



On violent democracy

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Abstract: Violence and democracy are generally treated as antithetical. However, this article argues for the concept of *violent democracy* using the South African case to explore the ways in which violence and democracy may be mutually constitutive in countries of the global South, with their particular histories of violence, power, inequality and contestation. The article draws on research into intra-elite conflict and violence, as well as subaltern collective violence, to demonstrate the ways in which democratic institutions generate and shape violent practices, while violence in turn limits the access and rights promised by democracy. The article explores violence and elections, violence within organizations, political assassination, and the subversion of the state institutions of the rule of law to show how democratic institutions generate and shape violence, and violence in turn restricts and undermines the workings of democracy – which at the same time provides mechanisms for constraining and challenging violence. It argues that this kind of violent democracy emerges within a glaringly unequal socio-economic order, and that violence provides alternative sources of power through which this order may be preserved or contested. The analysis of violent democracy may reinvigorate our understanding of democracy not only in the global South, but also in the countries of the global North.

Keywords: violent democracy, election violence, social order, South African democracy, failed democracy, southern theory, violent pluralism

Introduction

Many democracies in the contemporary world are violent. This is particularly so in the postcolonial, ‘developing’ global South, where some of the oldest democracies – Colombia, Mexico, India – are characterized by extreme levels of social and political violence. This reality poses analytical challenges for sociology and political science, since democracy is generally considered to constitute a political system in which multiple institutions allocate and protect rights, provide voice for different interests, and allow for the peaceful resolution of social and political conflict.

How, then, do we think about societies where democracy exists alongside pervasive and ongoing violence? Should we regard such a democracy as a failed democracy, a partial democracy with ‘low intensity citizenship’ (O’Donnell,

1993), a ‘disjunctive democracy’ (Holston, 2008), or a moment in the process of democratization? Is violence merely an anomaly, a remnant from an earlier order, something external to the functioning of democracy as such? Or is violence intrinsic to the working of such democracies, generated by contradictions that ‘are internal and not incidental or extraneous to democracy’s theory’ (Holston, 2008: 273–274)? Should we speak of ‘violent democracy’ as a generic political form, or should we keep the terms separate? Is ‘violent democracy’ an oxymoron for something that should instead be regarded as a failed democracy – and if so, is our model of successful democracy the actually existing democracies of the developed West (Arias and Goldstein, 2010b)? More concretely, what is the specific relationship between violent practices and democratic processes and institutions, and what do they tell us about both democracy and violence?

The problem is clearly a theoretical one. How do we understand democracy, politics, the state, social order? How do we understand violence? And since the difference between non-violent democracies and those that have high levels of social and political violence strikes us as the difference between the ‘advanced’ democracies of the West and those of the post-colonial world, this raises the question of social theory forged in the West and its adequacy for the analysis of social reality elsewhere. In brief, Western social theory assumes that overt violence declines with the formation of the modern state and democracy through a combination of the consolidation of the modern state and its monopoly of legitimate coercion identified by Weber, the political technologies of Foucault’s governmentality, and Bourdieu’s gentle violence of symbolic power, with the result that the study of violence is reduced to studies of deviance, criminality or war (Walby, 2013). Little attention is paid to the other face of modernity – colonial expansion and its savage systems of conquest and dispossession – histories which clearly have much to do with the persistence of violence in post-colonial democracies (Burawoy and von Holdt, 2012; von Holdt, 2013a).

In this article I discuss some of these questions through a consideration of democracy and violence in South Africa, but regarding it as a particular case of a much broader set of experiences in the post-colonial world. There is of course tremendous variation across the latter, and consideration of these variations is essential, but the task here is to shed light on general problems through a specific case where they gain a particular force, as the exuberant promise of the new democratic post-apartheid order has been tarnished by episodes of extreme violence by citizens – such as the xenophobic pogroms of 2008 – as well as by state violence against citizens – the Marikana massacre of 34 striking mine workers in 2012 being the most shocking. In this article I draw on material from the set of case studies colleagues and I undertook in order to understand the dynamics of collective violence by subalterns (von Holdt *et al.*, 2011),¹ as well as on further research I have undertaken on intra-elite violence, analysed in Von Holdt (2013b).

I begin, however, by considering some recent key texts on violence and democracy in order to orientate the concrete analysis.

