africa. It became one of the largest mobilizations across the South African higher education landscape in democratic South Africa (See Langa 2017; Luescher 2017; Habib 2019).

In an interview I conducted with Luescher in 2018, he referred to #FMF as a wave in an ocean that has long existed - the ocean being the *longue durée* history of the South African student movement. Both RMF and FMF sit within a longer history of resistance and protest repertoires.

From Wits to Azania

The widespread appeal across many South African universities distinguished the #FMF and #RMF movements. In Wits, student leaders like Shaeera Kalla (Progressive Youth Alliance), Mcebo Dlamini (Progressive Youth Alliance), Naledi Chirwa (Economic Freedom Fighters Student Command), Vuyani Pambo (Economic Freedom Fighters Student Command), Nomphendulo Mkhathshwa (Progressive Youth Alliance), and many others all contributed to a politically diverse (in terms of various political persuasions finding harmony under a single call) call for free education in South African universities. These leaders represented a united front initially, inspiring many across the country. Students in many other university campuses then joined the call, raising issues of institutional specificity all while foregrounding the central demand that resonated across university campuses - free education NOW.

A week after the protests started at Wits university, a similar call and mobilisation emanated from the University of Cape Town (UCT). On the 19th of October 2015, the students at UCT had started shutting down the campus. In anticipation of what was happening at Wits, the UCT executive obtained a court order that interdicted any protests taking place at UCT (Ngcobo et al, 2015). This would become a strategic pattern of university managers; using the courts to interdict protests; essentially defending not only university infrastructure, but also the period of assessment at universities. The #FMF campaign's timing, which coincided with the announcement of fee increments, also aligned with the examination period across South African universities. Given that examination and assessment serve critical gate-keeping functions for degree-granting institutions, student protestors exploited the vulnerabilities imposed on universities by the timing of the campaign (Mandyoli, 2019).

At this stage many protests, of different sizes and impact, had started happening across South African universities. Rhodes university students began shutting down their campus after Wits and UCT (Booyesen, 2016). The Universities of Johannesburg, the Free State, the Western Cape, Nelson Mandela, Tshwane, the Cape Peninsula and others had all begun mobilizing on campuses with notable success. During the first two weeks of the campaign, the police arrested many students. It is reported that over 1000 students were arrested across the country, all of whom were released on warnings (Quintal, 2015). Students blocked gates, stopped cars, occupied buildings, marched through towns and the police used dispersing tactics that had not yet involved notable brutality.

Later on, in October and early in November, the protests began to intensify. The increase in intensity was due to the growing momentum which saw more campus join in and the connecting of the live wires between workers and students. At this time, the interdicts were in place and, in ways more serious than the first week of the protests, more forceful. This was the moment when the state became involved in the attempts to resolve what at first seemed like a regular student protest. Strategic intervention began at the level of university management first. Max Price, Adam Habib and Tyrone Pretorius, all vice chancellors at universities at the time, affirmed the commitment of the executive management to finding practical solutions to the issues raised by students, while acknowledging that the demand went way beyond their mandate as vice chancellors (Interviews with University Managers: T Pretorius 2022; A Habib 2021; Max Price 2021). Despite such interventions and meetings with students and leaders, protests intensified. As a participant and leader in the UWC campaign, I say with conviction now as much as then, students knew and understood that universities themselves could not provide free education. Therefore, the #FMF campaign utilised – rightly so – the university as its site of struggle to expose a number of weaknesses within the purview and mandate of these managers, while strategically marrying them with the wider demand of the campaign levelled at the state.

The intervention of the state became more necessary when around 5000 students from Cape Peninsula University of Technology (CPUT), UWC and UCT in Cape Town marched to the National Parliament on the occasion of the midterm budget speech (Merten, 2015). The target of this march was to bring the attention of the students' grievances to the national government, particularly the president and the minister of higher education. The students successfully got the attention of the government, but not the desired person; the head of state. Instead, the Minister of Higher Education addressed the students outside the gates of parliament while the president, according to an Independent Online News article (IOL 2015), slipped out via a side exit. Naturally, the students refused to listen to the minister and booed him until he stopped trying, all while demanding the audience of the president; Mr. Jacob Zuma (Mertens, 2015). At the disappointment of not getting the attention of the president, the students stormed parliament and proceeded to stage a sit in. Citing the National Key Points Act, the public order police proceeded to unleash teargas, rubber bullets and stun grenades to disperse the students. Mertens (2015, n.p) describes it as:

“The riot police also manhandled and pushed the protesters off the parliamentary precinct in unprecedented scenes unfolding over two hours, which saw the protesters trying to storm the House.”

Although the police reacted this way, as one of the leaders in the process I noticed that the government opted for a peaceful resolution of the 'impasse' between students and government. I recall in my own experience how we were called into meetings at UWC by high level officials in the department of Justice within the Western Cape division, to negotiate a peaceful resolution, negotiated on the 'promise' not to charge arrested students. Needless to say, the movement rejected this and continued its sustained pressure on the state.

After two weeks of protests and negotiations across campuses between students, management and the government, the president famously announced the zero-increment decision. This came after students from the North West University, the University of Johannesburg, Wits and other

campuses close and around Gauteng stormed the Union Buildings (Hosken, 2015). Victory, right? Allison (2015) wrote:

“After weeks of student protests, the South African government agreed on Friday to scrap fee increases at all tertiary institutions in 2016. The announcement was made against the backdrop of another day of demonstrations across the country, some of which escalated into violent confrontations between protestors and the police. The students got what they wanted – for now, anyway.”

The announcement of the zero increase did not deter the whole movement, although parts of it disintegrated. The debate raged on as to whether it was wise to continue advancing the call for free education, or to take this unprecedented victory in the context of a long struggle to mitigate economic and social pressures from poor students, so as to live to fight another day. These contradictions were sharpened by the disrupting tactic from the president in his announcement of a ‘no fee increment’, and dealt a heavy blow to the campaign’s movement from that point onwards (Mandyoli, 2019). However, the movement consolidated and continued the charge for the remainder of 2015, resulting in a number of universities either deferring exams to January the following year or electing to conduct them at off-campus sites. This represented a victory for students, but also a challenge. Thus, all these contradictions meant thinking, debating, disagreeing, persuading and a whole lot of philosophy by students in post-mortem meetings, which took place daily after a sustained day of protest activity.

The Character of FMF: A Melting Pot of Ideas

Beyond the creative and sustained nature of protests carried out by the #FMF campaign throughout South Africa in the years 2015 and 2016, was its insistence on and commitment to revolutionary theory as its primary guide. It begs the question: does the success of a protest bring greater challenges for long-term success? The protests in 2015/16, relied quite heavily on the idea of decolonization, as developed by Walter Mignolo. For him, the relationship between theory and practice lies at the heart of decoloniality, a practice of thinking and distilling

on-the-ground activism in concrete political circumstances. This philosophical direction was met with major resistance during and after the protests, seen as destructive by the dominant voices in the South African academy.

Modiri defended student protestors of the #FMF campaign, by offering a critique in the South African academy: as a site where problematic social relations engendered by conquest and apartheid are reproduced. Modiri (2016: 3) compellingly wrote:

“I see a brave generation attempting to valiantly overcome a plethora of historical injuries: economic exclusion, cultural decimation, racial dehumanisation, trauma, sexual violence, social pathologizing, poverty. I see a creative experimentation with theory, politics, and activism. I see the return of a richly agonistic democracy, a disruption of common sense and an uncompromising attack on the status-quo. I see and hear a resounding call for epistemic justice; a demand to decolonise and liberate South Africa from the bondage of white supremacy, heterosexist and coloniality.”

This excerpt from an editorial published in the Daily Maverick captures the inquisitive, combative and radical character of the #FMF campaign. Beyond that, it also suggests the intellectual exuberance of the campaign – which inevitably led to a multitude of intellectual persuasions forming the basis of guiding theory(ies).

Ultimately, there was no settled consensus of the campaign’s precise intellectual compass; united initially by an opposition to moribund liberal democratic and charterist modes of thought. Essentially, the intellectual character of the #FMF campaign in 2015 espoused its counter-hegemonic ambitions. This was evident in two ways: both in that protestors mobilised and utilised ideas that fall outside of the dormant cannon of Freedom Charterism, readable as transformative constitutionalism; and in that they embraced thought outside of the dominant canon. So, what were these ideas that drove and motivated the #FMF campaign?

Black Radical Feminism

In the early to mid-twentieth century, the movement of Radical Feminism began to take shape in America. It responded to the growing dehumanisation of women and the establishment’s

resistance to equalise social relations between women and men (Crow, 2000). As a body of thought, feminism takes on various forms: you have liberal feminists; radical feminists; decolonial feminists and Marxist feminists, amongst others. Radical feminism, at least according to Crow, represents a somewhat umbrella movement of feminist intellectual expression that is broadly committed to the overthrow of all systems of oppression, inclusive of patriarchy but also beyond it. As Ware and Crow explain (1970: 6):

“Radical Feminism is working for the eradication of domination and elitism in all human relationships. This would make self-determination the ultimate goal and require the fall of society as we know it today”

This is indicative of the imagination of the oppressed to think of ways of undoing their domination, and also the complicated ways in which patriarchy generally presents itself in different localities and circumstances across history. In similar fashion to the development of scholarship and practice of radical feminism, the #FMF movement was made up of many theoretical vantage points, one of which – if not most significant – being Black Radical Feminism (BRF). According to Collective (1977), Black Radical Feminism is a philosophy that understands gender, race and class as intersecting oppressions that make up the system which Bell Hooks call ‘imperialist white supremacist, capitalist patriarchy’. The subtle but important difference between radical feminism and black radical feminism is that the latter highlights the particular ways in which race augments the oppression of black women. Thus, BRF stretches radical feminism to contend with the invalidation of the black women within broader women’s struggles.

Like many other modes of inquiry or ideas that emanated from the movement, BRF had risen in popularity earlier in the year of 2015, during the #RMF campaign. The dynamic nature of the #RMF movement demanded that the guiding principles thereof be intersectional and radical. According to Crenshaw (1977) the term intersectionality alludes to the double discrimination of racism and sexism faced by Black women, which goes against the linear framework that is

usually applied when attending to discrimination – in parts this is what #RMF espoused, even though there are a number of valuable critiques of its shortcomings in practical application of these philosophies. Moreover, it is radical in that it was positioned by protestors, as fundamentally against the grain of normative liberal democratic appreciations of South African society. Merging these two demands, the movement sought to organise students at UCT, for instance, beyond the demand to remove Cecil John Rhodes’ statue, to also dethrone what they termed his legacy: economic inequality, patriarchy, racial discrimination and political subjugation.

After speaking to some of the radical feminists in the #FMF such as Funzani Mthembu, Simthandile ‘Azania’ Thyali and Palesa Mchopela, it is clear that the movement, like any other social space to challenge hegemony in the world, was vulnerable to the nascent problems of patriarchy. Funzani Mthembu, a student activist at the University of Johannesburg during the 2015 #FMF campaign, emphasized the importance of the movement being intersectional to avoid waging one struggle, while perpetuating another injustice (Interview with Funzani Mthembu, 2021). Simthandile, a former SRC President of the University of the Western Cape, emphasised a similar point, while recognizing that there was a need to be clear about the quality of feminism that had to undergird the movement. Critical of liberal feminist approaches, she argued for decolonial feminism as more suited to the African experience generally and the specific context of the #FMF movement (Interview with Simthandile Thyali, 2020).

Similarly, the #FMF campaign used BRF as a guiding tool, too, while fighting the commodification of education, to counter the problematic tendency of patriarchy to dictate the shape, direction and attitude of the movement. Additionally, this intellectual landscape was supplemented by the theory of black consciousness and that of pan Africanism.

Black Consciousness

Black Consciousness as a political philosophy is attributed to the likes of intellectuals such as Steve Biko, Saths Cooper and Barney Pityana. The foundation of the movement was set in

motion by the formation of the South African Students' Organization (SASO), launched around July 1969. Growing notably impatient with the dynamic of multiracial student organisations, black students across historically Black universities, particularly at the University of Natal Medical School–Black Section (UNB), the University of Fort Hare, and the University of the North at Turfloop (Hadfield, 2017), decided to form their own organisation. Sparked also by the lack of initiative of the white student leadership of NUSAS to act against the segregationist accommodations at the organisation's conference held in Grahamstown in 1967, Pityana and Biko decided to start an independent, more uncompromising student organisation (Hadfield, 2017). In the formation of SASO, the necessity for a guiding political philosophy became urgent. It is at this juncture that the intellectuals in that movement conceptualised the philosophy of political consciousness. Inspired by the experiences of other Black people across the globe, especially the civil rights movement in the United States of America, the BC movement found resonance in the political experience of the Black Panthers and thus crafted a philosophy that would give Black people in South Africa the language and, according to Saleem Badat (2009), the bravery and confidence to take on the violent and illegitimate apartheid state. The 2015 campaigners explicitly framed their connection to the generation of the 1976 Soweto Uprisings, both in its intellectual arbiters and its methods of mobilisation. A brief discourse analysis of the rhetoric of the leaders and students in general during the time supports this link. Thus, Black Consciousness, along with BRF and decoloniality, as a political philosophy formed the backbone of the thinking within the #FMM campaign. Perhaps due to the similarity of the demographic groups, the 2015 campaign took strength from the generation that led the Soweto Uprisings.

Pan Africanism

The political philosophy of Pan Africanism formed the third leg of the #RMM and #FMM movements' clearly discernible guiding principles, especially as articulated by the Pan Africanist Student Movement of Azania (PASMA), a student branch of the Pan-Africanist

Congress founded in UWC in 1989. This was clear not only in the posters or political classes of the campaign, but also in its songs, political outlook and slogans. Chants like “Izwe Lethu – IAfrika” (Our Land – Afrika) were performed with regularity, as was. “Amandla Ngawethu” (Power to the People), the latter of which originated as an ANC slogan. Unlike prior protests and campaigns, these once-marginalised slogans saturated popular discourse as a result of the 2015 mobilizations. Of course, debates around the privileging of certain ideas and their associated slogans existed and caused divided opinions in the movement (see Langa 2017). Ultimately, however, these divisions did not lead to the collapse of the movement, but instead sharpened ideology and practice at the time. The working through of these disagreements in real time proved that complete ideological or even strategic agreement was necessary to successful mobilisation. Instead of ideological disputes, therefore, may have been far more related to the difficulty of aligning theory with practice.

5.5 Conclusion

This chapter took on three tasks: to tell the story of 1976, the story of 2015 and finally demonstrate what these two moments tell us about the relationship between memory and hegemony. Contributing to the overall comparative analysis of this study, this chapter gave a brief, yet important look into the unfolding of the two cases of this study. It situated the moments historically, isolated significant details and presented them within the guiding framework of memory deployed in this chapter.

The two moments, as component parts of South African history, have a bearing on the ways in which we construct the future of liberation in South Africa. As per David Scott’s warning, the past is not just the past but a roadmap to the future - depending on the agency of those who ‘remember’. How, then do we remember 1976? For the 2015 generation it is by advancing the free education campaign in 2015 and connecting this campaign to the persistence of social and economic inequality writ large. From here, how do we remember 2015? The answer to this

question is not final, or definitive, but forms part of the broader contribution of this study. It shows the dynamism of hegemony and of counter hegemony; in remembering, constructing collective memory and omitting certain details and protagonists.

A dialectical appreciation of memory and its relation to hegemony allows one to appreciate how hegemony constructs memory for its cause, while understanding how counter-hegemony constructs a counter memory for its own course. Thus, memory is connected to both the dominating and the dominated – same events, different outlooks and different ways in which we choose to remember them. The appreciation of this contradiction is not, as could be interpreted, to dispute the central thesis of this chapter, but rather to illuminate its connection to the broader examination of hegemony that permeates throughout the whole dissertation - unsettled and unpredictable. Ultimately, while reflecting on the two stories to draw the connection between memory and hegemony, this chapter showed empirically how these moments were historically constructed; how the state and civil society used consent and coercion in the battle for hegemony. Thus, in the next two chapters I analyse consent and coercion through comparative analysis between the two moments.

Chapter 6: Education as Ideology: Manufacturing Consent in 1976 and 2015

Power relationships, the foundations of the institutions that organise society, are largely constructed in people's minds through communication processes. The shaping of minds is a more decisive and lasting form of domination than the submission of bodies by intimidation or violence (Manuel Castells, 2013: 10).

So, for me, my involvement, my politicisation, none of that would have happened without 1976. I am a child of 1976. I think many of my generation are (Saleem Badat, Interview, 2022).

6.1 Introduction

This chapter deals with Gramsci's notion of consent – one of the two legs upon which hegemony stands. As a comparative variable on the one hand, and a theoretical abstraction on the other, it looks at the utility of consent at two historical conjunctures. Moving from the narration and recollection, through memory, of the two cases (the 1976 Uprisings and the 2015 #FeesMustfall moment) in the previous chapter, I go on to unpack how these two regimes within the South African nation state attain, maintain and/or lose the ability to manufacture consent. The chapter also evaluates the ways in which hegemonic contestation at the level of the superstructure has implications on both the hegemonic group(s) and the counter-hegemonic group(s). This is not a descriptive rendition of consent in two different moments, rather it is a critical investigation of the extent to which both states pursue consent, regardless of the circumstances that shapes this pursuit.

According to Gramsci (1971), hegemony is the spontaneous conforming of the general masses to the dominant ideas of the ruling class. This dominance needs the state to have an effective

ideological arm that manufactures consent (see also Castells, 2013). Of course, this is not all that hegemony requires; it also requires coercion and the balance between consent and such coercion. However, in this chapter I will be comparing the consent manufacturing foundation of the hegemonies of apartheid South Africa and democratic constitutional South Africa. To reiterate once more, this comparison is not made to understand the quality of the apartheid state, even though incidentally it does a fair deal of describing and explaining it. Instead, it uses the apartheid state as a comparative variable, because it was hegemonic at the time, and the uprisings in 1976 represented a fracture in apartheid hegemony which would eventually dissipate in the early 1990s. Therefore, I foreground this not to fallaciously manufacture a sameness between the two states, but I do so to identify the consistent logic upon which both are predicated.

I will be looking at education (in different sites, i.e., secondary education for the 1976 case and tertiary education for the 2015 case) across these two moments. The thesis is concentrating on education because it is an important site of hegemonic contestation in both the two studied moments. Using data from the life history interviews of anti-apartheid activists and democratic era student activists, archival documents and a review of relevant literature, this chapter will compare the mechanics of consent manufacturing across these two moments in the history of the South African state. Secondly, it will make the argument that although consent is used differently and disproportionately in both these moments, there is something notably comparable about the reliance on ideology in both cases. This ultimately lends itself to the ‘suspicion’ that #FMF invokes in me to investigate why these moments seem so similar, yet they occur in supposedly completely different regimes.

6.2 Framing Consent

Here I frame the understanding of consent that will be used in the chapter. This will be done

by recapping, briefly, some key literature, concepts and ways in which other scholars have used the concept and interpreted Gramsci's use of it. Culminating in a short framework of understanding consent in the broader scheme of hegemony, with particular reference to concepts such as legitimacy, authority and common sense and using consent as the working comparative variable, this section deals with the above-mentioned component parts of consent.

