

See discussions, stats, and author profiles for this publication at: <https://www.researchgate.net/publication/363766410>

ZONDO AND THE TOPOGRAPHY OF POWER

Chapter · September 2022

CITATIONS

0

READS

51

1 author:



Ivor Chipkin

Government and Public Policy (GAPP) Foundation

45 PUBLICATIONS 501 CITATIONS

SEE PROFILE

Some of the authors of this publication are also working on these related projects:



Histories of Government [View project](#)




Democracy, Politics and Administration: Defining State Capture in South Africa [View project](#)

ZONDO AND THE TOPOGRAPHY OF POWER

BY IVOR CHIPKIN

Decolonising state capture

State capture in South Africa had a legitimating narrative.⁸⁸ This paper reconstructs it; the State Capture Commission could have the effect of unsettling it.

Much of the media commentary has missed the political and discursive changes in the ANC – the terms of debate or contestation, that is, that served to justify state capture. Instead, they have cast opposition to Zuma as a struggle between the rule of law and the rule of anarchy.  without understanding these political currents, contemporary political developments are inscrutable, other than in moralistic and *ad hominen* terms.

Analysis of state capture in South Africa has been hampered by two forms of teleological analysis. Both assume that it was somehow

written into the code of South Africa after 1994, the culmination of an algorithm relentlessly realising itself. The first teleological argument concerns ‘corruption’. The argument goes that the transition from apartheid was based on an ‘elite pact based on criminality and corruption’.⁸⁹ The looting of Eskom and Transnet are merely new data points in a long, seamless series of corruption dating from the apartheid period. On these terms, it seems legitimate to discuss the events at Eskom today in the same sentence with the Arms Deal of the Mbeki period, and of initiatives of the apartheid government and its ‘securocrats’ to sidestep the oil embargo and economic sanctions.

If the first argument is chronology masquerading as history, the second form of teleological argument situates state capture in the political economy of South Africa. The argument goes that the transition from apartheid, while expanding political freedoms, left in place severe restrictions on black entrepreneurs and aspiring black capitalists. Unable to accumulate productive capital (as opposed to wealth) through economic channels, they turned to modes of primitive accumulation, including violence, treachery, bribery and fraud.⁹⁰ On these terms, ‘state capture’ is an instance of primitive accumulation, to be situated in ‘three centuries of conquest, dispossession, insecurity and oppression’.⁹¹

The problem with these approaches is that they effectively absolve recent history of agency in the present. There is much support for this idea today. The Rhodes Must Fall movement, for example, triggered by the throwing of human excrement at a statue of Cecil John Rhodes, saw in the statue not just a reminder of a violent colonial past but a symbol in the here and now of how the University of Cape Town was hostile to black students, and how black students were expected to reconcile themselves to white standards and white norms.⁹² It did not take long for the university to become a metonym for South Africa itself. ‘We move from the premise,’ Andile Mngxitama wrote in an essay on the contemporary South African university, ‘that SA is as it has been for the last 350 years or so. 1994 did not signify a rupture

with the past. So, SA is still beset by the problem of white racism as the main defining reality, which operates as colonialism.⁹³

Nothing has really happened since the dawn of democracy, this line of argument goes, that is not an expression of a prior logic manifesting in the here and now. What is erased as a moment of genuine historical importance is the transition to democracy. On these terms, 1994 did not constitute an *event*; that is, a genuine rupture with the past.

The erasure of the present, however, comes at a high cost. In the first 20 years of democracy, there were important changes in the class structure that are difficult to reconcile with the argument that there was very little space for aspirant black capitalists to emerge in the formal economy. On the ANC's own terms, by 2015 a substantial black middle class had formed, and the share of the national income that went to the 'upper classes' had risen dramatically from 17% to 32%.⁹⁴ According to the ANC, between 1993 and 2008, the African proportion of the middle class had doubled to more than five million. The number of Africans among the 'upper classes', meanwhile, had grown tenfold during this period, to 257,000 people. Stark and rising inequality was the effect of huge gains for the African elite in the share of the national income. Those, however, that see only the reproduction of the past in the present obscure that in the space of the political, furthermore, something important changed.

The ANC came to power as a government. It has exercised this political power for nearly three decades, during which time it has insinuated itself and its officials into the very tissue of state administrations. By not taking this obvious and major fact into consideration, one runs the risk of reducing black politics to nothing or, at best, to a kind of spontaneous agitation of the body, rather than a politics driven from the head – that is, by ideas and concepts.

In the case of the ANC, one has an organisation that reflected regularly on its identity (who it represented), what it sought politically (its goals) and how to get there (strategy and tactics). The distance between the organisation's theoretical pronouncements and what its

activists do in practice is often wide, but generally these theoretical statements function like a *discourse*; that is, as a set of ideas and values that define the *limits* of action. The importance of the work of, say, the late Wits University lecturer and political scholar Peter Hudson is that he treated the strategy and tactics documents of the SACP and the ANC not as mere sophism, tricks to win arguments or public support, nor as mere mimicry of European ideas, but as important theoretical statements in their own right. On Hudson's terms, terms like 'colonialism-of-a-special-type' and 'National-Democratic Revolution' referred to concepts whose production involved theoretical labour and innovation.

I follow Hudson's method in this essay to locate the politics of the Jacob Zuma administration in the broad contours of the ANC's discourse as it mutated in the 2000s. I identify the key elements of this discourse to show how they provided a 'justificatory narrative' for what has come to be known in South Africa as 'state capture'.