Democracy and violence

Guillermo O'Donnell's 1993 paper on democratization can be seen as a seminal moment for thinking about the relation between violence and democracy in the post-colonial world. In it, he argued that processes of democratization emerging from the breakdown of authoritarianism in Latin America were producing democracies that were qualitatively different to the 'institutionalized' or 'consolidated' democracies of the West: they were states in which 'the authoritarian dimension intermixes complexly and powerfully with the democratic one', producing a 'democracy of low-intensity citizenship' characterized by 'brown zones' where the authority of the state and law 'evaporates' in the face of systems of local power 'which tend to reach extremes of violent, personalistic rule . . . open to all sorts of violent and arbitrary practices' (O'Donnell, 1993: 1358). This situation demands 'reconceptualisation' of the state and democracy (O'Donnell, 1993: 1361).

This challenge has been taken up by others. Like O'Donnell, Holston (2008) argues that the concurrence of democratization with systematic violence and injustice requires that 'democratic theory must be rethought', arguing that these contradictions are *internal* and not incidental to democracy at a theoretical level, conceiving of democratization as 'disjunctive', contested, destabilizing old powers, generating resistance, and at the same time empowering the newly enfranchised to expand its scope. This means that democracy should be thought about as incomplete, contradictory and productive, 'always unfinished', rather than as a 'totalising project' (Holston, 2008: 272–274, 311).

Arias (2006) and Auyero (2007, 2010) show that the metaphor of 'brown areas' may be misleading, and that clientelist relations bring together democratic institutions, politicians, civic leaders, police and criminal gangs in networks of violence that implicate both formal state institutions and agencies as well as informal local powers in what Auyero calls pervasive 'grey zones'. Building on this, Arias and Goldstein (2010b) argue that the analytical focus should be elsewhere – not on democratization, citizenship and the state, which inevitably leads to conclusions that such democracies are deficient and citizenship limited in relation to some or other (Western) norm, but rather on the multiplicity of violent actors both within and beyond the state, including in civil society, and the conflicts, alliances and collusions between them. Violence is then 'integral to the configuration of those institutions, as a necessary component of their maintenance, and as an instrument for popular challenges to their legitimacy' (2010b: 4). In contrast with O'Donnell's notion of a state intermixing democratic and authoritarian elements, Arias and Goldstein claim that such regimes may 'represent another type of political formation at variance from both democracy and authoritarianism' – namely, *violent pluralism* (Arias and Goldstein, 2010b: 19), with the implication that the specific workings of democracy are less important to their analysis. Violent pluralism may produce 'unique forms of political practice, order, and subjectivity that need to be studied on their own terms'

rather than in the terms presented by democratic theory. Democratic institutions have no necessary transformative or developmental trajectory toward some sort of democratic norm, as posited by democratization theory; violent pluralism may constitute a social order with its own kind of stability characterized by endemic violence, or cycles of violence (Arias and Goldstein, 2010b: 9–13, 26–27).

North *et al.* (2009, 2013a) argue that institutions developed in Western democracies and transplanted into societies in the developing world may have very different meanings and outcomes, including perverse ones, in the latter, and this applies no less to democratic institutions such as elections. In their analysis, elite factions in developing societies deploy violence in order to enhance their access to rents, and elite coalitions seek to reduce violence by incorporating all factions with violent capabilities and negotiating the distribution of rents in a stable and predictable fashion. Elite coalitions become unstable and more violent when the balance of power between factions shifts within them, or new factions with violent capabilities emerge outside of them. Elections may precipitate periods of instability and violence when they produce results that are unacceptable to the existing elite coalition (North *et al.*, 2013b: 343) – or, they might have added, when they don't reflect the power of an emerging faction outside the dominant coalition. On the other hand, 'elections can be useful stabilising rituals' even if they aren't free or fair (North *et al.*, 2013b: 341–343). As a concrete example, they argue that the Arab Spring uprisings and subsequent elections cannot produce open access democracy, but rather precipitate a reorganization of the dominant coalition (North *et al.*, 2013b: 348–349) – and the kind of violence this can precipitate has become all too tragically clear in the case of Egypt.

The puzzle of violence and democracy has generated a rich and increasingly sophisticated literature, with conflicting views about the concrete relation between violence and democracy. Some, such as O'Donnell, Arias and Goldstein and North *et al.* tend to view violence (though with ambivalence) as a set of practices generated by violent actors outside of, but impacting on, shaping and attenuating, democratic institutions. In contrast, Holston argues that violence is integral to democratization. Only Arias and Goldstein use the term *violent democracy*, and they use it descriptively rather than conceptually, preferring *violent pluralism* as an analytic category.

