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'Anthropologists Are Talking': About Anthropology and Post-Apartheid South Africa

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ABSTRACT *In 2010, South Africa hosted the first World Cup in soccer ever to take place on the African continent. Twenty years after the fall of Apartheid, South Africa presents a series of fractured and contradictory images to the outside world. It is, on the one hand, an economic powerhouse in sub-Saharan Africa, but on the other hand a society in which socio-economic inequalities have continued to flourish and increase. What can anthropology tell us about contemporary South Africa? As part of an ongoing series in public anthropology, Professor Thomas Hylland Eriksen and Post-doctoral Fellow Sindre Bangstad sat down for a public conversation with Professors John L. and Jean Comaroff in The House of Literature in Oslo, Norway, on 28 September 2010.*

KEYWORDS *South Africa, apartheid, post-apartheid, ethnicity, nationalism, xenophobia*

THOMAS: Your background in South Africa during apartheid is in some ways a slightly different biographical experience than many of the people in the audience have, and being Jewish in the apartheid society is also not just an awkward position, but it is also a liminal position. You know, you have an ambiguous role, because you are white, but not quite white, and you are elite, but not really elite. Some of us might try to sociologise this by saying that it is no coincidence that the South African Jewry has produced so many good anthropologists. Because one has been forced to see one's own *habitus* from the outside, because one has been confronted with it

all the time. Perhaps a bit like, in the part of the world where I've been working, the *gens de couleur*, the people who were neither black nor white, who tried to be white, but were never accepted as black. So would you reflect a little bit on your own formative experiences in South Africa and what they have meant to you professionally?

JEAN: You learn about yourself in retrospect, things that as the sociologist Pierre Bourdieu would have put it, 'come without saying, because they go without saying'.¹ But Bourdieu also had another phrase that he used: What is significant, very often, in the consciousness of a place or a time, is what he called 'the dominated fraction' of the 'dominant class'.² And in a way, I think that is what we were in South Africa, in terms of the community that you mentioned. There was very much that sense that you were only notionally white, you were needed to make up a quorum, but in many ways you were not really accepted. Politically, you were always suspect. There was the Red danger, there was the Red [*i.e.* communist, ed. comment], there was the Catholic danger, and there was the Jewish danger. The word is *Gevaar* in Afrikaans, the word for danger. So we were all in a sense on those margins, and very aware of those edges. And one of my earliest memories is of debates within the Jewish community about whether to protest the sharpening inhumanities of apartheid. Many members of our community were survivors of the Holocaust; some of them still had numbers on their arms. And they were acutely aware of the implications of state racism. But many of them were terrified to lift their heads up and be noticed in South Africa, because they had paid their dues already, and they had barely survived. So the question was: Did you draw attention to yourself, or did you just quietly assimilate as best you could? Our generation believed that, to be true to your history, you could not remain silent. This is very much the way I feel about Zionism now: that to be a true patriot, you have to be critical of the inhumanities perpetrated in its name. You have got to be as critical as you need to be. We were of a generation that urgently felt that we needed to speak up. But there was always the feeling that just behind you was danger; that as a community you were only minimally tolerated, you were not fully allowed to be there. One of my earliest communal experiences was the expulsion from the country of the rabbi of our Reformed congregation in Port Elizabeth. He was expelled because he dared to say, in the mildest of terms, that there was something incompatible between Judaism as he interpreted it and apartheid.³ He was served with an exit visa, and summarily deported. But in many of our families, as the writer Nadine Gordimer has pointed out,⁴ it was the

men who were the more conservative, because they felt the need to support their families and to keep their heads down. The women were often the more outspokenly critical ones. Very often because they lived closer to life, across the colour bar, by working intimately with African women in the domestic context. They saw the physical impact of apartheid on African everyday existence. And they were the ones who encouraged us by saying 'Perhaps *we* can't do it, but you've got to do something to confront this terrible atrocity.' And the fathers would say 'Don't draw negative attention to us, to our community.' And the women would say 'You've got to do something; do whatever you can.' I remember that sometimes, when I came home from school, my mother would say 'There isn't lunch today. I'm sorry, but somebody came to our door and he was hungry.' Sometimes I would go to my cupboard and she would say 'Your brown shoes are not there, sorry, I just couldn't bear to see this woman in the cold with bare feet, so I've given them away. For God's sake, don't tell your father.' There was always this feeling. And my father would berate her: 'You'll get us in trouble, you know what happened to our ancestors in Europe.'

JOHN: That gender difference actually replicated itself throughout the Jewish community. In its own retrospective imagination, the community recasts itself as having produced many radicals and dissidents. And while it is true that a number of white radicals caught up in the struggle *were* Jewish, the vast majority of the Jews were deeply implicated in apartheid. In fact, the first time I got into any sort of trouble, which was when I was very young, my father took me aside and said 'What are you doing to *me*?' As if this was a personal affront to *him*. As this suggests, it was a very fearful time, one that caught us on the cusp of an acute existential dilemma. All the more so, when we went to university during the very troubled 1960s. For one thing, we had no guarantee that any of our teachers at the University of Cape Town (UCT) would be there the next day; several of them were banned or jailed. Jack Simons, one of the greatest Africanists and radical thinkers of his time, for example, disappeared while we were in our second year. Because he was alleged to be a communist he could no longer teach. Literally, we would sit around in the common room [at the Department of Anthropology at UCT, ed. comment] – we both started teaching in our third year as undergraduates – and people would talk in this bizarre way about who might or might not be around tomorrow; who might or might not be available to teach 'kinship' the next quarter of the year. What this did was to create a kind of doubling. On the one hand, a barely concealed fear; on the other, a sort of bold brashness

in the face of history. We were young then, and naive, and did not understand how much a matter of life and death this everyday politics really was. That came home to us more fully later, when our close friend and colleague David Webster was assassinated.⁵ But that was *many* years later. When we were still university students, we knew well the brutality of the regime, but we never woke up in the morning and thought that we were likely to be killed, followed by security police, our phones tapped, and so on. It had a kind of abstraction to it. And yet, we certainly felt that we were caught up in a historic moment, one that had a distinct impact on our consciousness. How could it not have? To read Marx, for example, you had to get special permission, and had to do it under surveillance. As a result, much of our auto-pedagogy felt subversive: it constantly rubbed up against what we had been taught in school. And it created a sense of obligation.