We will see that, in the early 2000s, a set of political concepts was reinterpreted in ANC circles that made a repertoire of practices previously unlikely, thinkable as legitimate political actions. The focus is on the ANC, although we will see that these shifts reflected the irruption of Africanist and Black Consciousness terms in South African universities and new student-based political formations. Special attention on the ANC is appropriate, however, because the events associated with 'state capture', the repurposing of public enterprises, the emergence of a shadow state and the weakening of state administrations largely implicate ANC politicians, ANC officials, or businesspersons with close ties to ANC factions.

Furthermore, 'state capture' involved the imposition of massive rents on state contracts for the purpose of benefiting ANC-aligned individuals who, in turn, financed Zuma-aligned factions in the ANC. Third, attention to intellectual and political developments in the ANC is deserved because it is here that these ideas crystallised as a practice of *government*. At stake are the set of ideas and norms that

legitimated an assault on the South African state and on the formal political architecture.

The theory of National-Democratic Revolution

The theory of *Colonialism of a Special Type* is to the ANC's analysis of apartheid what the theory of *National-Democratic Revolution* is to its politics.ⁱ The first provides an account of apartheid. The second elaborates the tasks that the ANC will need to perform to overcome it. In the 2017 Strategy and Tactics document, the most recent, the ANC notes:

‘Our definition of *Colonialism of a Special Type* identifies three interrelated antagonistic contradictions: class, race and patriarchal relations of power. These antagonisms found expression in national oppression based on race; class super-exploitation directed against Black workers on the basis of race; and triple oppression of the mass of women based on their race, their class and their gender. The *National-Democratic Revolution* is defined as such precisely because it seeks to abolish this combination of sources of social conflict’ (emphasis added).⁹⁵

Since 1994, however, and especially since the early 2000s, the meaning of National Democracy has been hotly contested within the ANC and within the Alliance.

After more than 10 years of democracy, the South African Communist Party turned to an analysis of the post-1994 state. From

i Irina Filatova has argued that the influence of the Soviet concept of National Democracy on the South African Communist Party followed the first contact between the CSU and the SACP in 1960. Only then did South African communists think of the Colonialism-of-a-Special-Type thesis as the corollary of the theory of National-Democratic Revolution (quote in Lodge, 298).

a communist perspective, the world was nearly unrecognisable from the one during which some of its key concepts had been developed. In the 1970s, the party noted, the ‘hegemonic ideology inside the (exiled) ANC was Marxism-Leninism’⁹⁶ during a time when the ‘revolutionary epicentre’ had shifted to China, North Korea, Cuba, parts of Asia and to southern Africa, where progressive national liberation movements led by Marxists had come to power and paved the way for advances to socialism.⁹⁷ An ascendant socialist world made it possible for newly liberated colonies to move to socialism, without first having to pass through a bourgeois, capitalist phase; they could pass through a National-Democratic phase, instead. The theory of National-Democratic Revolution thus constituted an important development within Marxist theory. Even before the collapse of the Soviet bloc, however, the theoretical integrity of the term was in doubt, as were the political tasks associated with it.

It is in the debates about the ‘content’ of the National-Democratic Revolution in the 2000s that we witness shifts in the ANC and a growing concern about the progress of the revolution. It is in this context that we must situate the politics of the Jacob Zuma presidency.

The socialist character of post-colonial states

The term itself, National Democracy, has a complex provenance in post-World War II debates in the Soviet Union. At issue was how the Soviet government should relate to anti-colonial struggles in Africa and in Asia, and to the new states that were beginning to emerge. Of special concern was that in colonial societies capitalism was poorly developed, that the working class there was small and poorly organised, and that anti-colonial struggles were usually led by elements of the local bourgeoisie, often working with sections of the local aristocracy. When the Cominform, the Soviet organisation established to coordinate the activities of Marxist-Leninist parties around the world, was announced in 1947, for example, communists in colonial, semi-

colonial or dependent societies were instructed to avoid alliances with national bourgeoisie, who were deemed ineluctable in the imperialist camp.⁹⁸ By the 1960s, the Cominform position had proved untenable. First, post-colonial states had not affiliated themselves to metropolitan powers but had remained 'non-aligned'. Second, many pursued far-reaching social and economic reforms. By 1956, the Soviet position on the national bourgeoisie in former colonies had changed, seeing in them potential allies with the working class and with communists in the struggle against imperialism. To describe such states, the term 'National Democracy' was developed. This was the Soviet equivalent of the term 'development' that was starting to be used by US administrations in their relations with the 'Third World'.⁹⁹

National-Democracies were deemed socialist-in-orientation, even when ruled by national bourgeoisie who pursued the expansion of private property. This paradox was solved by a distinction between the national scene and the international one. Marxism-Leninism insisted that imperialism was the 'highest stage of capitalism' so that countries that were anti-imperialist were simultaneously anti-capitalist (or socialist-in-orientation) on the world stage, even if domestically they preserved and even sought to expand private ownership. The formulation reeked of expedience. Was it not tantamount to arguing that those countries that agreed with the then-Soviet Union's foreign policy were National-Democracies? Moreover, why was this analysis deemed relevant in South Africa, and how did it come to occupy a central place in the ANC's own strategy and tactics?

The great innovation of the Marxist scholars of the 1970s in South Africa is that they faced up to this critique and answered it. The term National Democracy referred to a novel historical situation, and its theory constituted an important development in Marxist theory generally. We do not need to dwell on its details except to draw out its major contention.¹⁰⁰ What Legassick, Johnstone and Wolpe argued was that capitalist accumulation in South Africa required access to cheap labour, which was secured by apartheid racial practices. In

other words, white racism secured the conditions of exploitation. In Suttner and Cronin's formulation:

'One of the peculiarities of the South African society is that written into its structure is this systematic national oppression of all blacks. It is one of the factors that facilitates capitalist exploitation in South Africa. National oppression and capitalist exploitation are inextricably interlinked.'¹⁰¹

South African Marxists argued that the struggle against white domination and racism (apartheid) and the struggle against exploitation (capitalism) made strategic allies of nationalists and of communists. This was the basis of the alliance between the SACP and the ANC (and in the 1980s, the Congress of South African Trade Unions (COSATU)). The pursuit of a National Democracy in South Africa was not proof of the zombie-like fidelity of the ANC and the SACP to Soviet interests. It was a concept that was believed to capture the reality of the South African situation.