In this article I focus on the intersection between *specifically democratic institutions* and violent pluralism in order to explore whether *violent democracy* might make sense as an analytical category rather than only a descriptive one. My aim is to consider very concretely how the interaction shapes both the forms of violence and the workings of democracy, producing what I think can be called *violent democracy*. This means that I discuss only those kinds of violence that are entwined in this way with the institutions of democracy – there are many other forms of political and collective violence, including xenophobic attacks and vigilantism, as well as wide ranges of interpersonal violence including gender violence, violence against children and violent robbery. Each of these bears

some relation to the institutions of democracy, however tangential, and these need to be explored to provide a fuller picture of the dynamics of violent democracy; constraints of space, however, mean they cannot be addressed here.

Drawing on this concrete analysis, I argue both that democracy shapes violence in particular ways that differ from how violence might be organized in authoritarian regimes, and also that even the limited democracy that is afforded by such societies empowers citizens and subalterns in new ways. In my argument I give more weight to the significance of democratic institutions than either Arias and Goldstein or North *et al.* (2013b) do. Given this focus of attention, the analysis is unavoidably centred on state institutions, and is therefore unable to fully explore the dynamic of violent actors and social order beyond the state in the manner suggested by Arias and Goldstein.

Before moving to the concrete analysis of democracy and violence, it is important to provide some information on poverty and inequality in South Africa, as well as the link between patronage and politics. These are crucial to understanding the place of violence in South African democracy.

Poverty, inequality and democracy

Democracy was established in South Africa in 1994, as the outcome of protracted negotiations between the apartheid government and the democratic movement led by the African National Congress (ANC), in the context of a transition from the colonial and apartheid structuring of socio-economic inequality along racial lines. Current socio-economic reality continues to be profoundly shaped by this legacy.

At 7, South Africa's Gini coefficient is amongst the highest in the world. The poorest 20 per cent earns about 2.3 per cent of national income, and the poorest 40 per cent earns about 6 per cent, while the richest 20 per cent earns about 70 per cent of national income. Unemployment ranges between 35 and 40 per cent, on the expanded definition, and 25 per cent on the narrow definition (those actively seeking work). On the latter measurement, 50 per cent of those between the ages of 15 and 24 are unemployed, and 30 per cent of those between the ages of 25 and 34. Forty-eight per cent of the population lives in deep poverty defined as less than \$2 per day, indicating that a large proportion of those who have jobs nonetheless live in poverty. Two decades into democracy poverty remains deeply racialized – thus the median per capita expenditure in 2008 for whites was R5,668 per month, compared with R454 per month for Africans. While the proportion of Africans in the top 20 per cent of income earners had increased to 48 per cent, the white racial group had on average increased its income more than any other racial group in the democratic era (NDP, 2012: 34; NPC, 2011).

These figures give some sense of the depth of poverty and inequality, and its racial nature. The same period saw a dramatic increase in the size of the black middle class and the emergence of a black political elite and business class.

However, the opportunities for upward mobility and accumulation outside of the state remain limited, and as a result the state constitutes the main resource for wealth redistribution, upward mobility, class formation and accumulation. Access to jobs, business opportunities and rents through procurement, tenders and revenue streams are routed through the state, and the politics of ‘corruption’ and patronage have become increasingly important, both at local levels and nationally (Langa and Von Holdt, 2012; Ndletyana *et al.*, 2013; Plaut and Holden, 2012; Von Holdt *et al.*, 2011). The politics of patronage is not only driven by the patrons, but also by the poor in the struggle for access to opportunities, however marginal (Langa and Von Holdt, 2012; Ndletyana *et al.*, 2013). The prevalence of patronage politics and its manifestation in intense intra-elite competition is not unusual in societies where opportunities for elite accumulation are limited and levels of poverty and marginalization are high – indeed they are generally regarded as the norm (Khan, 2005; North *et al.*, 2013a, 2013b).

Transitions to democracy do not end this; rather, democratic institutions accommodate and are shaped by the politics of patronage, and political contestation in developing countries tends to be ‘organized through the mobilizations of patron-client factions, rather than through the mobilization of class or economic interest groups’ (Khan, 2005). In South Africa, patronage politics tends to be organized within the ANC as the massively dominant political party among black voters. It is not possible to understand the role of violence in South African politics without understanding the dynamics of patronage.