THOMAS: I would just like to follow up with a very brief question. When European migrants came to South Africa, they were assimilated, eventually, either into the Afrikaans-speaking or the English-speaking community. Why was it that the Jews generally became English-speaking?

JEAN: They did not all become English-speaking. My father only spoke English when he went to university with the assistance of communal charities. He spoke Afrikaans and Yiddish, because his father was a small dealer in the countryside and he never made a living.

THOMAS: Does that mean that they were ambiguous in that respect as well?

JEAN: There is a category called *Boere-Jode* which means 'Afrikaner-Jews'. And up and down in South Africa there are small cemeteries in the countryside that mark the presence of such people in rural farming communities, because they went anywhere that they could make a living through petty trade. They assimilated into local communities to some degree, and funnily enough, quite a few of their offspring went on to become social scientists. Like our teacher, Isaac Schapera, who was from Namaqualand [in rural northwestern South Africa, ed. comm.] Such people became adept at observing the differences in culture, how you passed, what you could say, what you could not. They also retained a memory of the *shtetl* – of Jewish community life in Europe. They travelled to larger centres to celebrate high holy days among their own, and so on.

The first generation, which came largely from Lithuania, trekked into the countryside, became small traders, and then, as soon as they accumulated the wherewithal, moved to the cities. Their children grew up speaking English;

as did we. But our teacher [Isaac] Schapera did not speak English until he was fifteen. He grew up in a really remote part of the country.

SINDRE: You did your first fieldwork among the Tswanas. This, I believe – and I am speaking under correction here – was in the years [in the early 1970s under Prime Minister Balthazar John Voerster, ed. comment] when apartheid felt itself to be at its strongest. The growth rates were among the highest in the world, the Afrikaner never felt less threatened than in this particular period of history in South Africa. Now, how did you come to take an interest in the Tswanas, and what were the practical obstacles against doing research at that particular point and in this particular place?

JOHN: Originally we did not think of going to Tswana. We played with the idea of going much further north, to the Yei in Botswana. But we were inevitably and inexorably drawn back to South Africa. We were very fortunate: Schapera was able to assist us in getting a research permit through a former student of his in the diplomatic corps. But then our graduate teacher Monica Wilson said ‘You are not going to be able to finish your field work; the security police are going to take much too deep an interest in you, so work in a cross-border community’. So we looked for border communities, and the Tswana chiefdoms, along the Botswana/South Africa border were an obvious choice. We feared that we *would* actually have to leave South Africa and finish our fieldwork in Botswana.

JEAN: Which happened.

JOHN: Which happened. Monica Wilson, who had also a deep sense of the epistemic and methodological advantages of working at the edges and borders of living worlds, also made the point – as did Vladimir Lenin in his time⁶ – that those worlds are often understood better from their peripheries than from their centres. She had said ‘Always work in a population where you can move from centre to periphery.’ The periphery in this case was in Botswana which by then had become an independent nation state,⁷ and which provided us with some security.

JEAN: But there is a prior dimension to that question – why anthropology? And the interesting thing about that was that it was the only discipline in the University of Cape Town in the mid-1960s that actually took Africa as a centre of gravity; apart from African languages, that is. If you studied English literature, which was my major, you focused almost entirely on Britain. There was no such thing as comparative or African literature on offer then. If you did history, the global story started and ended in Europe. But anthropology was different: we were blessed with this amazing teacher, Monica Wilson, who was a missionary’s daughter, raised in Pondoland in rural South Africa.

She would appear in the UCT class room at 08.30 in the morning, in 80 degrees [Fahrenheit, ed. comment] heat, in full Cambridge regalia, fur-trimmed hood and all, and she seemed to us like something from another world. But she talked, vividly, about things very close to home: about the logic of African culture and values; about the meaning of things like witchcraft, the significance of kinship. She gave us a sense of the depth and complexity of the world which surrounded us, and for which we had so little appreciation and understanding. Most of us, after all, were brought up in households that relied heavily on the labour, care and goodwill of African domestic workers. And many South Africans who lived intimately with such workers – who entrusted their children to them day in and day out – had scanty knowledge of the worlds ‘domestics’ came from. When Wilson lectured about comparative human society and culture, Africa was treated as a major source of knowledge, creativity and theory-making. And it was fascinating. It made more sense to our everyday lives and immediate experience than anything else we learned, which tended to proceed as if local ‘colonial’ realities – the whole seething cauldron of apartheid – did not exist. In that sense, anthropology presented itself as something we almost felt we had to do. It also helped confront the enduring question ‘What do you do about this situation?’ One of the most immediate things one did (especially those of a more intellectual bent) was to try to understand the social historical predicament in which one was trapped. And there anthropology was invaluable. One thing we learned – to return to the point being made about this being the era of high apartheid – was that those in power here, like most colonisers and dominators, never slept. They were never really confident in their power, because they knew what they were suppressing. And so even though this was a time of extraordinary dominance-the regime having suppressed the key organised movement of anti-colonial resistance-there was no gesture too small for them to police it. All the time we were doing our fieldwork in the rural Northern Cape, we were under constant surveillance. In fact, we ourselves were small fry: but the whole world of African life along the border was the subject of observation, control, and harassment, lest some of the seething anger boil over. Borders are zones where systems are breached, where people and things come and go. Arms were coming in, and money was going out; and refugees as well as political activists were going back and forth. So we were all under constant surveillance. But we realised already then that those in power knew that their time was limited. And that sooner or later (sooner, it turned out, than any of us imagined), the repressed side of history would in fact triumph.