As has been made clear in chapter two where I deal with the broader framework of analysis of this study, consent is fundamental to any unit of authority's hegemony. While not all hegemonic groups are legitimate, even they succumb to the undeniable fact that legitimacy secures hegemony (Santucci, 2010). It follows then that consent is a critical component in attaining and maintaining hegemony. Thus, what is consent if not the relatively unconstrained legitimacy of hegemony?

a) Common Sense and Self-Regulation

Unlike legitimacy that is introduced in this chapter, the concept of common sense has been dealt with more elaborately in the theory chapter of this study, wherein the connection between consent and common sense was introduced and explained. Recapping briefly from the overall theory of the study, common sense refers to the collective consciousness or unconsciousness of the masses in relation to what is 'natural', normal and relatively uncontested (Santucci, 2010). This concept in and of itself does not define legitimacy, in other words; legitimacy does not hinge on it. However, what is important is that the durability of legitimacy is measurable using the ubiquity of a dominant common sense. Thus, consent - which needs legitimacy, common sense and self-regulation - is the sum of a durable legitimacy and a working and serviced common sense (Castells, 2013). Meaning that it is not

enough to have ‘common sense’, but in fact it must be serviced regularly to, so to speak, remain ‘common’. This is to avert the inevitable counter hegemonic resistance it will face. This implies that you need institutions to play this particular role. Hence, we turn now to the actual apparatuses of the state that put in action, design and defend this common sense - education.

6.3 On Education

Here I set up the comparative parameters using education as a case. Althusser (1971) looks specifically at education as an important aspect of the Ideological State Apparatus – more closely, he looks at the school as a site for this ideological instrumentalisation of education (which, for the purpose of this study, I extend to the university as well). It is sufficient to note that within the original writings of Althusser he does not isolate the university as a particular ideological apparatus. However, he uses education more broadly - encompassing schools and, in ways deducible from his general theory, all other sectors of education and training. Thus, he attends to the education system, instead of a particular site of education (Lesjak, 2017). This is helpful for the nature of the cases compared in this chapter. It is important to remind the reader that the theoretical bedrock of this study is found in its Chapter Two, where the ideological apparatuses of the state have been identified and here their role in the engineering of consent in the interest of hegemony will be further explored.

Scholars who study the role and importance of education in society have made the case that education is so important that it can be vulnerable to manipulation in the interest of the powerful (See McIntush 2000; Marshall 1995 and Friere 1996). By this they mean that politicians can use education as a tool to appeal to voters by promising either to upscale it, improve it or expand it by making it accessible to all. As one of the most sought-after social goods, it is an attractive electoral or even moral proposition (Grace, 1989). As such, there is

usually minimal active suspicion of the ideological utility of education and institutions that make it possible. This makes education a site pregnant with the possibilities to engender common sense and the general ideas of the ruling class. Thus, education here is viewed with a clear suspicion as an apparatus available to the state to construct, maintain or even attain hegemony. How did apartheid use education as a consent manufacturing tool if its interests were to keep the non-white population and the white population politically, socially and economically stagnant? It is not enough to miseducate black and, to a large extent white people, but also to deliberate on what kind of actual education you provide them in the process. The bastion of education as ideology in apartheid is Bantu Education, and we will deal quite specifically with it next.

a) Education and Apartheid Ideology

The ideas of separate development, an ideological phrase which sought to sanitise - albeit poorly - the real dehumanising character of the apartheid regime were the cornerstone of apartheid policy. A fitting definition of the exact kind of segregation used here reads as follows:

Segregation was defined as the imposed separation of groups; the practice of keeping ethnic, racial, religious, or gender groups separate. The homelands started around the mid-twentieth century, and ended in the late twentieth century, around the mid-1990s. The term that was used consistently was “White South Africa” as the Government aimed to move every Black person to his or her respective ethnic homeland in order to have South Africa completely in the hands of the White population.” (Butler, et al, 1978: 2)

This context of segregation and separation engineered by the apartheid regime is to paint a picture of the extent of intentional racial policy, and even in the context of higher education.

In higher education the apartheid regime does this in the form of creating or repurposing universities by way of ethnic division, in the various homelands and cities in South Africa. The University of Fort Hare was meant for amaXhosa blacks, Zululand for the amaZulu blacks, the University of Durban Westville for Indians, the University of the North meant for Sesotho and Setswana blacks, the University of the Western Cape (UWC) meant for Coloureds, etc. Mr Middleton was thus forced by these discriminatory and limiting laws to move from his home province to pursue further education and training in the only university meant for coloureds during that time; UWC. He registered at UWC as a first-year student in the year of the uprisings. As mentioned earlier, the spark started in Soweto but had ramifications elsewhere. Mr Middleton was arrested and tortured by the police for participating in a protest held at UWC which was in solidarity with and an extension of the 1976 uprisings. He recalls how national leaders in the then Black Consciousness Movement would make their way to UWC to organise the students (Interview with Winston Middleton, 2021). This coincided conveniently with the radical nature of UWC at the time, with most of both faculty and students involved in one or another form of organising against apartheid repressions.

Given the ethnic⁴ nature of the university (by deliberate apartheid design), and how it had resisted this imposition by accepting even black students at the time, UWC clearly identified itself as an enemy of the apartheid regime. This meant that the security police had a dedicated a team posted at UWC, much like various other spaces where any dissenting threat existed, to sniff out any sort of plan or mobilisation that looked to destabilise the state. Against these odds, Mr Middleton and some of his peers participated in protests. The UWC slogan back then

⁴ Ethnic nature here refers to how the apartheid regime organised and designed the higher education system, in particular for black South Africans in the Bantustans (see Sharp, 1981 for a comprehensive study of apartheid ideology that informs the development of institutions to support the whole notion of separate development).

was “Hek toe”, which means “To the Gate”. The students and staff developed a culture of taking the protests beyond the confines of the university campus, to ignite the support of the community immediately around it - and so, “Hek toe” personified this commitment. The “Hek toe” generation, as they are now called, gave UWC a counter-hegemonic edge.

The influence of the New Unity Movement, particularly in the Western Cape, was pronounced. Essentially, the movement advocated for a strict principle of non-collaboration with the apartheid state. The idea was to take up sharp opposition against all odds, even if guerilla warfare was the result. In a New Unity Movement circular dated the 17th of August 1985, it expresses a clear path and programme to this principle of non-collaboration. Of its most notable practical applications of this ideal, was its drive for and welcoming of the idea of a rejection of the apartheid state’s ethnicity of South African universities (Tamminga 2004; Christie, 2008). Thus, the “Hek toe” generation achieved the idea of the University of the Western Cape being open to all with the famous phrase “The Doors Of Learning Shall Open to All”. It was in this gesture to open the university to all, against apartheid policy, that made UWC a fertile ground for the mass mobilisation against apartheid. Thus, the radical thinking and acting of Professor Jakes Gerwel laid the ground for a resistance against the narrow education system and general policy of apartheid.

Similarly, there was the influence of Black Consciousness on the psyche of both the uprisings in Soweto and the aftermath of political activity that mounted serious pressure on the apartheid state. In essence, it was Biko’s “Being black is not a matter of pigmentation, but a reflection of a mental attitude” (Biko, 1973). These ideas resonated with the oppressed people in South Africa, and as a political counterweight to racist regime, represented the most counter-hegemonic iteration of the struggle since the banning of the liberation movement. This was the character of the apartheid state and this is how the moment of 1976, and years that

follow it exposed it. What do we make of this and how does it lay a basis for a fair and careful comparison with the democratic constitutional state? Thus, in the following section of the chapter we attempt to understand this through the framework of analysis developed earlier.

Through an examination of the life histories of Adam Habib, Relebohile Moletsane, Saleem Badat, Evade Abrahams, Max Price, Blade Nzimande, Winston Middleton and Marquard Simpson around their experiences of being educated during apartheid and democratic South Africa to compare the role of education in shaping the character of state hegemony and counter-hegemonic resistance. I also look at how hegemony's battle for consent plays itself out in the face of opposition, what reactions this sparks and what are the similarities in both these cases in these respects. Also, to triangulate the interviewees' experiences, I unpack the archival documentary evidence and other relevant historical documents related to the coming into being of Bantu Education, its strategic function and the resistance it faced.

b) The Making of Bantu Education

It was in January of 1953 when Minister Verwoerd stood up in parliament to persuade its members that the necessity for an education 'fitting' the aptitude and capability of black people was pressing (Spark, 1990). Premised on an intentionally inferior education system for black people, the Bantu Education Act of 1953 was developed to separate the education of black people from that of white people (Moore, 2015). Using the Act to entrench apartheid's governance approach of separate development, the apartheid regime justified its invention along the same logic that Afrikaner ideology rested: the Bantustans and by extension Bantu Education would give an opportunity for ethnic groups to independently develop and preserve their own economic zones and cultural and ethnic practices (Byrnes, 1996).

Moreover, as ethically dubious as apartheid was, it thrived in the global capitalist market recording an astounding Gross Domestic Product (GDP) growth of close to 9% per annum (Nieftagodien, 2014). This was made possible by its access to cheap labour in the reserves (homelands) in South Africa. Its labour practices made it possible for the economy to be productive, while exploiting its workers to the bone and thus boosting the profit margins and overall value of the economy through the roof.

Although the liberation movement in South Africa was very suspicious of Bantu Education in its infancy, the archival record could only lead me to commentary on it post the 1976 uprisings. In the ANC's media and propaganda organ *Sechaba*, an editorial titled: The Will of an Entire People – Forged Under Fire (ANC, 1977), there is a reflection on Bantu Education failing before it even started. The editorial pays particular attention to the inevitability of the uprisings, and how the imposition of Afrikaans on learners was what set off the revolt. The editorial noted, as well, that this inferior education was agitating the majority of the nation into “sharper” forms of resistance that included a need to reorganise internally, despite the banning of political parties at the time.

Notwithstanding the atrocities that accompany the advent of Bantu Education, it is important to note that state funded provision of public education had never been seen in the South African education space. In this sense, it was a first of its kind. Reflecting on this unprecedented move by the apartheid state to provide basic education for black learners, Blade Nzimande (Interview 2021) says:

The education I was being provided generated resentment towards the apartheid state. But so were many other conditions at the time, I lived in a mud house and had access to a pit toilet but in an urban area. I went to black only schools. At the height of repression by the apartheid state. It was a difficult period. I matriculated in 1975 and my first year at university was a baptism of fire – the year of the uprisings.

On whether the conditions of his upbringing and the timing of his entrance to university shaped his relationship with hegemony, he adds:

“One was being educated under these conditions of oppression. Under a methodology of education that did not allow you to question, even beyond that what I hated most was the emphasis the methodology of Bantu Education placed on memorisation instead of analysis.”

In a similar expression, Dr. Max Price comments on the unintentional radicalising nature of his education. The difference between his and Nzimande’s experience was that he had a shielded secondary education experience. The authorities had successfully managed to deter most of the white population from mixing with the black population, and so the suffering endured by black people is only something he understood through the anecdotes of his parents. However, becoming a medical student at Wits opened up his political and social vistas as he had to work in areas where non-white people lived and were treated. This is where he was sharply confronted by the extent to which black people were in the margins of South African society (Interview with Max Price, 2021). He was educated in South Africa, lived in South Africa, but also was not fully aware of the greater reality that other South Africans were subject to. This is all part of the apartheid’s regime strategic instrumentalization of segregation – to neutralise potential collaboration between races, while keeping the rest of the ordinary white population in the dark about its brazen violence and repression of black people (Steinberg, 2015). Moreover, Price’s experience and knowledge of the general political situation in South Africa was thus at the mercy of the apartheid regime’s regulation of information, movement and association. Price then goes to medical school where it is inevitable to meet black patients in hospitals as part of his training to become a medical doctor. Which, similar to Nzimande’s experience of his education producing the opposite of its intention, is his exposure to black hospitals and the suffering of black people through the lens of public healthcare provision that sparked his suspicion about apartheid

social relations. In many ways, this was the beginning of his activist inclination, according to Price himself.

I also had the pleasure to do a life history interview with Professor Saleem Badat, the former Vice Chancellor at Rhodes University and a renowned anti-apartheid activist scholar. A brief note on Badat follows (Badat, 2018, n.p):

As an eighteen-year-old Saleem Badat's political awakening came with the 1976 Soweto uprising, developing into activism during his student days – serving on the student wages commission, joining the Release Mandela Committee. Then during the 1980s becoming even more deeply involved in the anti-apartheid struggle, at considerable personal cost. At first aligned to the Black Consciousness Movement, and then joined the United Democratic Front (UDF) following its founding in 1983.

As far as being educated under apartheid, things were not too different for him as they were for Nzimande. He experienced the political impacts of the racially segregated system which, in similar fashion to Nzimande and Price, propelled him in many ways into a direction of activism. Reflecting on his experience being educated under apartheid, Badat recalls “I went to school in the 1960's, beginning in 1963 and finishing in 1974, and so given Apartheid of course, I had to go to a school that was designated for Indian South Africans, which was a state school.” (Interview with Saleem Badat, 2022). While being subjected to segregated education was devastating, Badat notes that he had a group of teachers who were not only committed to teaching, but also to the liberation project in their own ways. This is interesting, because relative to the theory of this study, Bantu Education was meant to segregate racially, offer an inferior education to black people and depoliticise any potential opponent through a docile education. Instead, as Badat attests, the inverse propelled the teachers to work harder in educating the children, and in some covert ways alerted them, through their own interpretation

of the syllabus, to the political situation in South Africa.

Moreover, Badat's recollection of the importance of teachers in Bantu Education alerts us to the power of the extra mural space in schools as a conscientising space for students – a space less regulated by the authorities and therefore filled with potential to influence learners. In the Wits University central records, there are two editorials in the *Cape Times* (*Cape Times*, August 1973; *Cape Times*, June 1976) that report on the Apartheid security police raiding choir sessions that were supposedly used as a front for political radicalisation of secondary school students. In reference to these, Badat traces his own politicisation to sports. He recalls:

My involvement at school level and politicisation happened through participation in sport. I played tennis under the auspices of the Non-Racial South African Council of Sport, and that's where my understanding of politics began. An understanding of apartheid to some extent, but that was sharpened at the University of Durban Westville, because there were visible black conscious activists. There they are, Unity Movement activists. And so, if you like, my baptism of fire was really the 1976 uprising and being tear gassed and being surrounded by a riot, police, and so on. (Interview with Saleem Badat, 2022).

Similarly, in the Pan Africanist Congress of Azania (PAC) collection at the UFH archives there is a record of clandestine choirs fronting, while they were organized as radical reading groups led by PAC activist by the name of Japhta Masemola, who incidentally spent 28 years in Robben Island eclipsing the much spoken about prison term of Nelson Mandela (NAHECS liberation movements special collections, PAC Circular 162, 1977). He organised these choir sessions and used them as an opportunity to educate students on the political situation in South Africa at the time (*The New York Times*, August 1990). Thus, the apartheid schooling system was both a site to secure the hegemony of the apartheid state, and sites to resist it through anti-apartheid counter hegemony. As Gramsci (1976) argues, the tensions and

contradictions never cease, only the tactics and machinations change.

Hence, while the schools were meant to reinforce segregation policies and reaffirm apartheid as a political system, they became an avenue for counter hegemony to resist. The apartheid regime, seen through the Commission for Native Education and its efforts on driving Bantu Education, used education as a consent manufacturing tool, where its legitimacy would be reinforced and its authority would be fortified. In my opinion, the unpredictable and unrelenting wheel of hegemonic contestations provide different responses, time and again.

For example, Max Price, a white South African medical student who is supposed to be shielded from the realities of black people is brought into sharp contact with South African reality by the very system that wants to keep the veil over his eyes. This is where the irony finds life in the story of Max Price: the system tried to restrict medical students from treating people of different races, but in training it was inevitable. In that process his consciousness to questions of social justice was sharpened. He saw the devastating ratio of medical supplies to patients in the hospital; he saw the low number of nursing staff; he saw the dilapidated infrastructure and a range of other things that made him question the inequality that beset South Africa (Interview with Max Price, 2021). It presented a clear contradiction for him; when he looked at the disparities between black and white. These contradictions, in ways that show the dialectical unity of opposites, are what made Price actually think deeply and deliberately about his role in challenging this.

Expanding further on the contradictions of the role of education in apartheid, Minister Nzimande adds:

Bantu Education was fundamentally a deeply contradictory thing; you oppress people, and isolate them on their own. You brought together [at schools] 100s of thousands of students

who are resentful of apartheid and are children of the working class and peasants, frustrated by the apartheid regime. You are generating a foundation for resistance. If you look at the 1970s, the first two areas of concentration of black South Africans, resulted in revolt.

He continues:

The expansion of mass schooling for black South Africans was not out of generosity of the apartheid regime. It was the requirements of capital accumulation, post Second World War, that with the growth of the manufacturing industry in SA, expanding from mining. With Europe industrialising, SA was a beneficiary for that industrialisation. That industrialisation required semi-skilled workers. Not unskilled workers required before, which we called “thatha la ubeke la” [take here and put there]. To provide for semi-skilled workers you needed secondary education, therefore you needed to educate black people as the source of labour that is required, hence BE. It was not generosity; it was a historical response to the needs of capital accumulation. (Interview with Blade Nzimande, 2021).

Before I got the opportunity to probe him on the rationale behind expanded education beyond the secondary level, he anticipated it with a response consistent with the logic of most of the discussion, along a structural Marxist perspective. He says:

But then you will ask me, if all that capital accumulation required was secondary educated workers, why then introduce universities for blacks? You had to introduce universities because you needed the teachers to educate these secondary school kids. But also because of the logic of racism, you didn't want blacks and whites mixing. You had to introduce higher education as part of a reproduction of the system. Hence the emergence of SASO in black universities. (Interview with Blade Nzimande).

This begs the question around the character of apartheid and what is central to its survival: is it just the super exploitation of black people or doing it within the logic and balance of its interest to accumulate? I asked Minister Nzimande to expand on the timing of the

establishment of these universities. He said:

All these universities were formed in 1960, to inform and bolster this logic of capital's expansion. You might say that it was inevitable to form universities, but for a fundamentally conservative Afrikaner Nationalist agenda, anything that meant upskilling blacks needed to be directly beneficial to its broader interests as a regime and culture.

Essentially, the establishment of these universities, or the massification of the higher education sector contributed to the generation of skilled labour among the black population, for the booming South African economy at the time. Since a university is not only a place to train people, but to cultivate a particular kind of national culture. Of course, by this I do not discount how the university has every possibility of being independent to an extent. The point here, however, is that it is not safe from the intention of hegemony to utilise it as part of its greater machinery. Thus, while training non-white prospective labour power in universities, it used the university as a bastion of apartheid culture. This happens in three ways:

i) The very existence of universities organised by race and ethnicity reinforces the idea of 'separate development'. It thus hinders any ability for cross-racial and ethnic organisation against apartheid and breeds a narrow nationalism that can only feed the broader apartheid strategic agenda.

ii) The appointment of executive staff, particularly vice chancellors, was highly controlled by the government through the Department of Education. This meant that appointments to ethnic universities such as the University of the Western Cape (UWC), University of Durban Westville (UDW), University of Fort Hare, the University of Transkei and the University of the North, for instance, would be within the control of the state, with marginal institutional autonomy. As a result, vice chancellors at all these universities in their inception were white Afrikaner men (Hugo, 1998).

iii) Finally, the curriculum development, choices of degrees offered were all under ministerial control, including 'special admissions. Special admission refers to the admission of a student to a university outside of their designated university. For instance, three people I have interviewed in this study were subject to requesting special admission to other universities.