If on the Soviet definition, what was paramount was the anti-imperial character of a country's foreign policy, in South Africa, the National-Democratic Revolution (NDR) followed from an analysis of South Africa as a Colonialism-of-a-Special-Type (CST). Not only was the colonial class not a foreign class that would be expatriated as apartheid ended, but, as we have discussed, class and race relations were deeply entangled. The nationalist struggle against racism necessarily threatened the conditions of capitalist accumulation, bringing workers and blacks in general into a united front against 'racial capitalism'. A National Democracy 'will not be a republic based on the working class or the bourgeoisie', insisted Steve Tshwete in 1986. 'On the contrary, it will be a people's dictatorship.'¹⁰² Neither bourgeois nor proletarian, the state would be national, where national in this circumstance referred to a society that was tending towards socialism.

In the 1980s, after many years of neglect, the Freedom Charter underwent a revival. Raymond Suttner and Jeremy Cronin published

30 Years of the Freedom Charter in 1986. They had a specific objective in mind: to position the Freedom Charter as an organic manifesto of National Democracy and, therefore, to demonstrate the correctness of the theory of National-Democratic Revolution as an anti-capitalist strategy.ⁱⁱ

The National-Democratic Revolution after 1994

From the perspective of the SACP and the ANC, 1994 constituted an important breakthrough, not just for South Africans but for left, socialist and progressive forces everywhere.¹⁰³ It brought to power an alliance consisting of African nationalists, communists, and trade-unionists at the very moment when there was a ‘world-wide rolling back of progressive forces’, at the moment when the Soviet bloc had itself unravelled and when National-Democratic ‘strategies’ in the Third World had been ‘blunted’.¹⁰⁴ This was nothing less than a National-Democratic alliance. Yet in the new world context, what did a National-Democratic strategy consist of?

ii The theory of Colonialism of a Special Type has been widely critiqued, by ‘workerists’ in the late 1970s and 1980s for whom the NDR did not adequately account for structural changes in the South African economy during and after World War II. They argued that the rise of the manufacturing sector (and the decline of mining) as a proportion of productive activity in the economy shifted the relationship between race and class in South Africa. Manufacturing, they argued, was not dependent on ‘cheap labour’ in the way that mining was and, hence, race domination was no longer ‘functional’ to the reproduction of capitalism in South Africa. Liberal scholars made a similar argument, though with different conclusions. For workerists, it meant that workers had to go it alone to socialism, no longer being able to count on a coincidence of interests with African nationalists. Liberals looked forward to a post-apartheid period of economic prosperity, unconstrained by ‘irrational’ race restrictions (see Chipkin: 2007, Chapter 3; Friedman: 2015; see also Vidojevic and Chipkin: 2021 for a discussion of South Africa’s current economic crisis in relation to these debates).

These are the questions that ANC policy documents have grappled with since 1994. At the organisation’s 2005 National Conference, looking back at more than 10 years of ANC rule, the party reflected on its history and its historical role. ‘Political democracy brought with it the dividend of new opportunities for self-advancement for black South Africans, especially Africans,’ the ANC noted. ‘The opening up of new opportunities... has created an environment conducive to an emergence of a class of black capitalists, a stratum of very senior black managers and business executives, a stratum of black civil servants and bureaucrats, a stratum of black professionals, as well as a black lower middle class.’¹⁰⁵ The SACP was more ambivalent about these achievements. Leaving aside what it called the ‘1996 class project’, which involved deliberate attempts to liquidate it, ANC statements such as these reflected the battle that was ongoing for the heart and soul of the National-Democratic Revolution.¹⁰⁶ What the party was saying, in effect, was: do not be fooled by the ANC’s Marxist-Leninist language and metaphors. National Democracy was undergoing a dramatic reinvention.

After the collapse of the Soviet Union, the conditions for an advance to socialism were no longer propitious. Moreover, the ANC proposed that the industrial working class in South Africa was in decline, and questioned whether, relative to the growing ‘middle class’, it could still be considered a ‘core motive force’.¹⁰⁷ This issue had long been in contention in the ANC, which from 1985 preferred ‘Africans’ to workers as the lead agents of revolution. Here the ANC seemed to be going further, wondering if there was a role for the working class at all in the NDR. The ANC’s 2005 Strategy and Tactics document even countenanced winding back the post-apartheid labour regime, which protected workers’ rights.¹⁰⁸ National Democracy was coming to refer to a stable capitalist society with high rates of growth to generate resources for social investment.¹⁰⁹

We must understand the attraction of the idea of a ‘developmental state’ in this context. South East Asia provided a model of using the

state to realise growth and redistribution, and to create a domestic industrial class.¹¹⁰ Peter Hudson had anticipated such an outcome in 1986 already. In response to Suttner and Cronin on the Freedom Charter, he wrote, ‘Contrary to the claims of the theory of National-Democracy... the transfer of state power demanded in the Freedom Charter cannot be seen as inaugurating a non-capitalist putatively proto-socialist path of development. Nothing in the Freedom Charter entails the elimination of capitalism and the establishment of a transitional social formation in South Africa.’¹¹¹

Patriotic bourgeoisie

The election of Jacob Zuma as president of the ANC in 2007 and the subsequent recall of President Thabo Mbeki did not significantly change this broad political direction. For those in the Communist Party and the unions, who looked forward to a ‘correction’ in ANC strategy and tactics, it was not to be. In contradistinction to a reformist reading of NDR, which posited the National-Democratic phase as a ‘capitalist’ stage, the SACP wanted to re-affirm the link between NDR and socialism. They saw in the Zuma government an opportunity to renew and revitalise socialism by building working-class power in society.¹¹² The ‘mistake’ made by communist parties historically was that they reduced working-class power to state power, ultimately subsuming independent trade unions and other working-class formations under it. This had the effect of bureaucratising society. Following the example of Hugo Chávez in Venezuela, the SACP looked forward to a situation where the predominant means of production were in state hands and the rest was in the hands of large co-operatives, land committees together with a privately owned small-business sector.