JOHN: The pragmatic difficulties were considerable. Every time one of us drove in a vehicle with a person of colour, chances were that we would be stopped by the police, especially Jean with a South African black male. . . Which was illegal.

JOHN: We had to maintain the fiction of having an address in the white town of Mafikeng across the railway line from the Tshidi-Rolong capital of Mafikeng.⁸ At the same time, our difficulties also played to our advantage. After a period of initiation into the community, local Tswana realised that we were at risk from the authorities, and began to trust us more than they otherwise might have. It took a long time, of course. But nonetheless, it ended well – and in fact produced some amusing ritual moments, one of which happened when the local Anglican priest found a traditional healer to ritually wash us to protect us against the security police. Now, that is a piece of *bricolage*.

THOMAS: I think many Scandinavians fail to understand just how oppressive and not just authoritarian but totalitarian South African society was. I mean, in South Africa, one did not have TV until 1976.⁹ And half a year later you got the Soweto uprisings, which retrospectively could be seen as the beginning of the end of apartheid.

JEAN: Exactly.

THOMAS: And so, in a way, a lid was put on any kind of attempt to create social conflicts. And I find it fascinating what you said, Jean, about having Monica Wilson as your teacher in Cape Town. Monica and Godfrey Wilson, the godmother and godfather of what later became the Manchester school in social anthropology. And very early on, they wrote of what we today speak of as cultural hybridity, in southern Africa. Discussing ethnicity in Africa, which you have done in South Africa and in a number of your works, is not an innocent thing to do. I mean, I have been teaching a course about ethnicity and nationalism myself in South Africa, and it is not the same as doing it in Europe, because memories of the apartheid are still alive and raw. How can one deal with the politicisation of culture and still talk about ethnicity, in the context of apartheid?

JEAN: 'Ethnicity' doesn't mean the same thing now as did under apartheid. The most fascinating fact about South Africa was that it was a typical colonial situation,¹⁰ particularly as regards British colonialism, which was heavily invested in policies of 'divide and rule'. The colonizers were the products of a European nation-state, which presumed the nation as a relatively homogeneous entity, sharing language and culture – an *imagined community* as described by Benedict Anderson (Anderson 1983), which suppressed lower order ethnic

difference. But in respect of African subjects, the project was to *exaggerate* difference. So, from the beginning, every missionary went to 'their' distinct 'tribal' group, and laboured to emphasize distinctions, to ensure that God speaks to 'the Tswana' in Setswana, God speaks to 'the Zulu' in IsiZulu, and so on. When Africans migrated to the workplace, they were made to live in ethnically-marked accommodation. And 'divide and rule' was very much the name of the game, reaching its acme with policies of 'separate development' and putative 'ethnic homelands.' So it was hardly surprising that the African resistance movements were assertively *African*, if not *Pan-Africanist*. Ethnicity was seen as integral to the culture of domination. When the ANC came to power in the early 1990s, people like Archbishop Desmond Tutu (1931–)¹¹ declared that ethnicity was 'execrable', something to be put behind us in a democratic nation. He was asserting that what we want is a generic nationalism that transcends divisive difference, long associated in this society with racial governance and inequality. The use of English as the single national language was defended on the same grounds; which is quite progressive in many ways. But by the late 1990s, South Africa was very much like everywhere else: claims made in terms of ethnic identity were mounting on all sides, and even the ANC recognized that they were hard to refute in political terms.

So this poses a conundrum: how does one explain this shift? Does it have to do with the conditions we gloss as the 'neo-liberal world', in which we all, in a sense, see a waning of the cogency of modern nationalism, because the state as an object of attachment has been so variously undermined? In South Africa people often say: 'ethnicity means something different now than what it did under apartheid. Now it is something we choose.' There is a difference between 'ethnicity' and 'ethnicism', which was a mode of systematic racial discrimination. But there is still a hot debate in situations like that of South Africa about what precisely ethnicity means. What are the implications of the fact that, in many parts of Latin America now, you are more readily recognized as a claim-maker if you identify as an 'ethnic' rather than a 'peasant'? Is this a retrogressive step back into a much more essentialised definition of identity that masks prevailing inequalities that alas, in contexts like South Africa, remain more marked than ever? Notwithstanding the new freedoms and the new constitution,¹² the gap between rich and poor is greater than before, and it is still strongly correlated with differences of race. Many argue that those who assert 'born-again ethnicity' are often elites whom the overall arrangements benefit, and that this sort of ethnic distinction masks the fact that there are lots of very poor people, both within and between ethnically-defined groups.