Ultimately, consent manufacturing does not only require institutions to purvey the ideological dogma of hegemony, but also to build infrastructure and mechanisms (like the policies above) to avoid the circumvention of its hegemonic intention. This is the significance of the formation of Black universities during apartheid, in the context of consent manufacturing.

The Contradictions of Non-Education

Mr Winston Middleton reflected quite honestly about the contradictory effect that this education had on the shape and form of the political subject of the time. He experienced life before the Group Areas Act, and thus lived in a community with all races and grew up playing with children of all races, albeit that the society was principally racial. This experience would be harshly tainted by the inception of the Group Areas Act, and one such experience he recalled happened at school. He says:

There were no group areas at that time, in an area that was mixed in the central part of town in Maritzburg. As children, we played together as children, fought as children, not as Coloured or white children. But when we moved to the Coloured area, reserved for people who were moved, then you started realising very subtly that you are different, the state is suggesting that you are different. We went to different schools, white children to white schools, and Coloured children to Coloured schools (Interview with Winston Middleton,

2021).

The move from seeing everyone as human, to being forced to operationalise difference, was the political ‘a-ha’ moment for Middleton. An unpleasant realisation that forced them into a different kind of appreciation for difference, in particular its negative attributes. Through the school, again a site of ideological instrumentalisation of ruling class ideas, the apartheid regime shaped this ‘black and white’ thinking - in fact, insisted on it. On the other hand, Mr. Middleton recalls a time where the school teachers acted against apartheid laws to protect a child, which revealed for him the potential that people had against a system, no matter how brazen it may be. Again, showing the fact that where hegemony pushes, counter hegemony is implicitly there to resist. An excerpt from the interview captures this beautifully:

Little Flower was strictly a Coloured school. But they accepted African children by the principal, but it had to be done covertly. When the inspector came around, they would check the register to see that there were Coloured children only. One day the inspector called one African kid and told the teachers that this child should not be there, and it became stark to me the extent of the difference being imposed on us. (Interview with Winston Middleton, 2021).

While, for Dr Blade Nzimande, apartheid education presented a tragedy, opportunity and “lesson in dialectics”. I explored with him his experience of apartheid education. Given his unique experience of both these moments of hegemony, I explored his life experience of being educated under apartheid and being responsible for higher education in the democratic constitutional era. Reflecting on Bantu Education as apartheid policy, Minister Nzimande dealt first with the novelty of it. He acknowledged that before the inception of the Bantu Education Act of 1953 there was no provision of public education that went beyond white students and pupils at the time (Interview with Blade Nzimande, 2021). Essentially, he was part of the first cohort of pupils to, what he cautiously calls, “benefited” from the apartheid regime. He starts his reflections on Bantu Education off with a very controversial claim: “I belong to, what I

would call perhaps, the first lot of black South Africans who benefited from the expansion of

secondary and high school education for black students by the apartheid regime in the 1960s.

You might say why do you call this benefit, since Bantu Education was bad”.

The minister further adds:

The introduction of Bantu Education in the mid-1950s, 1955 the legislation was passed. It was the first time in the history of South Africa that you had direct state provision of education for black South Africans, there was no such before that...’ Bantu Education was the first massive state provision for black South Africans, in that sense it was revolutionary. Because it was for the first time that state driven mass education was provided for black South Africans. But of course, Bantu Education was deeply problematic, as an inferior education constrained what we could study. But the single largest expansion of secondary and high school education was in the 1960s,...you could literally count the number of high schools in the Bantustans. This was a huge period of expansion of education for black South Africans (Interview Blade Nzimande, 2021).

In part, Nzimande contextualises this statement that places benefit and Bantu education in the same sentence. He delves in further detail of the contradiction that was Bantu education:

This is particularly referring to the fact that there was no public based education programme made available for black people before, in other words, there was no specific government funded national public education policy at the time. Therefore, Bantu Education had this revolutionary character, as far as strict definitions of the word go. Of course, it is important to note that by no means am I suggesting that apartheid was itself revolutionary, but it is fundamentally important for us to be able to understand in the context of public education for black people at the time in the context of South Africa's history, Bantu education that represented what was a radical change in terms of the provision of education.

After clarifying his use of the term revolutionary, he continues to add:

So, I was the beneficiary of something inferior. Verwoerd said we would not study mathematics because he believed that we were not good enough to grasp mathematical

problems and would never be doctors or engineers (Interview with Blade Nzimande, 2021).

According to Nzimande, Bantu Education proved to be a critical weapon for the apartheid state to sustain its long-term hegemony. This he explained to have been possible in two ways; first is to entrench the Afrikaans language for cultural and commercial interests. If Afrikaans sustains itself as the primary language spoken by all, so too can the process of its cultural superiority be engendered and maintained. Secondly, Minister Nzimande holds that Bantu

Education would perform the primary task of creating a very dormant and uncritical oppressed mass base that would not have the education and therefore tools to take on the apartheid regime.

In the prison notebooks, specifically the notes on cultural hegemony, Gramsci argues that for hegemony to be sustainable it has to assert itself in ways that transcend its monopoly of violence, or its use of brute force (see Gramsci, 1971). In the process of visiting the archives and life histories of the participants in this study, what became clear was the importance and utility of Bantu Education in the broader ideological machinery of the apartheid regime. As Althusser (1971: 4) articulates it:

They (Ideological State Apparatus) must not be confused with the (repressive) State apparatus. Remember that in Marxist theory, the State Apparatus (SA) contains: the Government, the Administration, the Army, the Police, the Courts, the Prisons, etc., which constitute what I shall in future call the Repressive State Apparatus. Repressive suggests that the State Apparatus in question ‘functions by violence’ – at least ultimately (since repression, e.g., administrative repression, may take non-physical forms).

In this somewhat eclectic expansion on the Ideological and Repressive State Apparatus, Althusser attempts to draw a distinction between what is clearly ideological and what is repressive. What he does is set the foundations for a theoretical framing of the idea of hegemony as ensconced in state institutions. Looking at the ways in which Blade Nzimande

has outlined the very material basis for the introduction of Bantu Education as a response to the needs of capital at the time, we see the utility of ideology here. Making the case for the merger of interests between capital and Afrikaner nationalism are Christie and Collins (1982), who argue that Bantu Education served both the interests of entrenching fledgling apartheid ideology, while responding to the pressing need of labour production for a changing capitalist economy. It is important to note that Afrikaner nationalism and capitalism are two distinct social phenomena, however, the connection is that Afrikaner nationalism as an ideology exists under the logic and auspices of capital and its particular kind of demands. Ultimately, Afrikaner nationalism does not break from capitalism, only, if not slightly, from the cultural nodes of British colonialism (Lipton, 1989). Similarly, democratic constitutional South Africa does not break from capitalism, only from colonialism and apartheid.

Thus, Bantu Education's strategic utility is by no means linear, for instance, that it is only to create workers for the factories. However, its dynamic utility is at the same time to drive its cultural imposition of language which would ultimately fortify its hegemonic position. The interesting thing here is that both the necessities of capital and Afrikaner nationalism are merged here; creating a convenient relationship that gives ideology its multidimensional utility. Of course, it is fair to say here that the dynamic way in which Althusser understands ideology allows for this conclusion to be drawn, but in no way am I suggesting that this was or was not a deliberate attempt by apartheid to do so. In other words, while the apartheid regime is politically and otherwise committed to the Afrikaner people specifically, and white people generally, the development of its cultural hegemony hinges on the cultivation or reshaping of cultural institutions that can support this ambition. For instance, in the notes on the Commission of Native Education chaired by Dr. W.W. Eiselen in 1951, found in the liberation collections at the University of Fort Hare, a segment speaks on the development of Bantu Education as an education for blacks under apartheid. The reading of this is that it is

education of blacks *for* apartheid (Eiselen Commission of Native Education, 1951; Potgieter et al, 1970). Arguing for separate education as an opportunity for the development of education for the Bantu and their culture, he argued:

However, the most important result is the nature of the educational work of the German Missionary Societies in South Africa itself. It is supported by (the utilisation of) the vernacular as an instructional medium and is directed at development within the own community (Eiselen, 1957: 114).

Again, apartheid is premised on Afrikaner nationalism, operating under the structural logic of capitalism. Therefore, the education of black people under and for apartheid clearly needed to account for both the strategic advancement of apartheid as the norm and, at the same time, service the labour demands and needs for the capitalist economy. To emphasise that Bantu Education was not merely driven by apartheid's cultural objects, but above all, a response to the crisis presented by the changing demands of capital, I take an excerpt from Jonathan Hyslop's (1989: 1) seminal analysis of the social crisis that engulfed South Africa during the early years of apartheid:

The state [apartheid state] was particularly concerned to provide the necessary conditions of reproduction for that section of the labour force which was permanently urbanized and reliant upon a wage. As the urban population grew, social reproductive mechanisms which had operated in the 1920s and 1930s began to break down. In the 1940s the combined forces of collapsing homeland agriculture and expanding secondary industrialization, generated rapid urbanization. This placed the existing provision for urban social reproduction under enormous strain. Housing, transport, and wages were all inadequate to meet the needs of the growing urbanized working class.

Consequently, to meet the cultural and economic objectives of apartheid, the reform of South

African education for black people needed to meet both these needs, thus a publicly funded Bantu Education became a necessity even for a fundamentally discriminatory government such as apartheid. It is important, however, to look at this reform in the context of its historical unfolding, and not to equate it to progress by any stretch of the imagination.

Moreover, the point here is to gain a clear perspective on the utility of ideology in the making, shaping and sustenance of hegemony. Were it not for this precondition for the establishment, maintenance and sustenance of hegemony, the apartheid regime may never have implemented any type of reforms - no matter how arbitrary they might now seem. Ultimately, this shows that the way in which hegemony develops according to Gramsci's conception, along with Althusser's descriptive, yet analytically valuable, critique of normative takes on ideology, can explain the machinations of hegemony in the apartheid regime. Moreover, Bantu Education as reform also plays a particularly important role in the ideological development of apartheid. As stated in the findings, this was novel and of course the context of its novelty was already outlined in the responses by Nzimande wherein he shows that although it was a regressive education, it was the first of its kind (Nzimande, 2021). Subject to analysis, how do we get to the idea that Bantu Education is reform? Why does the apartheid regime care to communicate this as a reformist programme that is couched as some form of good will to the people it dominates? Would an expressly violent state not just do this for its material interests and leave all forms of social implications out of the discussion? When the pressure mounted and the uprisings called the whole system into question, this prompted the apartheid state to develop a language that would be acceptable to both liberal South Africans and its international relationships. So, it justified Bantu Education as reform, in this way accepting that there was a need to manufacture consent in ways beyond violence.

According to Althusser, ideology is dependent on its signs and symbols to make it real, to entrench itself beyond the use of repression. Moving from the 'false consciousness' take of

Marx to his materiality of ideology, Althusser offers a conceptually lucrative idea that ideology is real and we, the subjects of its hegemony, realise it daily. For example, our allegiance to national flags, anthems, the cross, even the acceptance of our names as we are interpellated by society, shows how ideology is reliant on signifiers. In the context of the apartheid regime and the Bantu Education that necessitates the uprisings, what are these signs and what are these symbols? Why was English not met with the same hostility as Afrikaans in the liberation struggle?

The 1976 Soweto uprisings took particular issue with the imposition of Afrikaans in schools at the time, notwithstanding the existence of English in the education sector at that time. My immediate analysis is that of Bantu Education being a less subtle strategy of control by Afrikaner nationalists, as compared to the more nuanced British process that ensued through missionary education, but more so is the idea that Afrikaans is the symbol of apartheid. It represents apartheid ideology, which makes it real. Furthermore, the reality of apartheid ideology is not only repressive to the dominated, but it is also reaffirming to the group represented by the dominated. It speaks to the superiority of Afrikaner culture and being. This superiority does not only inferiorise the black being, but it co-opts the ordinary Afrikaner into believing that these ideological distortions are natural conditions of life (Nieftagodien, 2014). This is where Althusser is important, in that he does not agree that ideology is purely false consciousness, but rather that it is false consciousness that is presented as something real and natural, until it becomes taken as so through its symbolisation, ritualization and finally its manifestation as common sense. So powerful is ideologization, that it makes the once unreal, real.

In conclusion, education under apartheid was a multifaceted undertaking. This section has been able to show through interviews, analysis of historical documents and a desktop study, that the view of Bantu Education being merely a cultural imposition of apartheid ideology is

incomplete, to say the least. While it is necessary for apartheid to engender a cultural imposition, it is not sufficient an analysis to limit the establishment of Bantu Education to that. I have shown here the complexity of the South African state and its connection to the global capitalist economy that laid demands on it that required apartheid hegemony to be flexible in its approach. Also, the strategy and tactic of apartheid to use Bantu Education makes possible the rise of the Soweto students – giving life to the theory that hegemonic insecurity gave space for more counter hegemonic penetration through the uprisings.

Thus, it merged the ideological components with the material ones to do so. Ultimately, read closely, and given the dual commitment that the apartheid regime had to Afrikaner nationalism and capital accumulation, it is worth asking whether Bantu Education as black education became the ideological obfuscating tool to usher in the necessary reforms that capital demanded, without compromising the ‘ideological’ supremacy of Afrikaner nationalism?

Ultimately, while the institution of Bantu Education was key for the industrialisation project of capital, it also served a cultural purpose in the context of consent manufacturing through an education that restricted Africans' education to a mere preparatory phase for the factory floor.

c) **Education under Democracy**

The Constitution guarantees that everyone in South Africa has the right to a basic education which requires active measures to improve education in the country. Apartheid left South Africa with a deeply unequal and dysfunctional education system. More than twenty years into democracy, the pace of change has been slow (McConnachie et al, 2017: 14).

The section above shows how Bantu education was conceived and used by the apartheid

regime as a tool of consent and thus reinforced hegemony. In keeping with the comparative approach of this study, this section moves from a close analysis of how education as a strategic consent manufacturing site was operationalised under apartheid, to looking at education under democratic South Africa with the same variables. Although the unit of analysis in as far as education in 2015 is higher education, it is important to complete the story of education in South Africa more broadly. Thus, briefly showing how the legacies of apartheid education for black people seep into both basic and higher education in constitutional democratic South Africa is a good place to start.

The first part of this section will provide a brief description of the challenges education faces broadly due to apartheid education legacies. Secondly, the section will show how these legacies put pressure on the higher education landscape and how these pressures result to the #FMM campaign. Finally, this section will closely analyse hegemony in the context of the 2015 moment, through the lens of education as an ideological state apparatus.

Moving Beyond Apartheid Education

To design an inclusive, quality and accessible education after apartheid is arguably one of the most daunting tasks that the democratic state in South Africa has had to face. As such, moving beyond apartheid education to education under a democratic regime inevitably entails dealing with the residual institutional, infrastructural and developmental issues of apartheid education.

Three key issues facing the democratic government in South Africa are

(i) An education without critical thinking skills development and (ii) the concept of ‘narration illnesses’ developed in *The Pedagogy of the Oppressed* by Paulo Freire (1996) and the problem of language in a highly racialized, ethnicised nation as argued by Neville Alexander.

The first key issue poses the challenge of overhauling a system from its roots, to embed in it

a critical lens not only for the learner, but for the teacher who acts as facilitator of knowledge. The second issue is that of narration sickness where Freire (1996) argues that this is the limit of an education system designed to keep people in bondage, where the teacher is the subject (narrator) and the learner is the object accepting the teacher's rendition of life and any subject. For Friere this is a lifeless form of teaching that deems social phenomena 'motionless' and predictable, with no bearing on the concrete existential experiences of the students. Thus, he argues that it does not invite students to think critically, instead it focuses on the student's ability to remember the teacher's thinking. To this effect, he eloquently opines (Freire, 1996: 163 - 164):

Education thus becomes an act of depositing, in which the students become depositories and the teacher is a depositor. Instead of communicating, the teacher issues communiques and makes deposits which the students patiently receive, memorise and repeat. This is the banking concept of education, in which the scope of action allowed to the students extends only as far as receiving, filing, and storing the deposits. They do, it is true, have the opportunity to become collectors or cataloguers of the things they store. But in the last analysis, it is the people themselves who are filed away through the lack of creativity, transformation, and knowledge in this (at best) misguided system.

Freire's critique of education as expounded above resonates with the evidence gathered from the life history interviews and the archival records – that Bantu Education in South Africa, among other functions, acted as a way to transpose particular ideas and knowledge to students without any encouragement or latitude to question this 'knowledge'. For a regime looking to quell any counter-hegemonic rumblings, this strategy shows clearly how fundamental education was as an integral part of apartheid's hegemonic apparatus. The push

for education as an instrument for social justice as seen in the post-apartheid education scholarship (see Ndimande, 2005; Bull, 2008; Adams, 2010).

The third challenge according to Neville Alexander (2003), one of the foremost anti-apartheid intellectuals in South Africa, is that of language. Bantu Education complicated an already problematic power dynamic between language and identity in South Africa. By this I mean that colonial conquest enforced English as the standard language of professional and intellectual expression, at the expense of indigenous languages. What Bantu Education does is further entrench this relegation of indigenous languages through the enforcement of apartheid. According to Neville Alexander (2003), there can be no truly successful liberation project without considering the problem of languages in Africa. Furthermore, he adds that the effects of colonialism and apartheid pose a threat to indigenous languages, as tools for political and cultural determination. He writes “the overall effect of this configuration has been to hasten the extinction of innumerable language varieties and to stigmatise and marginalised all but the most powerful languages.” (Alexander, 2003: 5). Thus, moving from apartheid education to democratic education meant that the legacies of apartheid, while acknowledged, would be difficult to avoid. Thus, it is important to recognise the institutional, infrastructural and political seeping of the old order as they affect the coming into being of a democratic education. Ultimately, this shows the close attention paid to the multifaceted nature of apartheid education, and how democratic education is left with no choice but to first confront that legacy before instantiating its own.

6.4 From Uprisings to Must Fall

While the political situation that led to the 1976 Soweto Uprisings was different to that of the 2015 #FMM moment, it is clear that, in both cases, there is a response and resistance to state hegemony. The degeneration of apartheid hegemony, generally, during that period and the

imposition of Afrikaans on students specifically, created fertile ground for the student uprisings in 1976. While in 2015, it was the financial pressure placed on poor and working-class students and the general socioeconomic situation (see chapter one of this study) on the ground in South Africa - high unemployment, service delivery protests, poverty, limited access to higher education – that spurred the #FMM protests on. Reflecting on the pressures that face students who are seeking higher education in South Africa, former UWC SRC President Sasha Lee Douglas (Interview, 2022) opines:

The movement for fees to fall showed two clear contradictions. One is that education is almost the only way out of poverty, without falling into the traps of crime, drugs and corruption. Yet, the very ‘way out’ has a major stumbling block which is exorbitant fees and a lack of comprehensive funding mechanisms for poor and missing middle students. So, what is the [democratic] state actually saying to black people?

Consequently, indigent students felt the pressure of rising tuition fees and other related university fees, which led students to asking critical questions about the government of the African National Congress (ANC) and the constitution’s declaration to make education progressively available to all (Mandyoli, 2019; Booysen, 2021; Habib, 2021).