In South Africa, it is common to account for the ‘neo-liberal’ turn in the ANC to one of betrayal.¹¹³ We have seen, however, that the theoretical and political discourse of the ANC, the theory of National-

Democratic Revolution, was much more ambiguous about private property than claims of treachery suggest. It would have taken not so much fidelity to the ANC’s political tradition but enormous bravery (not to mention reckless abandon) to have pursued the programme of socialism as elaborated by the SACP (or other ‘left’ formations), especially in a world context where public ownership of the means of production was in retreat everywhere, even (or especially) in China under the Communist Party.

We are now in a better position to understand the dominant meaning that the term National Democracy had acquired in official ANC circles by the early 2000s. Certainly there were other interpretations of the term that informed and gave sustenance to various ‘left’ and ‘right’ critiques of the Zuma moment within the ANC. Nonetheless, by 2012 it did not refer to a society that was socialist-in-orientation; that is, moving away from capitalism. Instead, it had come to refer to a society where there was an expansion of private property with a view to generate resources (tax receipts, for example) for reinvestment in social and economic programmes targeted at ‘blacks in general and Africans in particular’.

We have already discussed how, on the ANC’s terms, the working class was in decline and no longer able to work as a revolutionary force. In contrast, the 2012 strategy and tactics looked to the ‘black capitalist group’. It is worth quoting from the document:

‘This group [black capitalist] is... a product of democratic change, a direct creation of the NDR. The continued advancement of the revolution, particularly the necessary de-racialisation of ownership and control of wealth and income, is in their objective interests. In this sense they are part of the motive forces, with great potential to play a critical role in changing the structure of the South African economy.’¹¹⁴

The motive force of the NDR was, essentially, a patriotic bourgeoisie.

The revolution stalls

What did coincide with the Zuma period was waning confidence in the ANC in the revolutionary promise of the current situation. In 2012, at the 53rd National Conference in Mangaung in the Free State, the organisation repeated what was becoming a rhetorical refrain – that the election of 1994 was a breakthrough that enabled the ANC to ‘lay the foundation for a systematic transition from colonialism to a National-Democratic Society’.¹¹⁵ Yet in the same breath, the ANC implied that the revolution might be stuck on the beachhead: ‘The structural legacy of colonialism remain[s] deeply entrenched as reflected in the colonial, sexist and super-exploitative structure of our economy; the spatial patterns of development and underdevelopment; and the social, human resources and infrastructure backlogs.’¹¹⁶ This results in ‘mass poverty and extreme inequality’.¹¹⁷ It was necessary to ‘speed up’ the transition to National Democracy by taking ‘decisive action’ to achieve a ‘thorough-going economic transformation and democratic consolidation’. The National-Democratic Revolution was entering a new, transitional phase.¹¹⁸

Let us leave aside the theoretical coherence of this claim – when, for example, did the first phase end? – to notice an important subtlety. Whereas before, National Democracy referred to a transitional phase (to socialism), now, National Democracy had become the destination itself. The circumstances for such a transition were, however, no longer so favourable. On the ANC’s own analysis, the balance of force had shifted rightwards as reactionary forces started to rally. The ANC needed to double down on its efforts to forge a corps of cadres ‘unwaveringly committed to the cause of change’.¹¹⁹

By the meeting of the National General Council in 2015 the mood had deteriorated further. The National-Democratic Revolution was not stuck or only making slow progress, it was being ‘pummelled’¹²⁰ and was ‘in danger’.¹²¹ There was ‘concern’ that the courts were being used by ‘privileged sectors of society’ to undermine the

popular mandate, which presented a danger to the ‘legitimacy’ of the ‘democratic state’.¹²² Moreover, the progressive character of civil society had been undone. ‘It is this state of affairs,’ the ANC lamented, ‘that emboldens forces opposed to transformation to seek to **challenge the very legality and legitimacy of the system and disrupt its stability**’ (emphasis in original).¹²³ In fact, the ANC was facing an ‘incipient revolt against it[self] and the government it leads’.¹²⁴

These documents capture something important about the political mood and the terms of analysis in the Zuma administration.

1. National Democracy was dependent on both strengthening and building an African bourgeoisie with close ties to the ANC.
2. This ‘motive force’ was meeting heavy resistance from established economic players – who will later be identified as ‘white monopoly capital’.
3. The courts and large parts of civil-society were mounting an incipient revolt against the elected ANC government.
4. The task of the ANC in this situation was to strengthen its resolve by cultivating and deploying a cohort of dedicated cadres.

These tendencies, which had started to come together in and around 2012, produced an important shift in the approach to the NDR. The development of South African capitalism and the creation of an African capitalist class would not be achieved through legislative and regulatory interventions in the market (black economic empowerment and affirmative action) – the approach of the Mbeki government – but more directly, by leveraging state resources and institutions under party direction.¹²⁵ The huge investment programmes launched by Eskom and Transnet from 2007 would privilege black companies to accelerate the creation of an African capitalist class while simultaneously laying the infrastructure for rapid economic growth.