Ethnicity does not really grasp their situation. From such a perspective, ethnicity has to be brought into relation to class and to local histories of other kinds of divisions (on the basis of gender, sexuality, religion and so on). Above all, we have to view it, analytically, as an outcome, a product of underlying social, material and cultural processes. For instance, the currently vexed question of xenophobia, the putatively ethnically-motivated killings in South Africa: such violence emerges under particular conditions, a situation in which ordinary people see their very livelihood, and their social membership, as threatened. One cannot understand 'xenophobia' itself as a motivating force. I always talk about 'so-called xenophobia', because it is itself a product, a mediation, an effort to try to grasp an elusive social predicament, to explain why, with all these new 'freedoms', these people still don't feel that they are fully citizens, members of the nation, the polity. Rights might be enshrined in the constitution, but they don't work for you.

THOMAS: Absolutely. I mean, you have scarcity and you can call it a lot of things. You can call it class, you can call it witchcraft, you can call it neo-colonialism or deregulation, or you can call it ethnicity. And in certain parts of Johannesburg it is called ethnicity or nationality or Nigerians or whatever.

JEAN: But it is still very real to people, and I think this is the [analytical] difficulty.

THOMAS: Yes, absolutely.

JEAN: And people feel very fiercely that it does not mean anything to be a citizen. But to have an ethnic identity gives you something with deep affect and attachment. We have to be very careful before we simply decry that in its own terms.

THOMAS: In fact, we were going to ask you that. Maybe you can respond to this part of the question, John. Because in your book *Ethnicity, Inc.* (Comaroff & Comaroff 2009) there is something crucial relating to how we understand and analyze ethnicity. In a lot of Anglophone South African anthropology, which was always in opposition – unlike the Afrikaans-language anthropology [*volkskunde*, ed. comment], it was something altogether different during the apartheid – there was a strong influence from Fredrik Barth's analysis of ethnicity.¹³ In Norway the Barthian perspective received a lot of criticism, precisely from Marxist anthropologists and people who wanted structural analysis rather than his methodological individualism.¹⁴ So, I would like you to comment on that, on Fredrik Barth's influence, but also on the ways in which, perhaps in *Ethnicity Inc.*, you have moved a bit beyond the Barthian paradigm.

JOHN: There is a lot to say about the Barthian paradigm, which can and has been deployed in a variety of ways – from a variety of perspectives. Without wanting to give a technical lecture on the topic, one of the things that has always struck us as important is that Barth tried to de-essentialise ethnicity, in its ontological moment. For him, ‘it’ arose out of a set of relations. For us, this is critical. One has to understand ethnicity not as a thing, but as the labile product of a process through which relations are realised. A pause here: for us, anthropology is about estrangement, about taking the surface forms of the world and asking how they came to be as they are, about how a reality is realised, how a fact takes on its facticity, how an object is objectified. After all, there is nothing natural in ethnicity, in the same way as there is nothing natural in class or anything else. These are social phenomena that emerge out of processes that produce subjectivities and subject relations. Barth was very clear about this: that the *content* of ethnicity arises out of relations that derive, *ab initio*, from border conditions. Whether we agree about the primacy of boundaries in ethno-genesis is a matter of theoretical debate. But Barth’s founding insight provided a critical antidote to British structural functionalism, which insisted on treating ethnicity as a found object. Hence the kinds of questions it asked, questions like ‘To what extent does ethnic affiliation benefit the Bemba?’ or ‘To what extent does ethnicity increase the life chances of Irish Americans?’ Barth, in contrast, asked the prior question: ‘What is ethnicity in the first place?’ ‘On what is it predicated?’ The questions, however, remain. Why has there been an explosion of ethnic identity politics in the former Soviet Union since the end of the Cold War, for example? Why has it become so important in Latin America with the wave of new constitutions since 1989? After all, in Mexico or Colombia today, as we have noted, you can claim constitutional rights as an ethnic, not as a peasant or a labourer. These too are profound anthropological problems, as Barth’s concerns with the processes and conditions of ethno-genesis suggested almost fifty years ago. Why is it that cultural identities have obliterated identities based, say, on relations of production? In *Ethnicity Inc.* (2009) we discuss the San [Bushmen], whose ethnic revival is based in significant part on intellectual property arising out of such things as the medicinal effects of the Hoodia cactus. In point of fact, this medical knowledge may never have been owed to ‘the San’ at all. It is probably owed to hunters and gatherers in the Kalahari. But, with the rise of the identity economy, it has been ascribed without question to a culture, and to the people allegedly bearing it. In the process, an identity has been constructed and given ‘properties’. What is more, the ascription of “the Bushmen” of this

intellectual property has not only made an identity. It has naturalized the idea of identity itself. One of the deep downsides of all of this is the tendency to treat identity politics as something utterly natural in the world, thus to vacate the need to explain it. We, of course, are then left with the problem of explaining *why* identity has become naturalised in this way.

THOMAS: Yes, but then you get what you could call Benedict Anderson's problem, which he describes on the very first page of *Imagined communities*, as an old socialist. When two socialist countries went to war against each other, when Vietnam invaded Cambodia, he realised that the force of nationalism was much more powerful, as it were, than the force of neighbourhood or reason or liberal ideology or socialism or whatever. What you said, Jean – and that is what made me ask the follow-up question – is that it really means something to people to be Irish or to be Zulu. It means something, it is not just a device.