Of course, earlier in 2015 there was another important moment; the Rhodes Must Fall (#RMF) campaign. Primarily focused on the colonial legacy that besets the University of Cape Town, #RMF became a global movement beyond the statue of Rhodes at UCT; it became a declaration of the necessity to eradicate the residual colonial imprints at UCT and the rest of the world - from UCT, to the University of Nairobi in Kenya, right down to Oxford University in the United Kingdom. It is within this context of a politically charged environment and year that the FMM moment happens. The students transpose networks, repertoires, solidarity and courage from #RMF to the #FMM moment. While #RMF contested

what its members at UCT deemed a dehumanising and racist institutional culture at UCT (Ahmed, 2019), it did not in many ways involve the state in its campaign. #FMF, on the other hand, put the problem on the doorstep of the national government, parliament and in some instances, the judiciary.

This difference between #RMF and #FMF is what makes the counter hegemonic nature of FMF of a particularly different quality. Mandyoli (2019) argues that #FMF had counter hegemonic intentions, while being stuck in a hegemonic logic and a claim for free education. While this is the case, it is the operationalisation of its demand through the blocking of roads, marching to national key points such as parliament, the Union Buildings and the Cape Town International Airport that forces that state into a response (Mandyoli, 2019). The state responds not merely to restore order and the academic programme at many of the universities affected by the protests, but also to manage the by-product of the protests which is the general dent on the democratic constitutional state's legitimacy.

Consent in the Constitutional era

Relebohile Moletsane, a professor in the education faculty at the University of KwaZulu Natal and former student activist during the years of the uprising, makes a salient comparison of education under apartheid and democratic South Africa. She argues that the education system under apartheid presented a twofold challenge: (i) that it was not up to the standard to cultivate critical engagement by African students in the sense that they were not given the tools and space to do so and from the teachers who themselves were not allowed the latitude to explore the full potential of their students, legally (ii) that it was delivered by an illegitimate government. She looks at these challenges as something that made it difficult for apartheid to effectively use education as a consent manufacturing tool. Not that it did not try, but that it was inherently difficult given these challenges (Interview with Relebohile Moletsane, 2022). Thus, consent in apartheid was usually accompanied by coercion to assert

itself, at least initially, and then the process of self-regulation would follow out of the latent existence of the threat of force. While in the democratic state, there is relative legitimacy and the education system is not contested for its political purpose, but rather critiqued on the quality thereof. The salient difference between consent in apartheid and consent in democracy in South Africa is that in the democratic era consent is almost a 'given', normative expectation.

The different circumstances, varying extents of (ill)legitimacy and distinct kinds of political subjects of the two regimes have an impact on how consent is manufactured, and how education itself is deployed in the interest of hegemony. With the apartheid state using education as a way to entrench both its cultural identity and to satisfy its economic trajectory, it became necessary to intervene with a national education system that would satisfy these interests. While, the democratic constitutional state premises its consent manufacturing infrastructure on the non-racial, non-sexist, anti-discriminatory logic that is the opposite of its predecessor. Naturally, the democratic state finds it less jarring to manufacture consent, but it does not do so without opposition or suspicion. #FMF, and other examples like it, represent this very suspicion of constitutional democratic hegemony.

6.5 Conclusion

Consent is not separate from coercion, but can be appreciated independently. In order to understand the nuanced ways in which they ebb and flow between and in each other, you must understand how they operate independently. This chapter has explained the importance of consent in the maintenance of hegemony, and showed how hegemony cannot exist without consent, to a large degree. After comparing consent between these two moments – using the durability of legitimacy, common sense and self-regulation – it is clear that while there are phenomenal differences between the way in which consent is manufactured between the two

moments, it is important to note that the mechanics of consent remain consistent throughout.

Ultimately, this is the value of the comparative strategy in this chapter and throughout this study – that it is not making the comparison to prove a similarity in the appearance or form of things, but rather the actual mechanics thereof. In other words, the comparison has helped to identify that the hegemonic patterns and mechanisms of apartheid South Africa resemble those of democratic constitutional South Africa, without assuming a ‘sameness’ in manifestation.

How consent is pursued or manufactured in these cases is fundamentally informed by the material conditions of the time. For instance, it is a lot more complex to manufacture consent in apartheid due to the low levels of legitimacy. While still complex, it is relatively less straining to manufacture consent in the democratic constitutional state due to high levels of legitimacy. As Gramsci stated, hegemony is always vulnerable – thus the strength of its consent manufacturing either mitigates or exacerbates that. This can also tell us something about the legitimacy of the state, and the legitimacy of the ideas upon which the state is premised.

This chapter has developed an understanding of the utility of consent, through abstraction of the 1976 Uprisings and the 2015 #FMM moment, that reifies the theoretical utility of Gramsci’s theory of hegemony. This has been achieved through a detailed look at the lives of activists, a search for documentary evidence through the archives and weaving an analysis of it all in the context of this theory of hegemony and ideology. Ultimately, this chapter outlines how apartheid shows the dynamism of hegemony, rather than that hegemony shows the dynamism of apartheid. It also shows that making a case that there is compatibility in structure and logic between apartheid and democratic South Africa does not amount to concluding that apartheid and democratic South Africa are the same. On the contrary, it shows that even in this

phenomenal difference the mechanics of hegemony are unmoved.

For the most part, the constitutional state in South Africa, assessed through Diamond and Morlino's set of democratic norms (2005) is a legitimate state, elected democratically and generally supported by a range of democratic institutions. Of course, legitimacy is not simply satisfying democratic norms or the existence of institutions in the name of democracy, it is the concrete reality of the people under those circumstances. Thus, consent takes on a completely different shape and form in the democratic constitutional state compared to the apartheid state.

Moreover, Gramsci's (1976) notion that there is no exclusively coercive or consent manufacturing hegemony is affirmed. In that a dynamic interplay of the two – depending on the political and structural circumstances it is faced with – constitutes all states. This was proven through a careful examination of education under apartheid and democratic South Africa. Looking at its role as a consent manufacturing tool that would induce self-regulation and otherwise avoid unnecessary coercion.

Finally, that the apartheid state was expressly violent does not mean that it did not pay attention to the consent manufacturing components of its hegemonic interests. As a matter of fact, part of its reform strategy was meant to avoid repression; Bantu Education being a case in point. However, the dynamic relationship between hegemony and counter-hegemony produced contradictions unresolvable by any of apartheid's attempts to manufacture consent. Whereas, the democratic state operates with more consent driven authority, due to its levels of legitimacy. This too does not sanction it from using force and examples like #FMM, Marikana and others show this.

Chapter 7: Comparing Coercion: Hegemony and its Relationship

withForce

So, for me, my involvement, my politicisation, none of that would have happened without 1976.

I am a child of 1976. I think many of my generation are [too]. (Professor Saleem Badat, Interview, 2022).

7.1 Introduction

In Chapter 6 I dealt with the theory of the Ideological State Apparatus (ISA) and the institutions that form part of this apparatus, like the school, university, media and the family. I compared the institutions across the two moments to ascertain to what extent the consent manufacturing tools operationalised in both moments were similar, different or new. I deal here with the repressive state apparatus - the coercive machinery of the state and how it compares across the 1976 Uprisings and the 2015 #FMM movement in South Africa. This is an attempt to show that while these two moments in the South African state are phenomenally different on the surface, there are similarities that are worthy of further investigation. Phenomenal here means the way things appear without thorough examination, i.e., surface level appreciation of things (See Karl Marx's [1887] use of the word in *Capital* Vol. 1 to explain the normative ways in which people perceive commodities – just as things to be consumed, and not as value produced through exploitation. For instance, the similar patterns in as far as operationalizing repression in defence of their hegemony show the existence of potential continuities from apartheid to democratic constitutional South Africa (see Alexander, 2003; Steinberg, 2014; Harris, 2002).

This chapter frames repression within the context of hegemony as espoused by Gramsci (1971). By this I mean it looks at repression as a tool in the machinery of hegemony, to ultimately gain consent. The chapter looks closely at how the law lays the foundations for the use of force, and thus forms part of the repressive apparatus of the state as Althusser (1971)

argues. It looks at the ways in which repression is predicated on the right of the state to use force in defence of its sovereignty, and trouble the ethical foundations of states to bear this right and the ways in which it uses it. As Žižek (2008: 8) would put it, I focus here on:

A violence beyond that which is embodied in language and its forms... but a more systemic violence of economic and political systems.

Albeit a chapter focused on the repressive arm of the state, it remains methodologically committed to the Gramscian assertion partly affirmed in the conclusions of the previous chapter, that the two arms of hegemony work hand in hand, thus the law occupies an operational duality of both force (repression) and justification (ideology).

The chapter deploys a framing of coercion and repression that bolsters the explanatory capacity of the chapter. The chapter locates coercion and repression within a particular logic of the law as a supreme enabler for, and of, state repression. It also comparatively looks at case studies of the Public Safety Act of 1953, which informed the actions of the (apartheid) South African Security Police and the later formed Security Branch, along with its additions. As this chapter progresses it will show how apartheid repressive legislation evolved over time, keeping pace with its growing insecurity; therefore, the South African Security Police Act is not viewed in isolation of the Acts that come after it, either to bolster it or expand it. In addition, the South African Police Service Act of 1995, which informed the (democratic) Police Service, is part of this legislative infrastructure that gives life to democratic repression. The comparison tracks the changes in legislation from apartheid to democratic South Africa. Through this, the chapter examines the relationship between the law and the repressive apparatuses of the state in the context of its time, the palpable difference of the form of hegemonic authority in both these moments and the differences and similarities, both in the actual Acts and in the use of the repressive arms of the state. Of course, this does not write out the fact that both these regimes are hegemonic, for example both the states deploy coercion as

a tool to defend its hegemony. However, the ways in which these regimes deploy these tools differ depending on the circumstances and are informed by the levels of legitimacy generated by its consent manufacturing tools.

The chapter starts by framing repression, looking at the ways in which the law and repression intersect. This is done by looking at the police in apartheid and in democratic South Africa, and the changes in both legislation and principles and practices of policing. The chapter then comparatively analyses repression across the two moments, looking closely at the relationship between consent and coercion. In other words, it explores how coercion relies on consent to sustain hegemony.

Framing Repression: The Law and Coercion

Upon close examination of the two moments investigated in this study (and elsewhere where hegemonic capitalist state logic obtains), it shows that the law helps to set the tone for repression, in a way that gives repression a hegemonic character as opposed to a barbaric, unmitigated, unjustified use of force which lends itself to insecurity or what Gramsci terms ‘a crisis of authority’ – witnessed in the latter years of Apartheid. Ultimately, the argument here is that hegemony does not promise non violence, it creates the conditions to retain the right to be violent when necessary. In fact, the law is subject to a hegemonic authority’s use of it as a means to justify certain actions, in this case its exercise of coercion, which makes it a key element of the repressive state apparatus.

Moreover, there are a number of ways in which state repression can be framed. For instance, in the fields of international relations and political studies one could frame it along the lines of what rational choice theory suggests – that states act in line with the circumstances presented by the domestic or international environment. States react to a set of circumstances imposed on them, rather than them acting out of unfettered self interest. (Keith, 2021; Most & Starr, 1989). Meaning that they are not violent for violence’s sake, but are so out of necessity to

either respond to both domestic or international threats as they meet them. Another framing could be that of realism or rational functionalism, which argues that repression is used out of the state's self-interest to defend its sovereignty and legitimacy (Morgenthau, 1978; Gilpin 1987).

On the other hand, Anter (2019: 1) seeks to extend the Weberian notion of state violence when he argues that legitimately arrived at decisions are vulnerable to negation and so need to be defended: "particularly for democracies the maintaining of the monopoly of violence is of fundamental importance since it guarantees that legitimate decisions have the chance to be enforced." The difference between state repression as argued in the previous paragraph and state violence as argued here is that with repression it is the state acting illegitimately to sustain its hegemony, while with violence it is the state using its monopoly of force to maintain 'law' and 'order'. These theories or framings of repression account for parts of the story of why the state uses repression or is repressive in its nature, whether legitimate or not.

Thus, framing of coercion through its relationship with the law lays the basis for a comparison not only of the modality of legislation in these two moments, but more importantly, how the law facilitates coercion or is used for coercion in the battle for hegemony. As Althusser (1978) argues, the instrumentality of the ideological state apparatuses is not in their manifested forms, but in their distinct utility to manufacture consent and self-regulation. By self regulation he means the ways in which people internalise their repression and 'ritualise' it into acceptable daily practise - what Althusser calls 'living in ideology'. This framing resists viewing the law only as an instrument to legitimate force and towards a more dynamic reading of the interface between the two as part of the repressive apparatus of the state.

While Morgenthau, Gilpin and Anter's interventions are useful in parts, law provides better explanatory value for explaining state repression. The law moves from part of the general state apparatus, towards a social relation in and of itself (Pashukanis, 2017). This is an

understanding taken from Pashukanis' theory of law as a social relation that is necessary for capital's logic of accumulation – in other words creating the conditions for a 'fair' and regulated exchange of commodities amongst equal people in the market. While this is how the law finds its mainstay status in global capitalist society, it also transcends the instrumentalist function of facilitating exchange, towards being a social relation itself that regulates how people govern themselves.

Why is this important? While the commodity, as Marx argued (1881) comes about due to a social relation between labour and capital; it too is subject to the principle social relations of the capitalist mode of production (Pashukanis, 2017). Pashukanis makes this case to illustrate firstly that the law is real and objective, even though it is in service of a logic greater than its own. Thus, law is not a mere enabler in the passive sense, but it is an objective social relation that can be used in the interest of other social relations. Robert Cover (1983), in his seminal offering *Nomos and Narrative*, echoes the idea that the universe is a collection of norms. What we embody as normal through day-to-day action, what Althusser (1976) might describe as ritualisation reinforced through ideology, is what becomes our norm(s). Essentially, for Cover, the law is more than mere rules and regulations or representations of such rules, more than that it constitutes our world in more dominant ways. He writes:

No set of legal institutions or prescriptions exists apart from the narratives that locate it and give it meaning. For every constitution there is an epic, for each decalogue a scripture. Once understood in the context of the narratives that give it meaning, law becomes not merely a system of rules to be observed, but a world in which we live (Cover, 1983: 4 - 5).

While arguing here that the law can act as an enabler or facilitator of hegemonic violence, it is by no means assuming that the law derives no value outside of being instrumentalized by the state for its use of force. To the contrary, the law generates its own social and political

integrity through the engagements people have with it every day, it is these engagements and these ideas of and about the law that is used and abused by hegemony in its interest – in this case to indiscriminately use force when it perceives a ‘rational’ threat. Thus, law has a regulatory social function, aimed at defending the interests of justice, for both the state and the potential victims of its coercion.

Moreover, as Cover (1983) argues, the law has a dynamic character in social relationships that illuminates its contribution to legitimacy. This dynamism means that the law could mean different things to different people, at different times (Ibid.). When protecting the rights of others, it might unleash force on another to do so, herein lies its dynamic character which is not necessarily determined by what is just, but rather by social power. Encapsulating this argument, he writes:

I must stress that what I am describing is not the distinction between the law in action and the law in books. Surely a law may be successfully enforced but actively resented. (Ibid, 1983: 7)

Furthermore, invoking another reading of the relationship between coercion and the law, Pashukanis (2017: 81) offers the following take:

A basic prerequisite for legal regulation is therefore the conflict of private interests. This is both the logical premise of the legal form and the actual origin of the development of the most complex regulations, but the juridical factor in this regulation arises at the point when differentiation and opposition of interests begin.

There is a potentially confusing use of the term ‘private interest’ by Pashukanis here; generally, what he means is that the interests that end up being “public” and represented by the state are touted that way to generalise them and give them a sense of collectiveness. This is what Pashukanis tends to avoid - falling in the concealing trap of the dominant ideology of law. In the quotation above, for instance, the emphasis is on the idea that the state and its

subjects share the same interest: which is to protect the subject from external threat and even other subjects domestically. This rendition reads flirtatiously close to Weber's notion of a central authority retaining the right to use force, for legitimate reasons. However, the point here is to show, with evidence from the data collected through archives, life history interviews and documentary analysis. Thus, the ways in which the law regulates society is not neutral or independent of these relations. This is key to set out upfront because while the law seems to be a set of rules that guides the interaction between free and equal people in society, it does not seem to have any element of force immediately attributable to it.

However, beyond exploring the enabling capacity of the law this chapter looks at that which instrumentalises the law for the sustenance of a particular systemic logic. Is it enough to view the law as purely an enabler of repression to defend the sovereignty of a state? Or are there questions to be asked about what and in whose interest the state in itself is being defended. Ultimately, against who is the state defending itself and to whom is it forced to use repression against? Therefore, this chapter frames the law as an important instrument of coercion/repression, as part of a broader set of instruments available to hegemony and reflects on how it is used in different moments.

7.1 Policing in South Africa: From a Security Police to a Police Service

Through analysing the evolution of the legislation on policing in South Africa, from apartheid to present, this section looks at the ways in which the law as an enabler of state coercion and consent, for that matter, takes shape within these two spatio-temporalities. Drawing on the broader theoretical framings of this study and the specific framing of coercion through law developed for this chapter, this section looks at the role, composition, duties, reactions and utilisation of the police in the two case studies. What did the police represent in 1976 and what do they represent in 2015? What are the differences, similarities and continuities, if any, of the repressive arm of the South African state, regardless of regime?

a) **The Legal Framework for Repression: Apartheid**

The general basis for the coercive machinery for any state is predicated on the Weberian notion of the state wielding a legitimate monopoly over force, in defence of its sovereignty (Borneman & Masco, 2015; Webber 1919). The other side of the coin presented by this Weberian argument is that - notwithstanding the unsettled category of what is and is not legitimate - no one else within the state can hold a monopoly of force, and if they do, they are illegitimate (Borneman & Masco, 2015). In the case of the apartheid regime, a different scenario obtains. Similar to many, if not all heavily contested, insecure regimes, apartheid faced dissent that went beyond petitioning the state to be more benevolent. The anti-apartheid struggle went the armed resistance route not without attempting non-violent means, but because the nature of the apartheid state was unrelentingly violent and rigid in its approach (Seidman 2001; Seidman 2009). This is testament to two things: i) the insecurity of apartheid's political legitimacy and ii) that apartheid coercive machinery had to be vast and constantly alert.

Consequently, the legislative infrastructure for repression under apartheid hardly remained consistent or coherent, as it responded to a continuous metamorphosis in terms of threats against it. For instance, the Suppression of Communism Act, 1950 (Act No. 44 of 1950), which was later renamed as the Internal Security Act in 1976, is a practical example – in its constant amendments and fortifications – of apartheid's inconsistent legal infrastructure in support of its repressive machinery. The act was a key instrument in the banning of liberation movements like the African National Congress (ANC), the Pan Africanist Congress of Azania (PAC) and the Black Consciousness Movement (BCM). With strategic and careful use of words to define 'communism' – the arch enemy against the apartheid state – or anything associated with it, the Act effectively bans any organisation or action that threatens to overthrow the apartheid state. It is described as follows:

This act defined 'communism' as "any doctrine or scheme... which aims at bringing about any political, industrial, social or economic change within the Union ... by unlawful acts or omissions or by the threat of such acts or omissions ... or under the guidance of any foreign or international institution. It was "designed to grant the minister very wide powers to deal with communism and a good deal else besides (O'Malley Archives, 1987: n.p).