‘The centrepiece of the strategy was to use the state’s procurement spend to bring about radical economic transformation... The

battleground for economic transformation was shifting away from the economy itself to the state and specifically to SOEs (state-owned enterprises) that outsourced massive industrial contracts to private-sector providers.¹²⁶

There was another key difference within the Mbeki period. This ambitious project of transformation was now unfolding under conditions of what the ANC interpreted as counter-revolution. From the perspective of the courts and civil society, however, South Africa was entering a phase of unconstitutional and increasingly criminal government.

Zuma on counter-revolution

After his dismissal from power in early 2018, Jacob Zuma spoke in some detail about the character of this counter-revolution. In July 2019, he testified at the State Capture Commission, outlining an elaborate conspiracy against him. In preparation for talks with the Nationalist Party, Zuma explained, he became chief of intelligence for the ANC. In this capacity he received a report in 1990 claiming that two foreign intelligence agencies, working with an apartheid-era structure, were planning a campaign to discredit him.¹²⁷ The initial plan was to prevent him from being elected to the organisation's NEC. When this failed, the plan turned to having him removed as chief of intelligence and ultimately from the organisation as a whole on trumped-up charges.

Why? Speaking in the voice of this intelligence triumvirate, Zuma observed, 'He has a lot of information that he holds as Chief of Intelligence. There are spies that are infiltrated by us in this organisation whom we want to nurture that they grow within the structures of the ANC to the point they will have to lead the ANC'.¹²⁸ Zuma proceeds to 'join the dots' (a sarcastic reference to Pravin Gordhan's one-time appeal), arguing that the charges against him for Arms Deal-related corruption, or the findings against him

in the matter of his Nkandla household or even the establishment of the State Capture Commission itself, were all part of a concerted plan to remove him. These events may have been planned by foreign and apartheid agencies, but they were implemented by the ANC's own National Working Committee. '[T]here are spies here,' he insisted darkly.¹²⁹

If this testimony is suggestive of the paranoia of Jacob Zuma himself, it is also suggestive of the paranoia in the ANC more widely.¹³⁰ The ANC was riddled with conspiracy theories and talk of malevolent forces threatening the revolution. Zuma's instincts were already those of an intelligence operator, but in this context of sedition and subversion, he drew on the support of allies in the intelligence community, or he placed his allies there.

It was not enough that the ANC had been infiltrated by foreign and hostile intelligence agencies that were fostering discord in the organisation; South Africa's democracy had been derailed at its very birth.

On 14 September 2018, Jacob Zuma addressed a gathering of students in one of South Africa's northern provinces, Limpopo. In his speech, he introduced a distinction between parliamentary democracy or real democracy and constitutional democracy. The ANC always supported parliamentary democracy, he proposed, based on a model of *majority rule*. Yet during the transition from apartheid, the members of parliament charged with drafting the Constitution (now transformed into a constituent assembly) 'instead of making it a *parliamentary democracy*... made it a *constitutional democracy*' (emphasis added).¹³¹

'This means that parliament does not have the last word, the majority does not have the last word. You take a decision; an NGO takes you to the Constitutional Court and the Constitutional Court says that your decision is unconstitutional.'

When the Constitutional Court ruled that, in the case of his Nkandla estate, the president had acted unconstitutionally, or when the North Gauteng High Court sided with the then-Public Protector Thuli Madonsela and overruled President Zuma's right to appoint the presiding officer of the State Capture Commission, or more recently when it ruled that he had 'damaged... the dignity and integrity of the judicial system', Zuma and his allies saw not a brave defence of the rule of law but a counter-revolution against democracy.¹³²

The political settlement had unwittingly delivered a political regime that prevented majority rule. In 2021, in the aftermath of his imprisonment for contempt of court, Zuma went even further. South Africa's constitutional democracy had become a 'constitutional dictatorship'.¹³³

From at least 2012, a political culture had emerged in the ruling party that legitimised stepping outside the constitutional dispensation, violating its principles or ignoring the decisions of the court.

Bonapartism and the elevation of the party

We have discussed several elements of a theoretical and political discourse that emerged in the ANC, especially after 2006. The first concerns the reinvention of National Democracy, not as a transitional phase to socialism but as a political destination in its own right. The second concerns reorienting NDR towards the notion of a developmental state, construed as a state that fosters dynamic economic growth and a patriotic and African bourgeoisie, and where resources are invested for the benefit of the poor, women and the youth. We saw, too, that by 2012 the National-Democratic Revolution was thought to be in danger from white business as well as from conservative elements in the judiciary and from civil society. ANC documents call for greater resolve among its cadres to advance National Democracy in these circumstances. At stake is the place that the ANC believes it occupies in society, especially regarding

the constitution, the parliamentary system and civil society – above, below, within or alongside.

This topographical question is addressed head-on in an important theoretical contribution by the SACP from 2006. It uses the concept of 'Bonapartism' as a 'useful entry-point' for analysing the state after 1994.¹³⁴ In Marx's great 1851 essay, 'The Eighteenth Brumaire of Louis Bonaparte', from where the concept is usually derived, the term 'Bonapartism' is not used at all.ⁱⁱⁱ In other words, the concept is not available ready-made in Marx, but had to be constructed from various texts. For the SACP, Bonapartism refers to a 'situation in which there is

iii 'The Eighteenth Brumaire' contains some of Marx's most well-known formulations, including the claim that 'Men make their own history, but they do not make it just as they please' (Marx, p. 595). This is often taken to refer to the limits of agency, voluntarism and autonomy in the face of structure, determinism and dependence. Yet Marx means something more specific in this essay. This statement comes in relation to another, no less famous one: *All great world-historical events occur twice, the first time as tragedy and the second as farce*. In respect of the French Revolution, Napoleon was the tragedy; his nephew, Louis Bonaparte was the farce. During revolutionary events, epochs, Marx proposed, when something entirely new is created, those involved 'conjure up the spirits of the past'. Martin Luther thought that he was being faithful to the Apostle Paul; the French revolutionaries of 1789 and 1814 'performed the task of their time in Roman Costume and with Roman phrases'. Incidentally, a walk around Washington and Capitol Hill makes it clear that America too was established on the model of the Roman Republic. Marx's point is that people doing genuinely novel things do not recognise what they are doing as new because they only have 'old concepts and terms' to explain it to themselves and to others.