JEAN: No, it's not just a device, but one still has to ask why it has come to mean something quite so compelling, so self-evident to people now, when it did not have quite the same salience a while back. When we returned to South Africa in the early 1990s, to the same area that Sindre inquired about, we went to visit a Tswana friend of ours whom we had not seen for many years. Now, notwithstanding the apartheid ideology of distinct 'tribal homelands', this had always been an ethnically mixed area: the construction of the first section of the projected 'Cape to Cairo' railway line under British colonialism in the early 1900s passed through Mafikeng, and many non-Tswana labourers moved into the region, married locally, and stayed on. There have always been people speaking different African languages, and much public exchange in the past was conducted in the polyglot that developed when large sections of the population migrated to work on the mines and the Afrikaner farms. For most purposes, people in the Mafikeng district saw themselves as black South Africans, united in contrast to white employers, bureaucrats, and police; and they knew who the enemy was. Mafikeng was a white town, separated by that railway line – and a curfew – from the neighbouring black conurbations, old and new. But now, in the 1990s, we were all citizens of the new, integrated South Africa. And we said to our friend: 'Let's go to have coffee in town; there's no colour bar any more.' And he replied: 'I don't want to go down town; it's full of black people.' This statement comes from a black South African. And then he added: 'The people who have set up business in town are not BaTswana. They are 'makwerekwere.'¹⁵ They don't belong here, I don't feel at home any more.' Now, why did this particular construction of

local relations suggest itself, at this point, to this humane, sensitive man, who had spent much of his life struggling for social equality, who was a founder member of the local, pan-ethnic teachers' union, and so on? Clearly, what it was that had grounded his sense of social identity, that had made his experience as a worker and a black activist, had been radically transformed. When we did our work in the Mafeking District in 1969–70, about eighty per cent of the local male population were, or had been, proletarian migrant labourers. By the time we went back there in the early 90s, less than thirty per cent had had this experience. The labour contracts had either disappeared or been casualised. Much of the industry that had relied on the local black workforce had contracted or moved to more 'competitive' regions of production; or they were employing these very same 'makwerekwere' on ever more flexible, lowly-paid terms. In many ways, this had become a post-proletarian society. The very conditions that had shaped local perceptions, especially among men, of being workers, exploited black labour trapped in a structure of racialized industrial production, had all but disappeared. Who would have thought that rural South Africans would feel a certain nostalgia for the old days of apartheid employment? The economy in South Africa is now being driven by forces far less tangible, ever more trans-local, that favor finance capital and 'jobless growth'. Such socio-economic conditions are much more difficult to get your head around. The bosses and owners now often live somewhere else, on the other side of the world. The social forces that shaped former feelings of attachment – of race, class, civil struggle – are no longer there.

THOMAS: And how quickly we forget, in this era of accelerated neo-liberal modernity. I mean, I have known people who are 'Soviet'. They do not have a national ethnic identity, they are 'Soviet'. Suddenly, they have no country to relate to, because that kind of thing was done away with. And then it returned with a vengeance, but of course, with a twist: It became commercialised, as you write about, and politicised in new ways.

SINDRE: A key concept, it would seem to me, in your recent work is the concept of *lawfare*. You refer to this in the context of memorable phrases, such as 'the fetishism of the law', and the tendency of lawfare to make it impossible to think in terms of redistributive politics. Now, this is to a certain extent a specialised audience, but we also have people here who are not anthropologists by training. So could you define in very precise terms what you mean by the term lawfare and its very implications in present-day South Africa?

JOHN: The term lawfare – I plead guilty here – actually arose out of the effort to understand what was happening to politics in the post-Cold War

period, why so much of it was migrating away from the institutions of the state. Less and less were political representatives turning up to parliaments, in much of the world. Party memberships were shrinking almost everywhere. Policy decisions were not being taken within the conventional legislative domains. Concomitantly, politics and political contests were being increasingly judicialised. That is to say, ordinary differences over public policy, over elections, over rights and interests were ever more likely to find their ways into the courts. Recall how George W Bush first won the U.S. elections of 2000 by means of lawfare. In many parts of the world, as we wrote in our edited volume *Law and Disorder in the Postcolony* (2006), it is almost impossible to secure any political decision without the backing of the law these days. Benjamin was right: the law has intrinsic to it a measure of violence that manifests itself in a good deal of contemporary politics.¹⁶

SINDRE: Walter Benjamin?

JOHN: Yes. And the notion of violence as inherent in the law is fundamental to its capacity to produce effects – or at least to be *believed* to produce effects that cannot otherwise be produced. Of course, there *are* instances when the law acts and nothing happens. But in sum, lawfare is the process of using the violence and power inherent in the law to produce political outcomes. In the age of neoliberal governance, in which the state is morphing into a licensing, franchising authority – into a complex legal organisation that licences and franchises out the means of violence and bureaucratic functions, the management of money, health, and populations–this is all the more so. Lawfare is becoming the default mode of resolving disagreements, defending interests, attacking others, claiming rights. One of the corollaries of the fetishism of the law is the tendency – alike among the powerful, the powerless, and those in between – to attribute to it an autonomous capacity to produce equitable societies. Since 1989, one hundred and five new constitutions have been written. All have very similar features. They stress the rule of law, and various species of so-called first, second and third-generation rights. Ostensibly, their objective is to create level playing fields on which people might enjoy judicial protection as they realise their entitlement as citizens. But the law does not, in itself, empower; nor does it yield an ordered world. That world, the shape of power within it, is produced as people seek to impose their wills on others by whatever means come to hand. Among those means, legal instruments have become the weapon of first resort for many, often encouraged and facilitated by NGOs dedicated to the support of those who would otherwise lack the means to take their fights to the courts. There are now more people

fighting for recognition of their ethnic identity in the courts in the USA than almost any other category of class action in that country. Of course, the legal struggle for identity may also include claims to the right to life, access to medicines, and access to the means of survival, all of which have also become subject, ever more, to judicialisation—and therefore, to lawfare. None of this is simply to be celebrated. Among other things, it *can* undermine other forms of political action. Jean and I keep making the joke that one of the great tragedies of the last decade is the eclipse of class politics for class actions. A class action, of course, is a legal form of politics, one that may disempower as much as it may empower