The Act was also used as the basis to place individuals under banning orders, and its practical effect was to isolate and silence voices of dissent (Byrnes, 1996). The primary logic of this Act was to anticipate and discourage any counter hegemonic potential. Going back to Weber's point on the legitimate use of force, it is salient to note that even a predominantly repressive regime like apartheid needed to engineer some sort of consent for its right to act with brute force; no matter how unjustifiable it was. Although the main focus is on coercion, I always remain firm within the Gramscian method that views consent and coercion as a dynamic interface of hegemony, and not a binary. Thus, coercion presupposes consent. There are parts about coercion that cannot stand without the latency of coercion - a qualified consent, what I described in Chapter 6 as *coercive consent*. In some ways, the spectrality of consent and coercion - its somewhat omnipresent character.

Along with fear mongering and propaganda, the apartheid state used the Act to quell any unrest and attacks on its hegemony. Curated around the specific deterrence of anything 'communist', the Act set its sights on dealing with communism, its associations and any potential rumblings related to it (Byrnes, 1996; O'Malley 1987). Since the Act explicitly declares that communism sought to encourage racial disharmony, it was frequently used to legally gag critics of racial segregation and apartheid. Deliberately defining communism in a broad and sweeping way, it made it easy for authorities to charge activists with frivolous citations such as "statutory communism". Evidence of this is part of a judgement made by

Justice Frans Rumpff, presiding in the 1952 trial of African National Congress (ANC) leaders,

where he stated that communism was not limited to what is “commonly understood to be communism or communist behaviour”, denoting that it stretched further and thereby extending the arm of the legislation to suit its repressive agenda (South African History Online, 2011; O’Malley 1987).

Designed to counteract any insurgent or counter hegemonic action from the liberation movement, the Public Safety Act of 1953 gave latitude to the apartheid regime to declare states of emergencies without any rigorous burden on the government to prove necessity thereof. The Act went as far as imposing harsh consequences on those who specifically protested against the enactment of the law. Thus, the legal framework of repression under apartheid was designed to respond to the insecurity inherent in a political project of its nature. In other words, without legislation such as the Public Safety Act and the Suppression of Communism Act, it would have made it impossible for the government then to attend to all the unrest while sustaining an image of a socially coherent country for long-term investment interests. Ultimately, it is not to say that the apartheid government was not repressive, it is merely to explain that the repression through the use of law was necessitated by the weaknesses of its consent manufacturing abilities inherent in its ideological project of governing through segregation and discrimination policies. Ultimately, the laws did not manufacture consent, but they created a mirage of legitimacy to act with impunity against those resisting the apartheid vision. This was the logic of apartheid repression.

b) The Legal Framework for Repression in Democratic South Africa

Transitioning from a security framework of policing, which mostly looked at black people as a threat to security and not civilians to be secured from threats, towards a police service framework⁵ was inevitably going to be fraught with challenges. In short, the objectives of the

⁵ The police service framework is part of the democratization of the police service and its integration into a policing model that protects and serves, rather than securitize (see Policy Framework for an Intergrated Policing service, February 2019 at http://www.policesecretariat.gov.za/downloads/policies/updated_SPS_Policy_Framework.pdf

framework read as follows:

The purpose of the Policy Framework is to set key parameters for the integration, cooperation and collaboration of the South African Police Service (SAPS), Municipal Police Services (MPS), and - where relevant - traffic police, with the particular aim of improving uniformity, consistency, efficiency and effectiveness within the law “Professionalising the Police Service through an Integrated Model of Policing” enforcement value-chain. (Civilian Secretariat for Police, 2019: 6).

These challenges include resource constraints that result from a need to train new police officers and retrain the incumbents by way of integrating them into the new way of policing (Altbecker, 2005; Altbecker, 2008). Beyond the problem of limited resources, the challenges would also be around building trust in the policing project during democracy. For instance, would the police, resembling their former apartheid character, be a threat to freedoms or reflect the democratic objective which is to serve as protectors of such? (Hinton & Newburn, 2008). Compounding these problems was the will to make this change, both from the citizens and the most important actor, the state itself. This would shore up any trust issues between the citizenry and the police. Steinberg summarises it more succinctly:

Together with the prison, the police [were] arguably the apartheid institution black South Africans reviled most. Changing the manner in which it engaged with civilians was among the most potent projects a democratically elected government might accomplish. The will to police differently was very powerful indeed (Steinberg, 2014: 173).

In the preamble of the South African Police Service Act, it is clear that there is not only a shift in intent of the police, but also in the language used. Reflective of the democratic project and its ambitions to change the shape and form of policing in South Africa, it reads (South African Police Service Act, Preamble, 1995: 5):

“Whereas there is a need to provide a police service throughout the national territory to:

- a) ensure the safety and security of all persons and property in the national territory;
- b) uphold and safeguard the fundamental rights of every person as guaranteed by Chapter 3 of the constitution
- c) ensure co-operation between the Service and the communities it serves in the combating of crime;
- d) reflect respect for victims of crime and an understanding of their needs;
- e) and ensure effective civilian supervision over the Service”

The ‘all’ encompassing language of the act clearly suggests a spirit of non-discrimination by the Service and that it is an organ of combating crime for the benefit of all citizens in South Africa.

This piece of legislation is the backbone of the policing framework for democratic South Africa, which forms part of its attempts to break with the ‘repressive’ connotations of its apartheid past. While the legislated and deliberate intent to institute democratic policing is important, it does not take away the repressive component of the police, nor does it preclude it from being used as part of the coercive machinery of the state. In fact, this new framework establishes what I suggest is a more dangerous coercive instrument in the hands of a contested hegemony. By this I mean that democratic repression, coercion or force is made more dangerous because it acts within ‘the law’, a law that gives it legitimacy. To aid this objective of democratic policing, the police is supplemented by other more subtle repressive apparatus of the state.

Thus, it is bolstered by legislation and institutions like the military, the independent police directorate, the special investigating unit, and the Directorate for Priority Crime Investigation

also known as the HAWKS. The Directorate for Priority Crime Investigation (HAWKS) is an independent division dedicated to priority crimes. It is established under the South African Police Service in terms of Section 17C of the South African Police Service Act, 1995 (Act 57 of 2008). These crimes range from the combating, investigation and prevention of national priority crimes such as serious organised crime, serious commercial crime and serious corruption in terms of Section 17B and 17D of the South African Police Service Act, 199. All of which form part of the comprehensive repressive apparatus of the democratic state. One may ask, how is an institution like the HAWKS, charged with a special focus on priority crimes, repressive? The response to such a question will rely heavily on Cover's understanding of the law not merely as an instrument of regulation, but also as a system of power and Pashukanis' contention that the law is premised on the social relations of power, which finds expression through a variety of social stratifications predicated on the economic base. Thus, while institutions like the HAWKS are important, they too are subject to the vulnerability of hegemonic misuse to either stymie political opponents or protect allies. For instance, the HAWKS were established in 2008, taking over from the Scorpions, which were the unit responsible for priority crime investigations, including police corruption (Kanyegirire, 2008). The Scorpions were established by President Thabo Mbeki and while popular with the public for their rigorous investigative prowess, politicians and leading police officials did not enjoy their 'overzealous' 'hawkish' presence over their lives (Matoboge and Faull, 2011). With notable public confidence:

The Scorpions achieved a conviction rate of more than 90% and pursued high-profile cases, including the arms deal investigation that led to the conviction of Zuma's former financial adviser, Durban businessman Schabir Shaik, on fraud and corruption charges (Matoboge and Faull, 2011: n.p).

After the disbanding of the scorpions, which was challenged and parts of the decision deemed inconsistent with the constitution, the Hawks were established straight after the fateful ANC

elective conference in Polokwane in 2007 that elected Jacob Zuma. The Hawks operated under significantly more scrutiny of the president as compared to its predecessors the Scorpions. For instance, its establishment was worded in ways that suggested less independence, like “the Hawks is a unit in the South African Police Service that reports to the ministry of safety and security, and is therefore in effect directed by the executive.” (Kanyegirire, 2008, 4), whereas “[t]he former Scorpions was a unit in the National Prosecuting Authority and so was nominally independent of the executive.” (ibid.). The strategic placement of the Hawks under the NPA makes it vulnerable to executive control, and as such can be used in the complex battle of the maintenance of hegemony. Thus, what this illustrates is that the repressive apparatus of the state is subject to hegemonic manipulation, but it is also subject to internal contestation within the hegemonic group.

Returning back to the focal point of this section, notwithstanding the force associated with the police service and its fraternal investigative units, in democratic South Africa there is a discernible shift from a security framework of policing that poses a threat towards a service protecting all citizens. This is the distinguishing difference between apartheid policing and democratic policing; apartheid was a securitized framework that saw black people as threats to the state, while democratic South Africa is a police service framework that intends to protect all South Africans citizens (Byrnes, 1996).

Now that the basis is laid through a description of policing, this section goes beyond a sketching of the legal framework of a democratic ‘coercion’, towards comparative thinking about coercion in both these moments. The intention was to also ask questions about the unsettled contestation within hegemonic groups about how to use coercion and against whom. While this framework acts as the foundation of further analysis in this chapter, it has also introduced, in parts, the ultimate argument of the chapter.

Furthermore, as a major instrument of manufacturing consent, the constitution of South Africa

acts as the overall basis for all legislation in democratic South Africa. Thus, it follows that all Acts - whether they perform a repressive function or not – derive their basis from the spirit of the Constitution. By this I mean, the South African Police Service Act is deemed constitutionally appropriate to perform its functions in democratic South Africa by virtue of its compliance with the basic predicates of the Constitution. Thus, it is important here to look at the legislative framework for repression not as something outside of the overall hegemonic legal or legislative apparatus upon which democratic constitutional hegemony rests. In fact, it is from here where the Police Service is usually absolved when acting with impunity among those disrupting public order – be it through occupations, protests, sit-ins or even violent insurgent action. Later in the chapter, the data will help to illustrate this point.

During apartheid, the police served a function specific to the demands of the apartheid state. Meaning, the police had to respond to threats of state sovereignty or defend property of recognised citizens within a context of a particular kind of vulnerability that comes from the political situation engineered by or emanating from apartheid social relations. For the most part, it is difficult to argue that there is quantitatively less or more reliance on the police based on the legitimacy of the state, thus here I look at a more secure metric and that is how the police responded when faced with threats to ‘social order’. This study accepts the complexity associated with the concept of legitimacy. However, the ways in which it is deployed or understood here is within the context of Beetham’s (1991) neat merger of the sociological approach to legitimacy that looks at legitimacy as practice and actions collectively reinforcing the standards of a particular community and the political philosophical rendition of the concept which sees legitimacy hinging on the age old moral question of right and wrong; what are the ethics of an authority, and that is what makes them legitimate - not that their actions or authority is normatively acceptable. In the following section, this comparison is carried out through the framing of repression done in the section above.

7.2.1 Repression Across Two Moments

On the morning of June 16 in 1976 the streets of Orlando in Soweto witnessed the brutality of a state determined to maintain its hegemony. The bullets that left the rifles of every security police officer represented a thirst not for blood per se, but for a maintenance of control and overall political authority in South Africa. Lives were lost, students killed needlessly, and those lucky enough to survive were saddled with the trauma (see Polhandt & McCormick, 1999 for the recounting of trauma for the scholars in the protests) of seeing their schoolmates decimated by bullets from an illegitimate regime. This was the brute force of the South African state. As shown earlier (see Chapter 5), the police had caught wind of the impending protests and had clear instructions to quell any rumblings on the day. ‘Black-Jacks’, which were black police officers operating under apartheid and deployed in townships, famous for their brutal application of apartheid pass laws (Kynoch, 2003), were seen sweeping the streets the night before, in anticipation of the protests.

Ultimately, it is my analysis that the actions of the apartheid repressive apparatus were intentional, were calculated and were informed by the strategic thinking of the leading group in the apartheid governance machinery, who anticipated the cataclysmic potential of the uprisings. Thus, it was this vulnerability of its hegemonic position that led the apartheid state to act brutally against children in uniforms, children resisting an inferior education system and an imposition of its cultural conduit - Afrikaans. While the 1976 uprisings, and the brutality of the police in that moment do not represent the only or the worst actions by the apartheid repressive apparatus, it does however show the extent to which hegemony relies on coercion as a necessity for the maintenance of its hegemony.

On Democratic Coercion

Three decades later, the month of October in the year 2015 brought with it a wave of student protests unprecedented in democratic South Africa (Luescher, 2019). It brought with it a wave of mass student protests across the country. After students voiced their frustrations with the growing financial pressures on students to access, and if and when inside, succeed in universities, students at Wits University called for a campaign for fees to fall. As Munsammy (2015: n.p) puts it:

This uprising goes to the heart of the failure of the political system – the inability to lift the burden of being black and poor in a country that still favours those who are white and privileged.

This soon reverberated throughout the country and culminated in a string of demands that largely fell into five categories, viz: free education, end outsourcing, end gender-based violence, curriculum transformation and decolonisation (see Luescher, 2019; Mandyoli, 2019; Booysen, 2016). Although organised spontaneously on various campuses, the protests started a movement that enjoyed the support of the public and commanded the attention of the state, both locally and beyond South Africa.

The growing momentum of the #FEMF protests caught the attention of the state as buildings were being set alight, students being injured and, in some cases, private security and police officers being disarmed in the student-police collisions. Reflecting on the state and the university's use of force to deal with protests, Mxolisi Mdimba Shange (2019), Philasande Manyala(2019) and Funzani Mthembu (Interview 2021) respectively, share their views as follows:

It was the third day...we got beaten by the police for trying to close Robert Sobukwe [Road], yet white students closed a bigger road near UCT and nothing happened to them. We were fighting the same struggle of Fees Must Fall, but the way the police treated us at UWC differed from the treatment UCT students received. (Mxolisi Mdimba Shange, 2019)

Philasande Manyala reflected as follows:

You see I believe, even by law these protests were recognized by the whole country. The country was aware there is a national protest issue. Now for the state to use force and not have emergency services available, understanding they are going to injure harmless students, while the law says you must respond with the same force as the person is attacking. The state was responding with a more aggressive force to unarmed students. I don't see the connection between the force the state used to stop students and a democratic intention to manage a protest. Actually, the force somehow encouraged us to go on further, because the way we understand the movement and the cry we keep going. For instance there is a song that went "*noma siyafa alukho uvalo*", *even if we die we are not scared*. That propelled us forward."

For Funzani Mtembu, a prominent student leader at the University of Johannesburg, it was clear that the use of force by the state through the police and the university through paramilitary private security companies was meant to deter students from continuing to echo the call for free education. She mentioned arbitrary arrests of leaders, threats to interdict and expel activists and a number of other tactics used by both the university and the state.

The reflections of these student leaders highlight three important points: i) firstly, based on Mxolisi's assertion that race played a role in the way the police responds to protests(ors) – this shows the nurtured racial policing practices from apartheid that have spilled over to the democratic era. The contradictions here are that these are predominantly black police officers, so one could argue that they would not be motivated by race when dealing with protests. However, with the help of Foucault's ideas on governmentality, one could try to make sense of Mxolisi's thinking here through the ways in which power protrudes beyond the macro ideas about "policing for all" and presents itself at the minutia of racialized individuals conducting institutional work as racialized subjects policing particular kinds of subjects. While I do not believe that there was a convincing number of these incidents in the protests, this is interesting because it shows what is alive to the students even at the time of the protests, and how they have not divorced the police from its 'security police' days and thus not seeing it as a service.

Secondly, with Philasande's reflection it confirms that the democratic state does use coercion beyond the lines of necessity, in response to dissent. As he mentions, the police's use of force was not proportionate to the threat, if at all, students posed. Students are making a constitutional claim, using a constitutional medium (protest) to do so and yet are met with unusual amounts of brutality. As Gramsci has argued, hegemony will attempt to manufacture consent and upon its failure to do so will descend, almost always begrudgingly, into the use of force. The police's response to the #FMF protests are evidence of that.

Finally, Funzani's reflections that the amount of force used by the police to deter students reveal something about the nature of democratic coercion. I call this democratic coercion because it is a coercion that carries a reasonable amount of legitimacy. With help from Althusser, this is a self regulation that comes from the subjects of democratic coercion that makes the students afraid of the police and the law because they believe it is legitimate.

On the other hand, Mr. Wandisile Mdepa, a former UWC Student Government Manager and a University of Fort Hare Student Development officer, struggled with the idea that students responded to police violence by damaging their own limited infrastructure. He says:

Given what UWC is as a university and also the student profile that the university attracts, that we mainly attract students from poor backgrounds, the violent aspect of it I did not expect. The fact that we have so limited resources, that is what shocked me. For instance, given who we attract, to see an element of violence in the protest made me think that the little that we have, we need to protect it at all cost. If we have money for something else, we could use it to alleviate the pressure on deserving students. That is exactly what made me think very hard about the violence in the protests. This was informed by where I come from as a person. Why would an institution like UWC, TUT, Fort Hare, without much endowments or resources be experiencing a level of violence to an extent of the destruction of violence? ...Maybe the university was not listening to the frustrations of students, but I thought that our students would understand is that while this is the call for free education, but please let us not be violent and let us make sure that we preserve our property. (Interview with Wandisile Mdepa, 2019).

Mr. Simpson (Interview 2018) shares a similar confusion around the way in which violence took place within the protests in 2015, he explains:

I find it difficult to comprehend, I take it from where I come from back then in the 1970s we did not own anything, we were not part of it. So, destroying it made sense to us, bombing it up made sense to us. It wasn't ours in any case, so why must we protect it? But I cannot understand this generation, this is theirs ... the system now belongs to the students. So I cannot understand because once it is burned, we are going to need to source new capital for it to be rebuilt. If we destroy the library in its entirety, next month we are going to need a new library. It is not like if it was the apartheid regime library, with counter revolutionary literature, this is ours. But I think the students took a different view. I think it could be a generation gap in terms of how we view things. It is strange because our parents asked us the same question "why are you destroying stuff" and we said "it is not ours!". I find myself asking the same thing, so I don't have an explanation, but its ironic how time has not changed, you could ask 'did time really change?'.

Following up on whether students could have avoided the violent encounters with the police and what role the police played in spiking the violence, Mr. Simpson continues:

The thing is, 'do police ignite violence?', I think there is enough evidence for the disregard for human life, particularly under the apartheid regime. The Trojan Horse was a classic example, where the intent was to kill. The fact that they sat at the back of that truck, armed to the teeth, knowing exactly what was going to happen is an indication that they went target practising. But I don't want to draw parallels [between the apartheid and democratic regime], but this government is not an oppressive government. I think there is enough juice in our tank to say it is not oppressive. Given that people made the ultimate sacrifice, a lot is expected. (Interview with Marquard Simpson, 2018).

There is clearly a pattern of hegemony that is consistent here between these two moments – that the state uses coercion in disproportionate ways when it is challenged. While the student activists felt the violence from the state was in excess, and the support and administrative staff

felt the students could have responded in ways that did not hurt the long term free education plan, the common thread is that the violence is brought about by a non responsive government that has been unable to meet its social contractual obligation to “make tertiary education progressively available”. And, ultimately, that even the democratic government makes use of its coercive machinery, as the Gramscian theory of hegemony accurately shows.