In the 1960s, French Marxist philosophers applied Marx's own reasoning to Marx himself. Louis Althusser and Étienne Balibar argued that Marx was not aware that he had invented Marxism, because on his own terms, he thought he was merely a Hegelian. They entered the distinction – that is, between the Young Marx (still a Hegelian) and the Older Marx (now a Marxist, though unreliably). Marxism, in other words, is not spontaneously intelligible from a reading of Marx. Its concepts – dialectic, contradiction, class struggle – require theoretical transformation away from the theological (Christian) form in which they were delivered. In the absence of such work Marxist theory and politics comes to resemble Christian evangelism.

no clear-cut class victor', where a contested and unstable equilibrium comes to pass.¹³⁵ Gramsci casts this equilibrium in more 'catastrophic' terms; that is, when a continuation of the conflict would result in the reciprocal destruction of both classes. This 'catastrophic equilibrium' is resolved by a 'politics/a state identified with a "personality" "standing above" the contending forces, who arbitrates the situation'. 'Mandela,' the SACP proposes, 'is an obvious name to add to the list of larger-than-life personalities associated with the "culmination" of a major historical period.' Here, the 'iconic' character of Mandela speaks as much to his outstanding bravery, generosity and principles as it does to the balance of class forces that constructed 'Mandela-ism'. In the South African context, Bonapartism had an 'overwhelmingly progressive' character. Mandela used his office and his status 'to override and discipline all forces, including his own ANC mass base' to consolidate, institutionalise and defend the democratic advance.¹³⁶

There was something about the South African situation that set Mandela-ism apart from Bonapartism, however. Whereas the

'Men' make history but not as they please, including Marx, because they do so in the language and concepts of a previous epoch. What Althusser brought to Marxist theory was the category of *ideology*, the process according to which concrete persons are transformed into subjects; that is, as persons inescapably socialised according to the ideas and norms of their time. Althusser called it a process of being 'hailed' as a subject, ranging from being called out in the street by 'your' name, to being disciplined according to the school timetable. The theory of the subject, of subjectivisation, also rocked classical conceptions of class struggle. If everyone, including a worker, is a subject, then proletarian identity is something to explain rather than to assume. Unfortunately, the reception in South Africa of this development in Marxist theory was cut short by the assassination of Rick Turner in 1978. Ever since, South African Marxism has been dominated by a tradition grounded in the sociology of work that rarely pays attention to questions of ideology and to questions of subjectivisation. A new generation of 'decolonial' or Azanian scholars have often simply replaced class with race, all the while keeping the old determinism of this sociological Marx. That is, they take as given what white interests are and see them being pursued wherever they see 'white' people.

Bonapartist figure, whether Louis Napoleon himself, or Mao Zedong in China, or Marshal Tito in Yugoslavia, or a Charles de Gaulle in France, set themselves above the party-political scene, even trying to 'disintegrate' it (Gramsci's term), Mandela was first and foremost an ANC member, an identity the ANC certainly insisted for him from the moment of his release from prison.

Tom Lodge describes his first public speech in 25 years in Cape Town in 1990: 'He opened his address with a series of salutations to his "friends, comrades and fellow South Africans", paying homage to the people of Cape Town, to President Oliver Tambo, to the combatants of Umkonto, to the South African Communist Party (SACP), to the UDF, to the Congress of South African Trade Unions and to the many other formations of the Mass Democratic Movement' and so on.¹³⁷ 'Mandela was not addressing a global audience or even all South Africans... These were words of reassurance for his South African constituency, affirmation of his loyalty to his people and their cause...' ¹³⁸ He spoke as a 'humble servant of the people', and most importantly as a 'disciplined member of his organisation'.¹³⁹

The SACP stops short of drawing the consequences of their observation above, but we can. In South Africa, Bonapartism produced a state form that elevated the ANC above the rest of society, above political parties, above even the Constitution – at least, in terms of its own understanding of its place in South African society. The ANC is at once a political party, and it is coincident with the political. It represents particular social interests, and it is the embodiment of the people itself. It operates within the political system, and it stands above it. This aspect of Mandela's legacy has not been widely appreciated, however.¹⁴⁰

It was an outstanding feature of Jacob Zuma's presidency that he openly declared that his primary loyalty was to his organisation, not the people of South Africa as a whole, and certainly not the Constitution. In 2015, for example, talking as party president at the elective conference of the KwaZulu-Natal provincial ANC, he

recounted an anecdote: ‘I argued one time with someone who said the country comes first, and I said as much as I understand that, I think my organisation, the ANC, comes first... Because those people, if they are not part of the ANC and there was no ANC, they could be misled. They could be under... oppression forever.’¹⁴¹

This sentiment was not merely a private one. The parochial speech that Mandela delivered in Cape Town in 1990 was largely written or at least heavily edited by Cyril Ramaphosa, acting as head of the National Reception Committee. ‘Ramaphosa,’ writes Lodge, ‘was determined to make no concessions to heroic personalities. Mandela would assume his place in a movement in which his position... would be “no different from the status of any other member of the ANC”.’¹⁴²

This aversion to heroic personalities may go some way to explain Ramaphosa’s role as deputy president of the country during the state capture years. In the face of compelling evidence that he largely remained silent in the face of evil, Ramaphosa invoked a quote from Jonathan Harnisch, the writer who has sought to win better understanding of schizophrenia by writing about his own experience.¹⁴³ ‘The strongest people are not those who shall stand in front of us, but those who win battles we know nothing about.’¹⁴⁴ Judging from the reference, it does suggest that Ramaphosa’s battles were personal and within. Indeed, the impression the president’s testimony made among public commentators is well summed up by Ferial Haffajee: ‘Ramaphosa is a reformist, but only insofar as it does not affect ANC power. In this, he is the quintessential party man.’¹⁴⁵

A ‘party man’?