SINDRE: Looking at South Africa in its present phase from the point of view of an external observer, it is fair to say that there has been a process of gradual disabusement of the great illusions many of us had in the transition from apartheid to democracy in the mid-1990s. Now, if you look at socio-economic indicators, inequalities seem to be rising, if anything. Poverty is still overwhelmingly black, whilst economic power remains overwhelmingly white. I mean, if you read South African newspapers these days, not a single day goes by without reference to so-called ‘Zuma Incorporated’. Now South African academics of the left – I am thinking of people like Patrick Bond and Hein Marais¹⁷ – suggested at a very early stage in the 1990s that the policy choices made by post-apartheid governments were the results of pressure from international think tanks and a sort of process of co-optation, combined with pressure from international monetary institutions. In a recent monumental biography of former president Thabo Mbeki, Mark Gevisser¹⁸ has argued that the fact that Mbeki’s main alliance was with upwardly mobile black businessmen might have something to do with this as well. Now, the point I’m trying to make, and the question, then becomes a classical one for post-colonial theory: To what extent do these choices made and these ‘roads not taken’ reflect internal as opposed to external processes, forces and pressures? Or is this dichotomy in itself largely false, in the case of South Africa?

JEAN: It is a good question. Some of us are wont to say that in South Africa, liberation came too late. Not only did it prolong colonial oppression into a putatively postcolonial era, it meant that liberation coincided with liberalisation, as a global politico-economic tendency. As a national liberation organisation, the ANC had always had a socialist orientation, with a stress on redressing socio-economic difference; its ideology pointed towards the establishment of a left-leaning Keynesian democracy.¹⁹ But it actually inherited the reigns of power at a moment when the ‘Washington Consensus’ was at its most

influential, when structural adjustment was in full swing, and the global hegemony in the post-Cold War centred on salvation by way of the market. There were no real alternatives, it seemed, to some version of the neo-liberal agenda. The way to succeed as a global player was to find a place in the world system it had spawned. So in many ways, it was an inauspicious time in which to found a non-racial, redistributive democracy. Of course, there was the distracting drama of the *Truth and Reconciliation Commission* (TRC), and the faith, alluded to above, that a new, capacious constitution could, in and of itself, give birth to a more equal world.

The early years were critical: many assumed that there would be some national debate, some resistance against climbing on the global bandwagon of global [neo-liberal] *laissez faire* [policies]. But to the majority, both those in power and beyond, the die was cast. Not least because of the kind of legacy the ANC inherited, with its globally significant, industrial-capitalist economy. It was an economy that had already been liberalising for some time; labour, as I noted, had been rendered more flexible, and many significant corporations had begun to go offshore, eluding [state] regulation and weakening economic might. But an important factor in the seeming capitulation to the pressure from international monetary institutions was the desire on the part of South African rulers and business leaders to appear to be mature players in the global economic mainstream; to be able to provide a safe destination for high-level [financial] investment. That was also why hosting the FIFA World Cup was such a crucial issue. All this underlines the fact that structural transformation is a crucial dimension of all of this. Of course, the liberation struggle played a very important political role in forcing the end of apartheid, but structural transformations created the pre-conditions. If it had not been for the end of the Cold War-and the geo-political need to support the white South African regime as a bastion against communism on an 'unreliable' black continent-the transition would probably not have come when it did. Or in the way that it did. We now know that the last hoarded stocks of South African petroleum were running out, and so on. But we also know that the seeming triumph of global capitalism and the global deregulation of production were making racial capitalism in the old South African style a less profitable anachronism. Several key corporations operating in South Africa were players in the negotiations that brokered the transition to democracy. The recent movie *Endgame*²⁰ seeks to capture the political tenor of these negotiations, and while it simplifies a complex history, it does underscore the interest of liberalising corporations ensuring as smooth a transition as possible

in their relations with the new black leadership. So there were all kinds of pressures at work in shaping the politico-economic policy decisions of the new regime, the paths not taken, the debates that were suppressed. Some of these pressures were formal, but some were inherent in the very ethos of the times, the apparant lack of thinkable alternatives that might have seemed real options only a decade previously. We were all, in South Africa and beyond, becoming more neo-liberal in orientation, more entrepreneurial in our language and sense of the world, whether we were aware of it or not. So there were various vectors – almost over-determined, one might say – away from redistributive state policies towards a more acute market orientation; it wasn't only Mbeki and his [coterie of] allies. Which is not to deny that there remains an historic commitment in South Africa, in the *Congress of South African Trade Unions* (COSATU) and in various social movements, to a politics of equality. More than in many other places. But we have also seen the strength of the impetus toward corporate capital. Jacob Zuma might have campaigned as a popular champion of the poor, striking fear into the hearts of the masters of capital, [whether] white or black. But once elected, he has done little to discomfort big business; while he has shown himself to be ready to shore up the power of African nationalism in the party and in the state, and to extend some areas of social support to the poor and indigent, he has also done his best to facilitate the play of corporate capital, and the rise of new black economic elites.