Therefore, recognising the potential threat to political stability innate in FMF, the state began making some concessions that tried to manufacture consent. For instance, Vuyani Sokhaba, SRC President at UWC during the term 2014/2015 argues that the government attempted to intervene “when the zero per cent increment announcement came by Zuma on 23 October 2015” (Sokhaba, Interviewed by Thierry Luescher, 2019). While keeping the focus on coercion, it is important to show how the democratic state moves from attempts to manufacture consent using coercion, then upon its failure to do so, resorts to repression. Illuminating this point is the fact that it was after this concession that the state began a multi-layered assault on the protests. The students' refusal to accept the concession was further emboldened by students in the Western Cape marching to Parliament and Cape Town International Airport and those in Gauteng marching to the Union Buildings in Pretoria.

Shortly thereafter, many students were arrested, universities across the country issued interdicts prohibiting students from shutting down campuses and university managements became increasingly committed to quelling the protests, even in ways that meant procuring extra security support. Mafofo and Makoni (2020), in a novel break from the somewhat conventional approaches to the problems of a militarised campus during the 2015 protests, conducted research using Critical Discourse Analysis of student experiences of policing during the #FMF protests. Interestingly, they find that the students experienced more violence from the private security firms directly paid by university managers, than from actual police. This suggests that the coercive efforts of state hegemony spilled over to the university, who are at times seen as a proxy of the state. As a result, 11 institutions interdicted protests, 619

students were arrested and more than 10 prominent leadership figures were either expelled or suspended from universities. That was the extent of coercion in democratic South Africa to quell the political instability created by the #FMM movement.

7.3 The Uprisings

7.3.1 Apartheid Repression and the Uprisings

As Gramsci explains, no state relies purely on force, it requires a neat balance between consent and coercion (Gramsci, 1979). The democratic and apartheid 'states' are no different. However, in this section, I look at the repressive apparatus of the apartheid regime, through a detailing of some of the experiences of the interviewees of this study and a range of documentary evidence housed in the National Heritage Centre for Cultural Studies at the University of Fort Hare, the Central Records Office at Wits and the UWC Mayibuye archives. The documents in the liberation collections across these archives include circulars, papers presented at conferences and pamphlets from the New Unity Movement, Black Consciousness Movement, and general commentary of the time found in publications such as *Sechaba* and *Umrabulo* (ANC publications used as tools for general education and agitation and an alternative media source during apartheid) including the media reporting of events before and after the fateful day of the Soweto Uprising

7.3.2 Apartheid Repression Recalled

Although there are many moments of apartheid repression that could be recalled here, the focus is on the uprisings as is the scope of the chapter and study overall. However, to show that apartheid repressive apparatus was in full swing before the uprisings, as a result of its tendency to rely more on coercion rather than consent, I reflect shortly on the equally historically important Durban strikes of 1973. It is also noteworthy that the apartheid regime

began to rely more heavily on its repressive state apparatus as a result of growing resistance against apartheid, especially after the impact of the banning of political parties started to wear off in the early 1970s (Nieftagodien, 2014). Contrary to the industrial boom and relative political ‘stability’ apartheid enjoyed in the 1950s and 1960s , the 1970s would present a different set of fortunes for apartheid, with the 1973 Durban workers strikes seeing almost 60 000 workers on the streets of the KwaZulu-Natal Metropolitan City, demanding R30 a week wages and better working conditions (ibid.) Shortly after the strikes, the Soweto Uprisings happened and this began to spread across the country, which prompted the apartheid coercive apparatus to step up and institute more control by limiting movement of Africans in the urban spaces. As such “pass controls were stepped up, which caused the number of pass convictions to increase from close to 380 000 to about 693 000 between 1963 and 1972” (ibid: 10).

Exacerbating apartheid’s political insecurity was the liberation movement’s continued agitation even from exile. For instance, the ANC had a publication called *Sechaba* (the Nation), dedicated to organising and agitating the black population towards the eventual overthrow of the apartheid regime. A month after the brutality of the Apartheid repressive apparatus meted heavy violence on the protesting school children in Soweto, *Sechaba* wrote a scathing condemnation of the apartheid regime and recalled to action the black population to continue the struggle of liberation (ANC, *Sechaba*, 1977). Reflecting on the impact of the violence, they write:

the last three months the South African people have mourned their heroic dead with their heads held high, their grief charged with pride, and a renewed determination” (ANC, *Sechaba*, 1977: 3).

The uprisings in Soweto and the egregious response by the state to it, galvanised various sectors of South African society. Students at universities around the Johannesburg area were

key to this as well. Speaking to Professor Adam Habib about his experience a few years after the uprisings, he laments, “We got arrested in droves as part of that campaign to suppress any dissent” (Interview with Adam Habib, 2021). He recalls that the apartheid regime had been very clearly shaken by the uprisings and therefore became a lot more meticulous in their attempts to suppress dissent (Interview with Adam Habib, 2021). This is echoed by Nieftagodien (2014: 81):

The students’ march on 16 June and the state’s violent response completely transformed not only the protest against Afrikaans in Soweto but the whole nature of politics in South Africa. Events on that day can be divided into these two distinct phases, separated by a volley of police bullets that reverberated across the world

Furthermore, Professor Saleem Badat echoed how the state’s brutal response to the uprisings imbued a spirit of further resistance in both the students and other otherwise dormant sectors of civil society in South Africa. For Professor Moletsane, state brutality during this period was made worse for women activists who were doubly frowned upon – first as a black student rising up against the state; secondly as a black woman student rising up against the state. For her the violence did not end on the street at the hands of police, it also took on the form of dismissal of her role as a woman in the struggle (Interview with Relebohile Moletsane, 2022)⁶. By this it is meant that even within the confines of counter hegemony (the liberation movement), there remained contradictions like gender inequality and problematic toxic masculinity which would still discriminate against women like Prof Moletsane with equal if not more contributions than her men counterparts. Again, Gramsci’s conception of hegemony holds true here – that even with hegemonic groups or those contesting for hegemony, there are internal contradictions that mire the process. As we see in contemporary South Africa, the

⁶ In many ways, Prof Moletsane’s experience is echoed in the work of Klaus Viehmann (2001) around the triple oppression of women through capital, patriarchy and race. The burden black women carry of being oppressed beyond just their race and class, but also on the basis of their gender.

situation might have slightly improved, but hardly enough to constitute a radical shift.

These recollections show a certain experience and confrontation with apartheid repression, showing the relationship between hegemony and repression in the moment of the Uprisings. While apartheid used repression as a hegemonic tool available to it, its hand was forced by the weaknesses of its consent manufacturing mechanisms (as explored in Chapter 6). I have also argued that apartheid repression gradually increased as the counter hegemonic momentum increased, showing that apartheid was not repressive for repressive sake, but used the tool available in its hegemonic arsenal to defend itself. Of course, this does not absolve the vile acts of the apartheid regime during the uprisings or in any other moment where it brutally repressed people. Instead, it shows that hegemony will always revert to one of the two or both of its hegemonic tools when contested, in this case both apartheid and democratic South Africa are alike.

Moreover, the story of the 1976 Uprisings is one of resistance against apartheid coercion fashioned as Bantu Education - after all, repression breeds resistance. In the sense of some of the respondents in this study, the Uprisings were much more than merely an event isolated in Soweto while having national impact. Instead, according to Winston Middleton, the call to resist the illegitimate and racist regime had reverberated throughout the country. He recalls his own experience as a first-year student at the University of the Western Cape, having travelled from the KwaZulu-Natal province to further his education in Cape Town due to the racial restrictions imposed by the apartheid government. In attempts to sustain its logic of 'separate development', the apartheid regime segregated not only basic education, but higher education as well. The homelands, or what was also called the Bantustans, were meant for the movement and concentration of the black population by the apartheid regime in order to maintain control over them and remove them from urban and 'civil' South African life (Butler, et al, 1978). It

effectively made black South Africans, who would struggle to draw their nativity anywhere else, foreigners in the country of their birth. The restriction of movement being another clear example of state repression:

The idea was to separate Blacks from the Whites, and give Blacks the responsibility of running their own independent governments, thus denying them protection and any remaining rights a Black could have in South Africa. In other words, Bantustans were established for the permanent removal of the Black population in White South Africa. (South African History Online, 2011, n.p)

How do I arrive at the establishment of the Bantustans as coercion? The apartheid regime established these laws to separate non-whites along ethnic lines. This divided not only non-white people amongst each other, but also demobilised them and hurt the potential of a cross-ethnic national movement against apartheid. Moreover, restricting non-whites in the Bantustans had to be enforced. This meant further repression used by the regime to ensure separation. This is the reason why the law was laid upfront as a supporting agent of hegemonic repression, because it is through the law, enforced through repressive means i.e. the courts, prisons, police and sometimes military in the apartheid context, that the sustenance of these restrictions of movement and association are made possible.

7.4 Consent and Coercion: A Constructive Tension?

A few things that must be said upfront here are that it is not justifiable to argue that there is a state that chooses to rule with express violence, unless it does not really have a choice. The apartheid regime is a case in point. It was in the business of consent manufacturing, like all states are, however its particular conditions forced it to manufacture what I term 'coercive consent'. According to Santucci, seasoned scholar on Gramscian thought, for Gramsci the idea

of coercion is always latent with any state - the promise always lingers (Santucci, 2010). However, the apartheid state, in its coercive consent, needs to be expressly violent to be in any position to manufacture consent. In that, its legitimacy does not come from a voluntary self-regulation by the masses, but rather must present, in very real terms, the consequences of going against its command. Thus, we see the character of the apartheid state as more coercive - not because it is led by inherently blood thirsty people, but because it advances an ethically unsustainable project for a majority of the people and thus draws its legitimacy from the promised threat of coercion. Now that it is clear that coercion starts out as a matter of unavoidable political strategy for the apartheid state, it also suffices to mention how strategy evolves to an everyday culture of violence that besets the people of South Africa, particularly white people even in their personal lives towards black people. Thus, the important thing here is not to sanitise racial tensions between black and white people, but to explain their foundations historically.

In the University of Fort Hare archive's liberation movement's special collection, there is a record of some cases of police brutality that had not, at the time, made it on mainstream media platforms. The state was very clear on the use of the security police as a clear enforcer of its hegemony and deterrent to counter hegemony. According to Boddy-Evans (2006), the apartheid regime left more than 176 people dead after opening fire at students during the 1976 uprisings. This was the extent of the force used by the apartheid regime. It represents, in ways, the insecurity of its hegemony. That it cannot manage the situation in a way that would allow for a manufacturing of consent, and so it reverts to the most egregious form of hegemonic imposition - killing those dissenting. In other reports in mainstream newspapers across the archives I have visited, there were multiple people who sustained injuries trying to escape from bullets on the day.

Subjecting this to an analysis of hegemony, I draw on Gramsci's thinking around a crisis of authority. What Gramsci meant here is that hegemony does get to a stage where it struggles to

assert its authority and therefore resorts to the worst forms of coercion. The idea of an insecure hegemony that I label the apartheid regime here, is derived from this very crisis. It has an inability to sustainably manufacture consent and therefore has to use the other tool at its disposal, which invokes a serious counter-hegemonic response.

Whereas the democratic state takes on a different coercive strategy, one that frames who or what is reasonable to be repressed. For instance, the participants in this research study who faced the police during #FMF had quite an interesting experience with the police even before their #FMF experience - which was that whenever there were protests, the students would be seen as aggressors and never people with a legitimate right to communicate or perform their dissent. This is not to say that the police were a constant feature in their lives, but a soured experience was not exclusive to their encounters with them on the picket line. For instance, Simthandile Azania Thyali recalled quite specifically how the police would never engage the students about why they were protesting or what channels they had followed which led to a protest. For her, this engagement would be testament to the notion that the police are not only defending the rights of those inconvenienced by protest, but also the rights of those inconvenienced by state institutions that fail to meet basic constitutional commitments (Interview with Simthandile 'Azania' Thyali, 2021). Similarly, Unati Sigodi reflected on how the police hardly engaged the Students' Representative Council as an intermediary between the students and the police, instead they gave warnings to disperse and thereafter acted (Interview with Unati Sigodi, 2019). For X (Interview, 2023), a law student at the time and now a practising attorney, it was more the fact that the police had been brutal during 2015, but in her recollection, this had been so in protests before this, 'almost annually during orientation on issues of registration and accommodation, the police were the university's back-up plan'. While the police have a clear role to ensure that public order is not disrupted, in the interests of protecting the rights of other citizens, the question these two participants posed was whether the police ever considered the rights of those perceived to be causing disorder.

Essentially, in democratic South Africa: what is the role of the police?

7.5 Conclusion

This chapter compares coercion across two moments selected in this study. Augmenting its existing framework of analysis, the chapter developed a framing of coercion through law. This strategic choice was linked to conclusions reached in the chapter preceding it, where it became clear that consent – which now is proven true for coercion as well – relies heavily on a legitimating machinery to be viable. For instance, with education there is a legislative framework that informs access to, quality of and other variables of education provision both in apartheid and democratic South Africa. Similarly, in this chapter we looked at the legal framework that enables coercion, not to justify it, but to show clearly how coercion is not mindless actions from a blood thirsty state, but rather calculated actions informed by counter-hegemonic responses or resistance to hegemony itself. Thus, this framework opened up the possibility to view the repressive apparatus of the state outside just its actions, but to look deeper at its legal foundations and therefore the more complex processes that go into sustaining hegemony - be it in illegitimate apartheid or largely legitimate democratic constitutional South Africa. Ultimately, the law forms part of the overall instrument of hegemonic repression. While the rationale for repression is fundamentally political (i.e. hegemonic), the law is the legitimating tool for the use of force.

The chapter went on to look at the role of the police then (in apartheid) and now (in democratic South Africa). This was to look at the ways in which the police engaged with dissent, how the public perceived police and what kinds of policing frameworks were implemented by these two different kinds of repressive units; in this case the Security Police in apartheid versus the Police Service in democratic constitutional South Africa. The evolution

of the police service was also explored in this chapter, to make the argument that the shift from security police to police service was a major part of reorienting the public's psyche around how the police is perceived.

The argument arrived at in this chapter is that while there are very clear differences and nuances between apartheid police and democratic policing, these do not take away the greater implication of police being an institution available to hegemony for its sustenance as and when the need arises. As a result, the Soweto Uprisings and #FMM, although under different circumstances and facing differing extents of repression, represent this idea that the state will use its repressive force when contested. What is unique about the democratic state is that it has a strong ideological apparatus that facilitates the legitimate use of force. While, for apartheid, there is an impending crisis of legitimacy, of authority, which makes its actions more draconian and therefore easy to write off as a spectacular type of state aggression.

For instance, under the notes on State and Civil Society, Gramsci unpacks the complex evolution and relation of social classes in the historical development of the nation state (Gramsci, 1971). Underpinning this section is the location of the problem of/for hegemony in its quest to maintain its status. He uses the concept of "A crisis of authority", which, in his own words, he defines it as "precisely the crisis of hegemony, or general crisis of the State". He continues:

The crisis creates situations which are dangerous in the short run, since the various strata of the population are not all capable of orienting themselves equally swiftly, or of reorganising rhythm. The traditional ruling class, which has numerous trained cadres, changes men and programmes and, with greater speed than is achieved by the subordinate classes, reabsorbs the control that was slipping from its grasp (Gramsci, 1971: 210).

Typically, this definition by Gramsci describes the way which dissenting sectors of civil

society affect state hegemony. For example, and of particular interest to this study, the case of the 1976 uprisings and the 2015 FMF movement presented a crisis of authority for the state, regardless of the form thereof. This chapter has thus opened up vistas to ask further questions about the nature and utility of repressive apparatus available to the state. Does the existence of these apparatuses mean a state has no basis of legitimate use thereof? The crises varied, of course, from apartheid to democracy, but the crisis existed nonetheless. Importantly, it is at the point of crisis that hegemony unleashes its coercive arm, upon a failure of its consent manufacturing arm. After evaluating the response of police to the 1976 uprisings and the 2015 #FMF movement, there seems that while state hegemony in South Africa has taken a different shape and form during these moments, it does not have a different systemic logic. Elucidating this, Gramsci states:

Perhaps it may make sacrifices, and expose itself to an uncertain future by demagogic promises; but it retains power, reinforces it for the time being and uses it to crush its adversary and dispense his leading cadres, who cannot be very numerous or highly trained (Gramsci, 1971; 211).

What I have shown in this chapter is that the instruments of coercion, available to hegemony, are not limited to consent manufacturing, but also used to support the coercive element of hegemony. Thus, coercion in apartheid and coercion in democratic South Africa represent two different kinds of force: (i) force executed by an illegitimate ruling authority and (ii) force executed by a legitimate authority, operating within the areas of a legitimately arrived at constitutional order and framework. However, the difference between these two moments is also the devastating similarity in the logic of these two moments. In that, whether the coercive instruments are legitimate or not, it does not make them any less coercive. And that

the argument of this chapter, which shapes the broader thesis of this dissertation, is that ‘a state is a state is a state’. Apartheid hegemony (i.e., apartheid coercion) is more extreme, less legitimate than democratic hegemony (democratic coercion) which is less extreme and enjoys more legitimacy. Ultimately, they are both capitalist hegemonic states using instruments available to it to defend capitalist hegemony, and the political, social and cultural makeup of that society represents the managers of the hegemonic group.

Ultimately, having analysed the experiences of student activists in the 1976 generation and the 2015 #FeesMustFall movement, the archival material on the apartheid state repressive machinery and the scholarship on state power, policing and violence, this chapter argued that – while different in form – the essence of the repressive machinery of the two regimes stems from the same problematic logic of a modern capitalist state to maintain its hegemonic social order. It finds clear patterns of hegemony through the use of coercion across both moments. Of course, any state is hegemonic and this is not unique to the modern capitalist state. While the conclusions of this chapter are that there is a notable consistency in hegemonic patterns in these two moments, it is not enough to draw conclusions on the similarities between these two regimes in question. In fact, it helps to make the overall argument of this study – that the difference between the two states is in the quality of hegemony. The apartheid regime is an insecure, illegitimate hegemon while the democratic state is a legitimate hegemon. Ultimately, both rely on coercion when consent fails, which makes them similar in the more structural, foundational ways that matter. This has major implications then for the democratic constitutional project altogether.

Chapter 8: ‘Democratic’ Constitutionalism: Another Weapon of Capitalist Hegemony?

8.1 Introduction

The study asked the question whether the democratic constitutional state resembles the same hegemonic patterns as the apartheid state when its hegemony is being contested. This question is asked with the consideration that every state is hegemonic, however, the democratic constitutional state is imagined against apartheid and in that process it is thought of as fundamentally different to apartheid South Africa. The objective was to show the hegemonic continuities that exist in the democratic state that span from the colonial and apartheid state. Also, it has shown that the use of consent and coercion varies between the two regimes based on their material circumstances. This proves that democratic constitutional South Africa is plagued with inequalities and contradictions like #FMM and many like it (which forces the state into deploying either consent or coercion) because it remains a capitalist hegemonic state. Ultimately, the study has also shown the conceptual veracity of Antonio Gramsci’s theory of hegemony, which will be expanded on later in this chapter.