We have identified three political developments in how the ANC has 1) interpreted the meaning of the National-Democratic Revolution (NDR); 2) determined the identity of the social classes best placed to advance it (the motive forces); and 3) how it has appraised the conditions in South Africa since the end of apartheid. In this

regard, the NDR has been largely reinterpreted as a capitalist route to development, to be led by an African bourgeoisie in the making. The NDR would build and strengthen the very class that would help propel it further. As we have seen, however, from 2012, and especially from 2015, official ANC documents begin worrying about a counter-revolutionary situation developing in South Africa. It is driven by ‘white monopoly capital’, resistant to radical economic transformation and supported by civil-society organisations, often working with the judiciary.

The broad elements of what has come to be known in South Africa as ‘state capture’ can be related to this discourse. Many of the details in this regard were covered in the ‘Betrayal of the Promise’ report, a study that came out in 2017 under the auspices of the State Capacity Research Group that was the first to provide a general analysis of the phenomenon. Many of its core claims have been confirmed and elaborated further by the State Capture Commission.

1. After Zuma is elected president of the country in 2009, his government rolls out a massive investment programme focusing on industrial infrastructure (ports, rail, locomotives). It is also a counter-cyclical response to the 2008 global financial crisis, drawing on the reserves that have been accumulated during the period of Thabo Mbeki’s presidency.
2. The new investment programme foregrounds black economic empowerment, with the intention especially of creating 100 black industrialists and of displacing existing white firms from their place at the centre of the economy.
3. The NDR thus comes to focus on repurposing state-owned enterprises to achieve economic transformation.
4. Huge rents are added to state contracts to provide for capital accumulation for an emerging patriotic bourgeoisie.
5. Rents are also allegedly channelled back to ANC politicians and officials, both as a gratification and to help them fight their own

political campaigns to remain in power.

6. This model of politics is not confined to the Zuma-Gupta network, nor is it restricted to Transnet, Eskom, PRASA and Denel. It plays itself out in hundreds of locations throughout the state, animated by different networks implicating diverse elites.¹⁴⁶
7. In the 'Betrayal of the Promise' report, the authors argued that this ambitious project of radical transformation turned to illegality and criminality when it became difficult to prosecute within the law. Creating an African capitalist class (tied to the ANC) required rent-seeking practices that were illegal in terms of the existing rules of supply chain management. The move to capture the senior echelons of the police, of the intelligence community and of the criminal justice occurred in this context.

More likely, however, is that the ANC's fear that a counter-revolutionary situation was developing in South Africa triggered a counter-intelligence response from the Zuma administration, already inclined to believe in conspiracies and plots. Sydney Mufamadi, who was appointed in 2018 to lead a high-level review panel on state security, testified before the Zondo Commission that 'the key findings of the panel were that there has been a serious politicisation and factionalisation of the intelligence community... indicating that [it] had been turned into a private resource to serve political and personal interests of particular individuals'.¹⁴⁷ In particular, Mufamadi testified, the Special Operations Unit (SPO) of the SSA had been formed illegally and functioned as a private bodyguard to President Zuma, as well as to some of his supporters in the ANC Youth League, and even the chair of SAA Dudu Myeni, a personal friend of the president. The then-head of the National Prosecuting Authority, Shaun Abrahams, apparently also received special protection. Moreover, members of this unit were trained in Russia and China, so that it resembled more a private militia rather than a protection service. The SPO also

apparently paid Jacob Zuma an amount of R2.5-million per month in cash, which rose to R4.5-million per month from 2016.^{iv} Mufamadi also claimed that there was evidence of money being paid over to then Minister of State Security David Mahlobo for the purposes of bribing judges^v, and that millions were spent on efforts to infiltrate and influence the South African and international media, including a R20-million payment to African News Agency.^{vi} Spies were infiltrated into universities and into students' movements. Academics and civil society activists were targeted. Zuma's efforts to bring the NDR under control brought only paranoia and internal strife to the ANC. By 2017, the organisation had largely turned on itself. Evidence was even provided that the State Security Agency tried to disrupt Cyril Ramaphosa's election campaign in 2017.

It was, however, the final element of the ANC's political discourse, Mandela-ism, that enabled an increasingly paranoid reading of the NDR to become state capture. The Zuma administration, like others before it, believed that the ANC was *above* the political scene, above the Constitution even, and entitled, therefore, to occupy, control and repurpose state institutions to fight its internal battles, remain in power and advance its agenda. African nationalism provided the legitimating narrative.

The State Capture Commission

It is from this perspective that the State Capture Commission becomes significant, although perhaps unwittingly or accidentally. The commission itself has struggled with its own terms of reference. It is a *judicial* commission of enquiry that must determine, ultimately, if the state was captured, and if so, to what extent. Yet the phenomenon

iv Mufamadi, p105.

v Mufamadi, p112.

vi Mufamadi, pp125-126

of state capture does not exist in South African law. In other words, there is no *legal* definition that can be applied to the facts as they have emerged through testimony and evidence to decide either way. Further complicating matters is that the commission's terms of reference distinguish between state capture and corruption, so that the presence of corruption, even grand corruption, is not enough to find that there was state capture.