So the more telling question is this: In what precise *ways* can South Africa be seen to be neo-liberal? This is a challenging analytical issue. Because there is still, in South Africa, a much greater impetus towards social welfare, towards trying to rethink what it might mean under current conditions, than in much of the rest of the world. There, the ruling coalition includes the South African Communist Party (SACP) – though it is not all that easy to identify what in practice that means in ideological terms these days. And it also includes [the trade union] COSATU, representing workers, and often providing a strong critique of, perhaps even a break on, the neo-liberal tendencies of the government. So you see a certain Janus-faced quality to policy-making, a healthy level of critical, public debate, alongside significant privatisation. And there is an alarming growth in the gap between rich and poor, a gap that is greater now than during the mature apartheid years. Rates of unemployment have soared, especially among young, under-educated men. Worker-based movements and ideologies cut little ice in this regard, in South Africa or anywhere else. Indeed, the Left seems paralysed in thinking about social policy under current conditions – except to call for policies of job-creation. But how do

you actually rethink a history that's built on a 'labour theory of value' – on labour organisation, on worker's rights and compensation, on taxation and benefits-when there are communities with 60 percent unemployment [or more]; and where the bulk of the local economy lies outside of the formal domain, in the so-called 'second economy'?

THOMAS: . . . And [about the] people who are not being empowered by ethnicity? It strikes you that when you look at Brazil, if you are from the Amazon and you have an indigenous origin, you're empowered by ethnicity. But if you belong to the people who inhabit that continuous belt of slum, stretching from São Paulo to Rio de Janeiro, you are not.

JEAN: Exactly.

THOMAS: And nobody really cares about those people. And that also seems to be the development in South Africa; [the expansion and proliferation of] the great urban slums.

JOHN: Absolutely.

THOMAS: Which are somehow people who are, you know, Zygmunt Bauman (2005) speaks about 'human waste', wasted lives, people who are not really needed, who are not effective consumers, who are not needed in the productive process, and so on and so forth.

JOHN: That is absolutely right. It is one of the cautionary tales that we try to tell in *Ethnicity Inc.* It's always very easy to see the success stories, much less easy to see the exclusions, the waste, the human disposability. They are there, and sadly, the left doesn't have much of an answer for them. Indeed, part of the problem is that the left in South Africa has conflated all this with 'the politics of the poor.' But the politics of the poor is in itself a very complex one which does not only have to do with poverty. It has as much to do with the structural conditions which permit the unthinkable: the alienation of increasing numbers of humans from the very condition of their humanity – [and] all this while the production of wealth and inequality proceeds apace.

JEAN: One of the interesting things, Sindre, is precisely that kind of contraction. And some of the more innovative ways of engaging this paradox seem to be emerging in the 'Global South'. In Brazil, for example, there is a fascinating effort, engineered by the government of Lula da Silva [2003–2011]²¹, to try and rethink social redistribution under conditions that are neo-liberal and monetarist. The so-called *Bolsa Familia* is a large-scale transfer of funds from the state to the very poor, largely to female householders, via cash cards. The transfer tends to be referred to as 'an investment' rather than 'a social grant.' So what kind of policy is this? It seems to entail engaging in really

creative and progressive forms of redistribution that apply idioms of current market policy ('investment in human capital') to post-proletarian welfare; that tie it to processes of domestic reproduction. Such mechanisms have also been opposed as being profoundly neo-liberal, as commodifying domestic relations, and so on. But the model is one striking effort to rethink how you 'do welfare' in a post-proletarian society. And the model has been quite widely appropriated. There has been a robust debate about the pros and cons of the 'basic income grant' in South Africa too, in the recent past.

JOHN: The debate is very much alive.

JEAN: And this underlines that, along with everything you have raised – you are quite right – is a strong collective memory, in postcolonial, post-totalitarian societies, of where people have come from, and what they have struggled for. And although we in South Africa might have forgotten, in some ways, the labour basis of our history, we have not forgotten how recent the fight for some kind of justice actually was. People smart under what they see as a breach of the social contract. It is a collective sensibility which I wish was stronger in the [United] States, for all its popular obsession with 'freedom'.

THOMAS: It is striking that in this respect, South Africa resembles Europe more than, say, a country like Australia. . .

JOHN: . . . Or the [United] States. . .

THOMAS. . . And obviously the [United] States, yes. In a sense, what we are talking about here is striking a balance, it's a balancing act between various considerations, but also much of your work deals with exclusion and inclusion. But of course, in order to talk meaningful about these things, you have to specify: What are you excluded from? And maybe, if you are excluded from something, you are included into something else. You seem to have discovered something of that in *Ethnicity Inc.*, which is a very ambivalent book, of two minds, in a sense, regarding what we should say about this commercialisation of identity. . .

JOHN: It is one mind about two things. . .

THOMAS: Exactly. [But] you mean *four* things!

JOHN: We are not of two minds so much as insisting on an ambivalence. There is a big difference between the two. That is to say, the rise of identity politics empowers a proportion of the population that had been previously disempowered, but it excludes many more than those that it includes. This is the ambiguity, the ambivalence inherent in the phenomenon. Can one make a politics out of that ambivalence? No, one cannot. One has to make a politics that *resolves* it, that turns its face against forms of empowerment that depend on

perpetrating exclusion and disposability. About this we are not ambivalent. South Africa, like everywhere else, has got to fashion an answer to the problems of rising inequality and inequity, *wherever* it takes root, in identity politics, or anything else. This is the point we try to make in *Ethnicity Inc.*

JEAN: And it is not only a struggle within the domain of ethnicity. In many places, especially in the 'Global South', we have witnessed the rise of what one may call a new 'politics of life'. These are not social movements in the conventional sense in which we have come to understand them, but they do involve the demand for the basic right to exist – even if the impetus is not always framed explicitly in those terms. What I refer to here is sometimes also glossed as the struggle for specific services, rather than rights *per se*. People resist being displaced from their homes and their land, disconnected from water or electricity, ex-communicated from the means of survival and from recognition as citizens. This occurs in the wake of the growing spectre of disposability that was mentioned above, the alarming growth of refugee and transit camps in South Africa and elsewhere, especially in the South. And as we vex ourselves about the kind of identities – and politics – which might emerge in the changing social landscape we have been discussing, such 'fourth world politics' might be part of the answer.