Showing the various elements of the central thesis of this study, this chapter does the work of weaving together the six components of this study that make up its overall argument – that the South African democratic constitutional state represents a continuation of a capitalist hegemony that relies unrelentingly on consent and coercion in ways similar to that of the apartheid state or any other hegemonic capitalist state. While the study identifies salient and very clear differences between apartheid and democratic South Africa, it has become clear that these differences represent the dynamic ways in which hegemony reinvents itself in its quest to sustain its hegemony. This means that the changes are not in themselves representative of a shift in fundamentals, but rather a shift in the justifications and rationale for dominance.

To make this argument the study firstly set up the problem that is South Africa. It does this in

two ways; it first looks at South Africa as a problematic entity historically and politically in its making (Modiri, 2019) and then narrows down to how this problem reinvents itself over time and this produces contradictions like #FeesMustFall (#FMF) as studied here. Presented through the investigation of South Africa as a nation state predicated on the unjust foundations of global capitalist hegemony. Secondly, the dissertation expands its review of literature in the area of the South African state, from conquest to constitutionalism. Tracing the debates on and for the South African state from British colonialism to democratic constitutional South Africa, this chapter argues that transformative constitutionalism is, in different ways to apartheid, trapped in capitalist hegemony. Thirdly, the study develops a theoretical framework that helps in launching an investigation into the trajectory of capitalist hegemony within the evolution of the South African state. Operationalising concepts such as hegemony, power, ideology and organic versus conjunctural moment, the theory chapter provides the basis for analysing hegemony across the two different moments, ultimately to make an argument that the consistency of capitalist hegemony in democratic South Africa is the basis of contradictions like #FMF. Fourthly, the study explores the relationship between memory and hegemony. It argues that recalling or remembering historical events in any epoch is in many ways affected by hegemony.

The study then goes on to its analytical section of the dissertation. Chapter 6 investigates the ways in which education is used as ideology machinery in both case studies. It explores how education institutions are sites of hegemonic contestation, and the idea that the group that is usually in control of the large parts of the educational apparatus, control dominant and common-sense ideas. Investigating the consent manufacturing capacity of education across both cases, the chapter shows the dynamic interplay between consent and coercion, and the non-linear ways in which hegemony and counter hegemony interact.

In the second analytical chapter (Chapter 7), the study examines the deployment of coercion as a tool to gain and sustain hegemony. The chapter looked at the utilisation of and

responses/resistance to the police in both case studies. It does this to see the extent to which hegemony responds coercively when challenged, and comparatively assesses both regimes relative to their cases. The chapter finally finds that these cases show that hegemony does not set out to be coercive, instead it uses it as a last resort due to the limitations of its consent manufacturing capacity.

The thesis concludes with this chapter, which ties together a golden thread of the dissertation's thesis. This chapter argues that democratic constitutional South Africa is premised on a complex historical journey that culminates into a different regime (the use of the word regime here reinforces the idea that apartheid and democratic South Africa operate within the logic of the same state, and that they are merely different regimes) with a continuation of the capitalist logic. The chapter concludes that while apartheid South Africa is expressly violent and democratic South Africa operates with less force due to more legitimacy, it is clear that both these states use consent and coercion in varying ways to maintain hegemony – validating this Gramscian assessment of the state being different in form, but the same in logic and structure.

Finally, this chapter concludes the dissertation by presenting its final analysis. The structure of the chapter is as follows: i) a critique of democratic constitutional South Africa as a problem made possible by global capitalist hegemony; ii) an assessment of the state, hegemony and ideology in the making of South Africa; iii) an analysis of #FMM as a moment of suspicion in democratic South Africa; iv) some thoughts on reform and/or revolution and v) the final analysis: democratic constitutional South Africa is another weapon of global capitalist hegemony.

8.2 On South Africa as a Problem

The thesis advanced in this study is that constitutional democratic South Africa is premised on the same logic of colonial and apartheid South Africa. While immediately accessible and

palpable differences between these regimes exist, it is not in their form (democratic or apartheid) that they resemble each other, but more so in their essence: the structure and logic of the state. Motivated by the tenacity of inequality, racial discrimination and clear tensions between the state and segments of civil society (See Leibrandt & Woolard, 2001; Terblanche, 2019;), this study endeavours to add to the questions on, attempts to find meaning to, and assessments of the democratic constitutional state in South Africa. What is so different (better) about the democratic constitutional state? Curious about its role in entrenching, particularly through obfuscation, of (in)justice, the study examines how the growing inequality, unmet constitutional commitments and inevitable challenges in the transition to democracy reveal not only a developmental stagnation in the post-apartheid state, but also that it is saddled with the contradictions typical of a capitalist hegemonic global state.

Dominated by tensions between state and civil society that has made it the service delivery protest capital of the world (Bond & Mottiar, 2013), the democratic constitutional state is confronted with a gripping reality of social, political and economic inequality that has become untenable and the cause of sizeable discontent; both in organised and spontaneous manifestations. This is the reality for the majority of South Africans, particularly the black population. Instances such as Marikana, #RhodesMustFall, #FeesMustFall, #SaveSA and #AmINext, where the state has been confronted by unprecedented civil society backlash, have put the democratic state's consent manufacturing aspects to the test. Calling on, in varying degrees, the coercive elements to assert its hegemony.

Thus, this study has advanced the thesis that the structure and the logic of the South African state is in itself a problem. It does so with the express intention to resist the dominant discourse that tends to look at problems in South Africa and not the problem that is South Africa. By this, the study means that there is a tendency to look at the growing inequality, poverty, unemployment, gender-based violence and a range of other social ills as a failure of a democratic government led by an inept ANC. Resisting this, this study has firmly argued that

the problem with democratic South Africa, beyond its very clear problems of a corrupt and inept government, is in its continued commitment to capitalist social relations; which are the foundation of the problems that plague it today.

Explaining, somewhat, the rationale for a movement from apartheid to democracy without significant structural change, Minister Nzimande provides historical context that confronts transition. Adding to the debate on whether there needed to be an outright onslaught on the apartheid regime, or strategic movement towards a democratic era, Minister Nzimande (Interview, 2021) reflects on a few challenges his generation faced at the precipice of the democratic turn:

An important way of understanding 1994 is, as we called it in the Communist Party, a democratic breakthrough - not a transition to democracy. It is important in that it simply takes the struggle for democracy to a higher level, but it does not mark the realization of democracy. The struggles have not ended, if we are to build a democratic South Africa.

He continues this train of thought by reflecting on the consequences of ushering a Constitution with such a vast ambition without the structural and economic mechanisms to realise its potential. He says:

The 1996 constitution that we adopted gave the democratic government a very progressive mandate. Our constitution is very progressive, its true. But it was an unfunded mandate. Especially because the resources you need for the mandate contained in the constitution are in the hands of the private capitalist class in South Africa. Part of the negotiations, whether willingly or unwillingly, the outcome was such that the black majority will have political power and the economic power will be with the white minority.

The Persistence of Race and Hegemony

The question of race in the making of South Africa is a fundamental one – in fact South Africa is constructed on a racial basis as the ideological backbone of capitalist expansion (Magubane,

1979). From the arrival of European settlers in South Africa, to the discovery of minerals, to the construction of an expressly racist state of apartheid, right to the construction of what I call the highly racial ‘non racial’ state, South African social relations have been marred with race. Land was taken or given on the basis of race (Simpson, 2019), citizenship, social status and economic opportunity alike. Thus, to discuss South Africa without discussing its racial character is insufficient. In the examples of the cases examined in this study, Bantu Education was meant purely for Black students as a deliberate attempt to subjugate and control them. The uprisings respond to a rejection not only of a language of their oppressor, but also to the continued dehumanisation visited upon their black identity. Apartheid juxtaposed with democratic South Africa is a classical example of this. Both states are foundationally predicated on race, but they differ on how they deploy it. Ironically, on the other hand, the #FMM movement represents something similar in a different material context – it protests to expand access to higher education to mitigate the exclusion of the very black students, who due to historical disadvantage cannot afford to pay their fees. In many ways, the story of race, like that of capital, gender inequality and injustice persists from apartheid right through to democratic constitutional South Africa.

Race was a persistent theme in the data across the board, from the life histories, interviews and the archive. This shows the ubiquitous nature of race in the South African psyche, particularly because none of the questions I had posed related to race. However, the participants saw their experiences through a racial lens, in many ways their lived experience. This resonates with LaCapra (2018: 1)’s caution when thinking about race, she writes “race is the crux of one of the most powerful ideological formations in history.” The persistence of race is hegemonic in the sense that it is ideologically functioning as the mechanism of consent manufacturing and counter-hegemonic action as well. By this I mean that the appeal of race as an explanatory tool and a simplistic ideology is tempting. Thus, this study resists descending into a debate about race, instead it acknowledged that race is important in understanding South Africa and that it

too must be the subject of explanation.

Finally, this study concludes that the first point of call in assessing the democratic constitutional state is to compare it with a state that is ‘apparently’ or on the surface, its complete opposite. This is done through investigating the extent to which the democratic state resembles the apartheid state, through the lens of the two cases compared in the study. Ultimately, this is done to test three things:

- i) How different is democratic constitutional South Africa to Apartheid South Africa?
- ii) What do the similarities in economic and political conditions in both moments say about these ‘differences’ or the state(s) in South Africa?
- iii) Finally, to what extent is the theory of hegemony a valid framework to measure this ‘difference’ or ‘similarity’?

8.3 Patterns of Hegemony: Power, Ideology and the State

Moving from a positing of South Africa as a problematic entity in and of itself, the study went on to do a literature review and a theoretical framework that would be the basis of this comparison of the two cases and ultimately, the assessment of the democratic constitutional state. The framework is built on four primary concepts.

- a) The State - here the study unpacked a Marxist theory of the state, which sees the state as a site of hegemonic contest currently dominated by the capitalist ruling classes. The study sets out its theory on the state from the outset in order to then lay its basis for hegemony.
- b) Hegemony - this is Gramsci’s (1971) famous investigation of power. Emphasising the multifaceted nature of power, Gramsci develops this concept in a way that penetrates through the once simplistic understanding of power as those who have force prevailing over those who do not. Instead, he understands hegemony as a

foundationally cultural thing that, in order to sustain itself, has to have its footprint in society in various forms. Thus, hegemony for Gramsci stands on two legs, consent and coercion. Which have been operationalised in this study to show that both democratic constitutional South Africa and apartheid South Africa are or once were hegemonic units, using the same principles to sustain that hegemony.

Additional to this, the study uses Michel Foucault's dynamic and more detailed understanding of power to bolster its conceptual range. Foucault's main theoretical strength is that he unpacks the diffuse nature of power, power in its minutiae, in the detail that people normally miss. This framework has helped to sustain the argument that while hegemony is dominant, it is also very dynamic and vulnerable to counter-hegemonic resistance that is informed by Foucault's more nuanced reading of power.

- c) Ideology, Ideological and Repressive State Apparatus - Here the study operationalised Louis Althusser's (1971) formulation of consent from Gramsci, into a detailed list of institutions that form what he calls the ideological machinery of the state, that helps it maintain its hegemony. This study used this to demarcate areas such as education and the police to make the argument that both these states make use of these state apparatuses in order to gain or maintain its hegemony. The study approaches the concept of ideologically with critical distance to the normative appreciation of ideology as a set of ideas, instead it looks at ideology as the very real instrumentalization of ruling class ideas as natural, taken for granted ways of being, doing and knowing.

In addition, the thesis advanced that the differences between apartheid South Africa and democratic South Africa are merely in form - form being the way things appear to be. While the similarities between the two moments are in essence - essence being what things objectively are. Byron (2016), taking his reading from Marx's capital, conceptualises form and

essence as an analytical method to shape the dialectical value of historical materialist thinking. The method or theory helps reveal the concealed reality of capitalist social relations in the interest of securing capitalist hegemony. While Wael Hallaq, a scholar steeped in the criticism of the modern world, stretches this concept both in similar, and simpler ways. He terms it the difference between what ought to be and what is (Hallaq, 2018).

To assess or examine any patterns of hegemony in the two moments studied in this dissertation, two comparable units were isolated for investigation. What is it about these two moments that make it possible to assess any patterns between them? If hegemony is the spontaneous conforming of the masses to the dominant ideas of the ruling class – how hegemonic was apartheid? Certainly not in the 1990s - hence the change of the ruling class. The year 1976 was the beginning of the fracturing of this hegemony. The bone of contention here is spontaneity; what is spontaneity, and how does it come about? For Althusser, ideology produces spontaneity on a daily basis through rituals. Therefore, apartheid produced – fundamentally through coercion – a spontaneous conformation by the masses that was reinforced through common sense and self-regulation in the family, the school, the media, the church and so on.

Making a case that argues for the similarity between FMF 2015 and the 1976 Soweto uprisings, Prof Habib believes that there remains great value in the 2015 moment in relation to carrying a similar impetus that the 1976 had during apartheid, in the democratic era. He argues:

Where I think the student activists may have a point is 2015/16 could be a spark of change in the same way '76 was a spark of change. That creates a chain of change that creates a chain of events that shifts the political orientation of the system, like '76 ushered in a series of actions that even student activists in '76 did not understand. I do not think the activists of 2015/16 understood that they were unravelling a chain of events. In that sense I think it could be similar. (Interview with Adam Habib, 2021)

In the recollection above, Habib does not draw the similarities between the uprisings and #FMMF purely on modality (the forms of struggle and opponent), he does so to show the somewhat inadvertent nexus between these two moments. This nexus is that, in his opinion, neither of the activists involved in both moments could have predicted the ripple effect of the moments.

Testament to the dynamic nature of hegemony, Habib reflects on the way in which the ANC understood reform in a democratic constitutional context. Habib (Interview, 2021) argues that this reform was itself, in fact, within the strictures of hegemonic capitalist ideas of development and economics:

The ANC bought into the propaganda that the only way to change, was to adopt a neoliberal economic agenda. We had to make the compromise, I am under no illusion, but did we have to do it in the form of GEAR? What GEAR does is it took the economy and let it run, and take a few people and give them access. Which is BEE, and the only people who think BEE is good are the politicians pocketing.

The context of this provision (of Bantu Education) and in essence reform, as posited boldly by Minister Blade Nzimande, Adam Habib and Dr. Max Price piques the interest of this study in so far as machinations of apartheid hegemony are concerned. In that education usually plays a pivotal role in manufacturing consent, more interesting is the necessity of even a violent and illegitimate state to manufacture consent through education. A range of dynamic processes involving strategies of the war of manoeuvre are at play in various parts of the apartheid apparatus. At its centre is the use of reform as a way to mitigate the growing contention even within its own ranks, between the ‘progressives’⁷ and conservatives’ in the

National Party. Adam Habib (Interview, 2021) delves into the logic and the exact naming of the two camps within the National Party, he mentions that the progressives were referred to

⁷ The placement of the term progressives in commas is to denote the irony that in the internal circles of a racist, fascist and incredibly violent regime like apartheid such a term could exist. It is also to note clearly that the context within which the word is used fits its descriptive task. By no means does it say apartheid was progressive, instead it recognises the extent of contradiction within hegemonic spaces and how the logic of capital accumulation tampered with even the most abhorrent nationalist desires.

in Afrikaans as the *verligters*, which is a direct translation of progressive. While the conservatives were referred to as the *verkrampste* (directly translated to conservatives). These were the two dominant views within the party and while they both agreed that apartheid was the best way to structure and order South African society, they differed on questions of the relationship between blacks and whites, how to police and manage this relationship and the status of black people generally in the country. The progressives believed that the status of black people could remain as subordinate to that of whites, but with considerable reforms that meant less excessive force and regulation of their lives. They believed that they needed the black workers to be comfortable enough to be productive as labour - building a decent enough life to sustain themselves, while not encroaching on the daily life or superiority of white people. Whereas, the conservatives had a much more aggressive approach which was, as Habib sums it up, “Let’s get the guns and kill them all”. Habib reflects on the reasons why the ‘progressives’ in the National Party camp prevailed. He argues:

In order to be accepted in the global order, that’s why they go through a series of reforms. The first is to legalise the right of black people to stay in white South Africa. Before you were a foreigner, now you were allowed to be not a citizen, a resident. You don't have the same rights, but you can stay. You might think that that is crazy - that it might be conservative. But by those days’ standards it was progressive. In that sense that is the first reform. But what that did was create another right. If you are a resident, there needs to be some form of political control. So, they create on the basis of what is called a Black Local Authority - you create a political system to manage the residents in townships. If you are a resident, you have a right to organise, to join and start unions. Immediately that concession gets made, a few things flow from there. The right of union organisation, the right of black local authority. And then the fourth thing was to divide the black population even further. Bring Black African into black local authority for just local government. But bring Coloureds and Indians into what they called the Tricameral parliament. All of this becomes the basis for opposition. (Interview with Habib, 2021).

Ultimately, there are two things of theoretical importance in this observation; the first being that hegemony is not homogenous - in that there is constant contestation about the best way to move forward even within hegemonic ranks. The second is that hegemony is not static, in that it is not wedded to its position even at the compromise of its hegemony - which is essentially what makes it hegemonic in the first place. The example of the apartheid state illuminates this point clearly through the many reforms it undergoes in the moments before its collapse. These are evidence of hegemony trying to find ways to survive, and doing so at the expense of the unity of forces within the hegemonic block. Ultimately, it is here that it shows that hegemony will adapt to its circumstances, establish new allies and discard old obsolete ones for its long term survival. This is important because it shows that apartheid reforms showed that the dominant faction even within the Afrikaner nationalist camp were more wedded to a retention of hegemony, than to the cultural supremacy of Afrikaner nationalism through apartheid. Hence, as part of the reforms there was the concession of major stocks in strategic companies of the state to a new black middle class as an integration of a new order, which would ultimately only change the complexion of hegemony but not its structural logic. For instance, Sasol Mining, the wholly-owned coal mining business of Sasol Limited, in its first phase implementation of its broad-based empowerment strategy through the formation of Igoda Coal (Pty) Limited, an empowerment venture with Eyesizwe Coal, a black-owned mining company. This deal along with a range of others that were overseen by the BEE commission formed part of overseeing the transition of capital into its new democratic mold. Naturally, this process has left behind many South Africans who, in their varied ways, remain questioning the potential of the constitutional democratic promise.

To conclude this section on patterns of hegemony, it is important to note that there are both ideological and discursive – which are largely interconnected. For instance, the apartheid regime is essentially driven by a racial logic that legalizes difference (for discrimination) between black and white people. Thus, the ways in which the laws, the education, the spatial

planning and access to economic opportunity is structured is connected to apartheid's use of 'separate development' as an ideological veil for its racist and discriminatory politics and social engineering. Whereas, the democratic constitutional state relies heavily on the redressing of the apartheid legacy, thus it relies on non-racialism, non-sexism and its commitment to a constitutional democratic dispensation. Dialectically speaking, the power of the ideological project of the democratic state derives from the brutality of the apartheid regime. Ultimately, while the patterns of hegemony change between these two regimes, the underlying cause of this are the historical conditions each regime is faced with – not necessarily a change in the enduring quest for hegemony.

8.4 #FeesMustFall: A Moment of Questioning

The demands made by Marikana miners, the raging student protests in 2015-2016, the Hire A Graduate campaign led by unemployed graduates in 2017 and the protests that filled Cape Town's streets with masses of people – women in particular – in black, demanding an end to femicide and gender-based violence – all stem from a constitutional promise. It stems from the declaration that:

The Republic of South Africa is one, sovereign, democratic state founded on the following values; a) Human dignity, the achievement of equality and the advancement of human rights and freedoms (South African Constitution, 1996: 7).