There is a legal trick out of this dilemma, however. The commission can simply sidestep the conceptual challenges mentioned above by adopting a rudely empirical stance.

In the 'State of Capture' report, which largely informs the terms of reference of the commission (although not completely), a number of specific incidents are identified that, according to the then-Public Protector Thuli Madonsela, added up to state capture. There was no attempt to explain what the term meant, however. Similarly, the terms of reference for the SCC ask Judge Zondo to determine whether there were any attempts to bribe a member of the NEC or any other government official, functionary or employee of a state owned enterprise (Section 1.1, p. 5), especially in relation to:

- The 'veracity' of claims by Deputy Minister Mcebisi Jonas and Vytjie Mentor that they were offered Cabinet positions by the Gupta family;
- Whether President Zuma had 'any role' in the alleged offers to Jonas and Mentor by the Gupta family;
- Whether the appointment of any member of the NEC or any other government personnel was disclosed to the Gupta family prior to it being formally announced, and if so, whether the president or any member of the National Executive was responsible for such a leak;
- Whether the president or any member of the National Executive or any public official, including an employee of a SOE, breached the Constitution, an ethical code or legislation in facilitating

the unlawful awarding of tenders to the Gupta family or any other family/person/business doing business with government or the state;

- Whether there were any irregularities or undue enrichment in the awarding of contracts and mining licences to the Gupta family, or whether *The New Age* newspaper, owned by the Guptas, benefited improperly from government advertising;
- Whether any Cabinet minister intervened improperly on behalf of the Guptas when their bank accounts were closed; and
- Whether during the brief term of Des van Rooyen as Minister of Finance, his advisers in the National Treasury were appointed without following procedures.

There are two terms of reference that widen the scope of the commission to include the 'nature and extent of corruption' (1.5 and 1.9). The terms of reference direct attention to particular individuals, and to persons either as members of the National Executive (including deputy ministers), or as government officials or functionaries or as employees of state-owned enterprises. There is no mention of the president, members of Cabinet, private persons or businessmen or public servants *as officials of the ANC*. One might wonder if there was a deliberate effort to steer the commission away from questions about rent-seeking in the state and its link to the ANC. This purposeful looking away also spurred a whole industry of writing and speculation that conflated state capture with corruption pure and simple.

Nonetheless, Cyril Ramaphosa was called to appear before the commission, both as head of state and as *head of the ANC*. The difference is key. As head of state, Ramaphosa was clearly in a position to testify about the state of the president's office as he found it, not to mention his view of what happened in the national executive from his then-position as deputy president. Why, however, was Ramaphosa called as president of the ANC?

From very early on, testimony before the commission implicated

ANC politicians as beneficiaries of bribes and inducements. In January 2019, the *Sowetan* reported that ‘Hearings in 2018 placed former president Jacob Zuma and the ruling party, the African National Congress (ANC), at the heart of state capture, in part because of Zuma’s alleged actions and also in part because of the party’s inability to stand up to him and his cohorts.’¹⁴⁸ The Bosasa evidence, however, raised more serious questions about ANC politicians and/or officials. Their failures were not simply ones of omission. In January 2019, for example, Angelo Agrizzi told the commission about the numerous payments he made to senior ANC figures. He implicated Jacob Zuma himself, Cabinet Minister Nomvula Mokonyane and the leadership of the National Prosecuting Authority, including Deputy National Director Nomgcobo Jiba and Special Director of Public Prosecutions Lawrence Mrwebi. He mentioned numerous public servants who allegedly received bribes from Bosasa over long periods of time. He discussed how he had made payments totalling R300,000 to Dudu Myeni, then chair of the board at South African Airways. According to Agrizzi, correctional services commissioners received bribes, and so did the former chief financial officer. All in all, Agrizzi testified that Bosasa was spending around R6-million a month on bribes. He also directly implicated the ANC in these payments. Bosasa, he claimed, paid for the costs of numerous political rallies – ‘more than 11 or 12’ – including the Siyanqoba rallies, where up to 50,000 people were in attendance.¹⁴⁹ It was impossible to get away from the fact that the ANC as a political party was implicated in these affairs.

Ramaphosa’s testimony further confirmed what many had already known – that the ANC was intentionally politicising public administrations through its policy of cadre deployment.¹⁵⁰ In other words, many of the state functionaries repurposing institutions have been placed by the ANC in the very positions they abused. Not even the judiciary was safe from political interference.

Conclusion

State capture is not written into South Africa’s political economy, nor is it the result of ‘bad apples’ insinuating themselves into power. The most significant feature of the South African economy is mass, structural unemployment, rather than the inability of black capitalists to accumulate wealth and capital.

Instead, state capture arises in South Africa from a political culture that tolerates that some political players act as if they are exempt from the rules of the game because they are above the political scene. Ramaphosa may be more or less a constitutionalist, but he is also a party man. His opposition in the ANC, however, has no quibbles blurring the distinction between party, nation and state. Nor do other political formations, like the EFF. Securing democracy’s future requires overcoming this nationalist heritage to constitute the political space as one where the only ‘above’ is the will of the people as expressed in the Constitution.

In this respect, the State Capture Commission has laid the ground for an important symbolic reckoning. President Zuma preferred to go to jail than to appear again at the commission to testify. Cyril Ramaphosa, for all the implausibility of his actual testimony, subjected himself to the rigours of questioning and to the authority of the commission. He brought the ANC down from its place above the Constitution to a place below it. Going forward, South Africa’s politics will largely be defined by this topographical struggle.