THOMAS: Thank you, John and Jean.

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Notes

1. See Bourdieu (1977: 167)
2. See Bourdieu (1984: 232)
3. The rabbi in question was Dr André Ungar (1930–), the Hungarian-born head of the Jewish Reform Congregation in Port Elizabeth, a Holocaust survivor who had arrived in Port Elizabeth from London as a 25-year-old in 1955. He spoke out against the iniquities of apartheid. Having faced a subsequent 'barrage of telephone calls, personal visits, emergency meetings, threats, reproofs [and] anonymous letters', he was ordered by the regime to leave the country in December 1956. The South African Jewish Board of Deputies publicly distanced itself from Ungar, and did not protest his expulsion order. See Mendelsohn and Shain (2008:142–143). Ungar eventually settled in New Jersey, USA, where he has reformed and served as a reformist rabbi until the present day, and took part in

- the civil rights struggle of the 1950s and 60s. Ungar revisited South Africa and Port Elizabeth for the first time in 54 years in early 2010.
4. See for instance Nadine Gordimer's short story, *A Chip of Glass Ruby* (1965).
 5. David Webster (1945-1989) was a South African anthropologist and anti-apartheid activist who taught at the University of the Witwatersrand in Johannesburg. Webster was assassinated by a hit squad from the covert apartheid government agency the Civil Cooperation Bureau (CCB), led by Ferdi Bernard, outside his home in 1989. Barnard was sentenced in 1998 to two life counts plus 63 years for numerous crimes, including the assassination of Webster. Webster taught at the University of Manchester in the UK for two years from 1976 to 1978. For Webster's biography, cf. Frederikse (1998).
 6. This features as a central argument in *Imperialism: The Highest Stage of Capitalism: A Popular Outline* (Lenin 1985), originally dating from 1914 to 1917.
 7. The former British protectorate of Bechuanaland became the independent state of Botswana in 1966. It provided a safe haven for South African anti-apartheid activists after independence.
 8. Under apartheid policy and legislation, such as the Group Areas Act (1950), the Bantu Authorities Act (1951), and the Promotion of Bantu Self-Government Act (1959), it became an official aim in South Africa to minimize all kinds of social intercourse between South Africans of various 'racial' and/or 'ethnic' backgrounds.
 9. The South African Broadcasting Corporation (SABC) started regular television transmissions only in 1976, after prolonged debates over the moral and ethical implications such broadcasts would have on the conservative Afrikaaner Christian populations. The SABC remained a loyal mouthpiece for the apartheid government until the 1990s.
 10. The classical academic formulation of South African un-exceptionality in relation to colonialism in Africa is that of Mamdani (1996).
 11. For Tutu's biography, see Allen (2006).
 12. The post-apartheid Constitution of South Africa of 1996, itself the result of prolonged political negotiations starting in 1990, was modelled on the US, the French and the Indian Constitutions, as well as on international human rights legislation. It includes controversial and contested provisions for so-called 'third-generation rights', *i.e.* socio-economic rights, in addition to classical liberal rights. See Ebrahim (1999).
 13. See Barth (1969).
 14. The paradox to which Prof. Hylland Eriksen alludes here is that the Barthian instrumentalist paradigm of analysing ethnicity in South Africa was appropriated precisely by Marxist-orientated anthropologists, such as Emile Boonzaier and John Sharp, with whom the Comaroffs were loosely aligned, since it provided a useful analytical instrument with which to debunk apartheid mythologies concerning cultural identity. Barth himself was of course anything but a Marxist, as the history of his reception in Norwegian anthropological circles attests. See Boonzaier and Sharp (1988) for the classical formulation of this in the context of late apartheid.

15. The South African term 'kwerekwere' (plural: 'makwerekwere' in Sotho-Tswana and 'amawerekwere' in Nguni languages) refers to 'unwanted' immigrants from elsewhere on the African continent. While there is debate about its derivation in linguistic circles, the term is usually taken to be an onomatopoeic reference to the 'incomprehensible babble' of 'foreigner's speech.'
16. See Benjamin (1978).
17. See Bond (2000) and Marais (1998).
18. See Gevisser (2007).
19. Keynesian, after the British economist John Maynard Keynes (1883–1946), the founder of modern macroeconomics, who in *The General Theory of Employment, Interest and Money* (Keynes 1936) argued that full employment is determined by effective demand and requires government spending on public works in order to stimulate this. Keynesian thinking was central to the public works programmes under Franklin D. Roosevelt in the post-depression USA as well as in Europe in the 1930s. It was also a cornerstone of the social democratic reconstruction and expansion of the European welfare state post World War II (1939–1945).
20. Directed by Pete Travis and released in 2009, the movie stars William Hurt and Chiwetel Ejiofor.
21. The former trade union leader Lula da Silva (1945–), of the Brazilian Workers Party [Partido dos Trabalhadores, PT], stepped down in 2010 after two consecutive periods as the most popular president in Brazilian history. In the elections of October 2010, da Silva's Chief of Staff since 2005, Mrs Dilma Rouseff (1947–), was elected as the first female president of Brazil.

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