This excerpt from the preamble in the South African constitution reverberates throughout the thinking in dissenting voices contending with the democratic constitutional state in South Africa. For #FeesMustFall this was no different, with section 29 of the Bill of Rights finding itself on many posters in protests across the country. The literature, although coming from a myriad of vantage points, buttresses the understanding of the movement within the whole notion of constitutionality (Cohen, 2015). The insufficiency of #FeesMustFall's counter hegemonic character, as I argue here, does not trivialize the revolutionary impact that the moment has and continues to

give South Africa. The #FMF moment forced critical reflections on the state of ‘the new’ South Africa back into popular and academic discourses. It did so by raising suspicion on consent manufacturing promises such as “A better life for all”, as proposed by the African National Congress.

Moreover, this study compared two moments in South Africa’s history to make an assessment of its present – the democratic constitutional state. #FMF adds to the moments of suspicion that warrants the question of whether things have changed in South Africa, particularly for the people who need it the most. If the 1976 Soweto Uprisings represented a threat to apartheid so much that it shot and killed learners in cold blood. What does the 2015 movement of #FMF moment, that resulted in over 800 students arrested, a figure confirmed by the National Police Commissioner at the time of the protests, Lieutenant General Khomotso Phalane (IOL News, October 2016), when they said: “That figure I presented to you is a national figure. We do not, at this stage, have the provincial breakdown. At the opportune moment we will do so.”, represent? It represents a consistent pattern of a hegemonic state that responds using force when its consent manufacturing arm has reached its limits. Ultimately, it reaffirms the Gramscian logic that the capitalist state is premised on these two arms of consent and coercion, and thus will respond in similar ways when called upon. In the final analysis, it is the prowess of the democratic constitutional state’s ideological state apparatus that has allowed it to gain and maintain a reasonable legitimacy that encourages compliance with the law. This was the inverse for apartheid. But, it is not to say that at the time of the erosion of this democratic state’s legitimacy, that it too will not respond violently to dissent, proving that the democratic state is different in form to the apartheid state, but consistent in structure and essence.

If the analysis above is anything to go by, there is a prediction that with the dwindling capacity of the democratic state and the bulging disillusionment of the South Africa citizenry, we are

bound to face the inevitable task of thinking beyond this form of social organisation. As such, the point of conducting this investigation and following the research in this dissertation instigates a response to the age-old question: “what is to be done?”. Adam Habib in his reflections on his experience of the 2015 #FMM campaign at Wits University writes:

Social justice has to be advanced in the world that exists, not in the world we wished existed. Radical activists of a variety of ideological persuasions, including the grand masters of the Marxist traditions – Lenin, Trotsky, Luxemburg and Gramsci – devoted more than a century of study to strategies and tactics for challenging the political and economic order and advancing social justice. There is now recognition among many in the social justice community, including theorists, that the overthrow and/or transcendence of the political and socioeconomic order will not be a single event, but a drawn-out process of advances and retreats. (Habib, 2019: 193)

Moreover, Habib goes on to argue that reform was not only a strategic choice of the ANC, but a material imposition of the political time:

[U]mkhonto weSizwe was in no position to defeat the state. They would have smashed us. They would have smashed every other government from South Africa right up to Cairo. It was because it had nuclear weapons, and was getting arms from the Americans. The ‘80s, however, hegemonized the ideas. So you could smash Mkhonto, but the ideas would lead on. This is what Madiba understood. And so, what he did, he cut a deal that said I would give off some concessions in exchange for the democratic state. To be honest, the democratic state was born out of all kinds of compromise. The compromise with Inkatha around KwaZulu-Natal, the compromise around keeping the first two presidents and finance ministers of the apartheid state. These concessions are fundamental compromises - of a snowballing dynamic. (Habib. Interview 2021).

Taking from Habib’s assertion above, I come up with the following analysis. Gramsci’s understanding is two-fold: hegemony is not structured through the military apparatus, but rather through the consensus of ideas. Common sense, essentially. He also argues that you cannot defeat the state with a single assault on state power. What you gotta do is intervene, and create a series

of reforms. But those reforms cannot be reformist, in that they consolidate the current order. They must be reforms that open up for further reforms. And so, the socialist moment is not an event. It is a product of certain inclusionary processes that open up further reform. The defining feature of the reform is not whether it is completely anti-capitalist, but rather that it continues to open possibilities for further reforms. Which is what I think 1994 was - a reform with a potential for snowballing reform, which is echoed by Habib's views.

Does FMF represent something similar? How does the generation of #FMF avoid a way forward that reproduces similar inequalities in the future? Thus, it is important here to acknowledge the idea of progressive(ly) reform(ing), while suspicious of the commitment to the ultimate goal – the overthrow of capitalist social relations. How to do this? Look at struggle as the opportunity to cultivate a new social order, not only to overthrow the old order.

8.5 Some Residual Reflections and Analysis: Family, Media and Self Regulation

While the study concerned itself primarily with an investigation of the democratic constitutional state in South Africa, through the lens of the two cases that happened in the arena of education, the research process led it to uncover some other important issues related to the overall consent manufacturing institutions and how they were used in both cases. These two important aspects to be flagged for further and more pointed investigation is the influence of the family and the media on the contest, defence and resistance of hegemony. These reflections are here to be considered for further investigation, but also have a bearing on how hegemony is shaped in the complex story of the making of South Africa. We start here with the family.

The Family

According to Rapp (1978) there is an important distinction to be made between what we understand as the family (what is the subject of concern in this section) and a household. She

writes:

Households are the empirically measurable units within which people pool resources and perform certain tasks... units of production, reproduction and consumption. Households may vary in their membership composition, and also in their relation to resource allocation, especially in a system such as our own. Families, on the other hand, are a bit more slippery. In English we tend to gloss "family" to mean household. But analytically, the concept means something else. (1978: 280).

It is important to move here beyond the two ways in which the family can be viewed – normatively or those relations activated selectively. Instead, I look at the family as an institution with the economic, cultural and sociopolitical capacity to shape the thinking of its members. This understanding of the family helps to place the family fittingly into the broader ideological state apparatuses.

Moreover, in the family, one is shaped in many ways, the first of these being given a name. As Lenin argues, the family sets the tone for society and therefore shapes the political subject for that particular society. Thus, along with Althusser's (1978) notion of the family as part of the Ideological State Apparatus, this section will rely on this framing of the family as an institution subject to the complex relations of power in society, and not neutral to hegemonic influence.

In many ways the influence wielded by the family can be understood along the lines of Foucault's idea of power being 'everywhere', even in the spaces where we cannot see it. The archival records that exist related to the family are limited to what one can abstract from the general collection. By this I mean that there is no dedicated collection speaking to the family, one has to scour the archive searching specifically for instances where the family was instrumental in either the reinforcing, resisting or even restating of apartheid ideology. This is made complex by the fact that it would be difficult to organise or dedicate a collection speaking strictly on the family in any archive. The subtlety of the family's power has utility in the contest for hegemony in that it can reinforce a dominant common sense through its authority or resist it. In my own experience,

I recall my mother calling me when one building started to burn at UWC where I was leading the #FMF movement. Her words were along the lines of ‘Son, you have made your point, stop this now and go back to class’. For context, my mother is a professional nurse and a shop steward at work – she does not shy away from activism. However, even her activist proclivities were not that far from dominant ways of organising, and what #FMF at UWC began to step beyond that. This is partly why the family is a very interesting consent manufacturing or contesting space – in that it usually falls under the flawed assumption that it has no politically generative capacity, only that it is a cultural reinforcer of normative ideas of that particular society. That idea of the family is contested fundamentally here, and through the life histories of the activists interviewed in this study, I supplement the very little record I could excavate from the archive.

Embedded in the archive is a pattern that shows the deliberate actions of the apartheid state in as far as using the tool of the family in the interest of consent manufacturing, and self-regulation. Apartheid laws relied heavily on the reinforcing capacity of the family to generate consent. Thus, parents would insist on their children carrying their pass books as a matter of avoiding negative consequences. This does show how the family also reinforces hegemonic notions, which in turn shows its ideological and consent manufacturing capacity. Of course, this example speaks to the repressive part of the state. However, what is important here is that the latent threat of state repression generates consent.

Reflecting on the impact of his family on his politics, Badat (Interview, 2022) had this to say:

At that time, I was [advised] to stay out of politics, that this is a repressive state. People die in detention, and so on. So, you are counselled to just not get involved in politics. Keep your head down, graduate, and have a good life, right, and not to associate with people outside of your community either. You know you were encouraged to just stay amongst your community, and in that case, it could have been to stay amongst Indians, I'd say, especially among Muslims. But part of the break, and the consciousness at that point is, I was also moving out of religion towards

becoming an atheist, and that was fertilised also by the gravitation towards Marx's theory.

Whilst, for Max Price it was not only the immediate family that would have deterred him from political participation but also the socially dominant ideas about white people involving themselves in politics, let alone liberation politics. For Price, as mentioned earlier, it was the inadvertent consequence of his medical education that propelled him to ask further questions. While he does reflect on how his family were progressive liberals who generally did not agree with the trajectory of South Africa under apartheid. Thus, it shows here, again, that the family can lay the foundations for how political subjects go out and interpret the world.

Ultimately, the family is an institution available to hegemony for its consent manufacturing proclivities. While this is so, it is not to say that the family is an uncritical and always compliant unit of state hegemony. Instead, it is an area of hegemonic contestation much like the media, education and the church, for instance. The importance of the family is that it is the arena of value formation, where people generally either confirm their values or resist the ones imposed on them.

The Media

The story of #FMF in South Africa is strongly influenced by how the citizenry view relations between state and civil society. Meaning that the usual measure of any disruptive movement or moment usually triumphs or fails at the altar of how it is portrayed in the media. Hence, one of the consistent mobilisation strategies across civil society is to use the media to send carefully curated messaging and in attempts to control the narrative on that particular issue. In this section I show how the media was a weapon for both the state and #FMF to use, for hegemony and counter hegemony respectively. But first, what is the media? According to Herman and Chomsky:

It is our view that, among other functions, the media serve, and propagandise on behalf of the powerful interests that control and finance them. The representatives of these interests have important agendas and principles they want to advance and they are well positioned to shape and constrain media policy (2002: xi).

The most predominant feature of any archive is its record of media reports, statements and photo visuals of various times in history. This was no different in my experience during my visits to the archives at the University of the Western Cape, the University of Fort Hare, and the University of the Witwatersrand. After days of going in and out of the liberation archives collection at these universities, the recurring pattern was that pictures told stories way more nuanced than newspaper articles, journals, flyers and reports could. Although this is not the crux of this section, it showed the way in which media, both through organised news corporations and the efforts of ordinary people record events, is the backbone of how we remember significant events. Ultimately, what we see, read and consume culturally is either what we accept, reject, resist or even reinforce.

Arguably, the most pertinent weapon in the arsenal of any hegemonic force is control, influence or support of the primary source of information in society; the media. In these two cases the media is an important unit of analysis to measure not only the difference or similarities between these two moments in the history of South Africa, but also the inevitability of consent even in 'outrightly' coercive states. In a circular written by the New Unity Movement on the crisis of South African Education (1979), there is a clarion call to all media outlets to report the truth despite Apartheid state pressure. Liberal leaning and, at times, international media outlets were often responsible for the breaking of significant news in South Africa at the time, for instance, the reporting of the Sharpeville massacre was spearheaded by a news outlet called *Contact*, which was clearly against apartheid propaganda, with a liberal outlook and connections to the Liberal Party. They reported beyond the actual event by venturing into the internal dynamics between the African National Congress and the Pan Africanist Congress of Azania at the time. An article entitled "PAC Campaign will be test," published on the 19th of March 1960 issue of *Contact*, the newspaper offers the dynamics of what led to the campaign in the first place:

The Pan Africanist Congress will shortly launch a nationwide campaign for the total abolition of the pass laws. The exact date on which the campaign will start is still unknown. The decision lies with the P.A.C. President, Mr. R.M. Sobukwe. But members say that the campaign will begin

'shortly - within a matter of weeks.

The breakaway of the PAC from the ANC is important here as it signalled an 'ideological' shift from integration, towards complete resistance of any collaboration with white organisations. This shift was reported in the South African media as a crack in the fight against apartheid, while the *Contact* newspaper reflected just how strategic the split was and not necessarily detrimental to the struggle (Gilomee et al, 2007).

Ultimately, in the context of the apartheid regime, the media was not only directly influenced by the state through sponsoring certain papers and abusing the national broadcasting corporation – it was also the deeply held political beliefs of the editors of various papers and stations that determined this outlook. This particular finding unsettles Althusser's theory around a very settled and predictable pattern of the ideological state apparatus. In the case of apartheid South Africa, it was not static, both in the context of hegemonic apparatus and counter- hegemonic resistance, i.e., the split between the PAC and the ANC in the late 1950s.

In conclusion, the media as Althusser (1971) has argued, is a defining tool in consent manufacturing. Of course, not all media is that of the state broadcaster and so it follows that media is predominantly independent. How does this argument then hold? Well, 'independent' media is not interest free media. Common sense is not reproduced by the state forcing it on society, but by the dynamic interactions and persuasive capacity it holds through reinforcing certain ideas through culture, arts, sports, the family and all of this is concentrated in the media. So the media is a very important field of consent manufacturing, if not the most important particularly for the construction of the democratic constitutional state in South Africa.

8.6 Freedom under Capitalist Hegemony? The Limits of Democratic Constitutionalism

The thesis has put upfront its target of investigation as the democratic constitutional state. It has

looked at the ways in which the commitments made in the constitution have not translated into material improvement in the lives of ordinary South Africans. The study has investigated how these unmet commitments formed part of a broader ideological consent manufacturing process by the new democratic state to gain its hegemony. Of course, the disconcertment of ordinary South Africans is reflected in the forecasted 32.4% unemployment rate in 2024 (Statistics South Africa, 2024) which translates to 8.4 million people in an economically active population of 26 million people (Trading Economics Online, 2023). The feelings of dissent mean that there are one of two things that are a problem; i) that the democratic state functionaries (government) are failing to execute on their constitutional mandate or ii) that the commitments made by the constitution are unachievable under the structural conditions of inequality reproduced by capital, therefore making the commitments themselves part of the consent manufacturing machine. This study has found the latter to be true. That the democratic constitutional state is a necessary progression of capitalist hegemony within the South African context, and thus is insufficient to end inequality, but instead inadvertently hides it under the veil of the legitimacy of constitutional democracy.

While open to the reality that this attempt at a conclusion does not represent finality, I am alive to the fact that the ideas developed within this dissertation will evolve, change and improve over years to come. Is there a better place to begin the quest to know than from the relations of power in society? I am not convinced there is. Thus, this dissertation has concerned itself with explaining capitalist hegemony across two different moments; not merely to describe it, but to build on the pioneering activism, organising, scholarship and resistance that seek to understand, expose and with relative suffering, destroy it.

Reflecting on some of the findings in this study, there is a cyclical process that occurs in the process of apartheid dominance over the black population. It takes on a very dynamic and dialectical mode that does not - as normatively appreciated - squarely thrive on coercion. In fact, as Gramsci argues, hegemony is a neat balance between consent and coercion (Gramsci, 1971)

and apartheid too is an example of this. Let me repaint the picture of this chapter for emphasis.

As argued throughout this thesis, hegemony rests, as conceptualised by Antonio Gramsci, on two important pillars, namely consent and coercion. The hegemonic group constantly navigates between these two to sustain its hegemonic position. In the context of apartheid, while it is an egregiously violent regime, there is a clear existence of consent manufacturing patterns. Thus, it is the finding of this study that the violent apartheid state is not merely violent due to racial motivations, but also due to the ironclad law of hegemonic survival. It is not legitimate, therefore it relies heavily on force. In fact, the racial hate develops as part of the structural necessity to dominate; in aid of the main reason to dominate, and not domination for domination's sake. Of course, this is an argument difficult to accept if delivered without care and consideration for the historically intimate relationship between race and class in South Africa. Thus, the apartheid regime is essentially an apartheid capitalist regime; a variant ideological manifestation of capital that characterises itself on clear, narrow racist lines.

All the coercion and violence of the apartheid regime does not purely move in one direction, it is a dynamic process that produces its own opposite. In this case, the counter hegemonic is born from the hegemonic. The Uprisings start as a response to the cultural/ideological imposition of Afrikaans. The uprisings are a response to it, and the response by the state to the uprisings reproduces a more sustained wave of counter hegemony. Therefore, the character of the 1976 Soweto Uprisings is counter hegemonic not only in its opposition to the state, but in the events that follow thereafter. The uprisings set the tone for what was to be apartheid's last decade of control. Of course, there are many other scenarios that have led to its demise, but the uprisings catapulted this sustained counter-hegemonic effort against the regime.

In final analysis, it is clear that hegemony is dynamic, sophisticated and induces/relies on self-regulation; it is also violent, insecure and imposes its will. The final analysis here, or at least as per the scope set up in this dissertation, is: the state, is the state, is the state. By this it is meant that the common denominator in the modern state of South Africa has been global capitalist

hegemony. It relied on conquest during colonialism, it relied on the legalisation and reification of differences in apartheid and it is relying on the mantra of 'ALL' and unity in diversity in democratic South Africa. All of which are the ways in which the historical conditions forced these states to act in the interest of its broader and more poignant ambitions

- to seamlessly create the conditions for capital accumulation. With emphasis and as my last attempt to persuade you, I quote from Karl Marx:

Accumulate! Accumulate! ...the mantra of the [capitalist] system... The logic of accumulation and competition drives production ... and . . . compels capital to intensify the productive forces. It gives capital no rest, and continually whispers in its ear: Go on! Go on!" (Marx, 1933:654).

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Life Histories

Interview with Saleem Badat, October 2022 via Zoom.

Interview with Adam Habib, August 2022 via Zoom.

Interview with Blade Nzimande, July 2022 via Zoom.

Interview with Relebohile Moletsane October 2022 via Zoom.

Interview with Christoper Mandyoli 06 September 2023 King Williams Town.

Interview with Winston Middleton April 2021, Krystal Beach Hotel, Gordon's Bay.

Interview with Max Price, May 2021 via Zoom.

YouTube Clips:

Black House Kollektive - Black Talks - #FeesMustFall Activists:

https://www.google.com/url?q=https://www.youtube.com/watch?v%3DGTES_OzCha8&sa=D&source=docs&ust=1706858935657301&usg=AOvVaw3IOMKxnGMOIqgyuhUg3jQl

Interview with Simthandile Thyali by Lindokuhle Mandyoli. Roza TV - YouTube:

https://youtu.be/ittc86_8hT0?si=6OB4V24kfBEK8LIN

Interview with Msingati Kula by Lindokuhle Mandyoli. Roza TV - YouTube:

[Reality with R-O-Z-A |State Hegemony, #FMF and A Rich History of Activism feat.](#)

[Msi Kula, Part 1/2](#)

Interview with Wanda by Lindokuhle Mandyoli, Roza TV - YouTube:

<https://youtu.be/eqjABjIKvW8?si=iiaxVJ1ntORY7fjr>

Tsietsi Mashinini Interview with New York Times:

<https://www.youtube.com/watch?v=ijly-THyoos>