Democracy, elections and violence

Representation and elections are foundational to any theory of democracy, so any investigation of the relationship between democracy and violence needs to explore these processes. In South Africa over the past decade a growing number of community protests, often accompanied by violence both by police and protesters, have focused community grievances on the figures of elected municipal councillors. Both Booysen (2009) and Alexander (2012) explore the relation between this trend and electoral behaviour, with the former arguing that community residents employ protest and voting as a dual strategy for engaging the ANC, while Alexander argues that many protesters, especially youthful ones, join the large proportion of potential voters who refrain from voting, and focuses attention on the emergence of localized alternative electoral parties, albeit small, organized by disillusioned protesters. Both focus on the question of electoral allegiance, and neither address the relationship between violence and democracy.

In all four of our case studies of community protests, our research revealed complex dynamics surrounding councillors, representation and violence. In two of them, the protests resulted in councillors resigning, and we were able to

observe the resulting by-elections which were marked by contrasting voting strategies by community members, which suggests the divergent symbolic meanings election can hold.

In all cases the ANC was the majority party in control of the town council, and there were divisions within the local ANC that were linked to the protests. In each case, a faction of the local ANC and its allied organizations – the ANC Youth League and the SA Communist Party – was involved, alongside others, in the leadership of the protests, and we concluded that the protests had a dual character reflecting the concerns and interests of a faction of the local elite as well as the grievances and anger of a broad range of community members. For the elite faction, the aim was to mobilize the protests in order to reconfigure power within the local ANC, and in particular to depose the councillors and mayors who had been elected in the previous elections, in order to open up the opportunity for the protesting faction to replace them with their own candidates. The stakes were high, because councillors have opportunities to influence the allocation of jobs and lucrative tenders to their networks of supporters. For the protesting crowds the aim was to remove councillors who were alleged to be corrupt or unresponsive to their problems, and replace them with councillors who would focus on improving their lives, in the process making use of elite dissidents to gain voice within the ANC and the council. These dual motivations merged in the process of mobilizing the protests.

Again, in all of our studies, communities had a history of protesting peacefully over periods of between two and four years prior to protests becoming violent, with little significant impact. The turn to violence – burning street barricades, attacking cars, running street battles between crowds of youths and the police, and the firebombing of councillor homes and public buildings – was fuelled both by violent policing (see below) and by the anger of community members at the sense that those in power refused to listen to them. Protesters made explicit reference to the disjunction between democracy and the practices of government and the police when explaining their actions:

The Freedom Charter says people shall govern, now we are not governing, we are being governed.

The Constitution says we have rights. Freedom of speech, freedom of religion . . . we have many freedoms . . . but we get shot at for walking around at night.

You see, Casspirs remind us of apartheid, that we are not free in this democracy . . . We need police that respect human rights.

They want us to be in bed before midnight. It's taking us to the old days of curfews against Blacks. (Von Holdt *et al.*, 2011: 23–24)

Although some of the elite leaders involved in the protests attempted to distance themselves from aspects of this collective violence after the fact, it is quite clear that substantial groupings from both elite and crowds regarded violence as legitimate in their struggles. Thus a group of protesters explained, 'We thought, let's barricade the road that passes the township, burn down trains and burn

everything. Maybe they will take us seriously' (Von Holdt *et al.*, 2011: 9). Violence was justified as a response to an unresponsive government:

Violence is the only language that our government understands. Look, we have been submitting memos, but nothing was done. We became violent and problems were immediately resolved. It is clear that violence is a solution to all problems. (Von Holdt *et al.*, 2011: 49)

Political representatives are expected to take the demands of various constituencies seriously: 'Leaders must toe the line, but if they don't we will remove them like the mayor and her council' (Von Holdt *et al.*, 2011: 49). According to these protesters, violence is an *element* in a democratic system. Democracy promises a government that represents citizens and is responsive to them; if this fails, violence provides a language that communicates anger and urgency to the authorities, and it may be necessary to use force or violence to remove unresponsive representatives. Such legitimacy is articulated through symbolic references to the militant anti-apartheid struggles of the past in the kinds of chants and songs adopted by protesters, and continuities between the past and present were stressed in the rationales for burning down inadequate public facilities.

In two of our case studies by-elections for new councillors took place soon after the protests. In the first town the by-elections were an immediate consequence of the protests, as the ANC national leadership instructed the mayoral committee of six councillors to resign, and by-elections had to be held to replace them. In the second town the ANC national leadership adopted a different stance, supporting the local leadership and providing additional resources in an attempt to enhance their performance, but during a second episode of violent confrontation one of the ANC councillors resigned, forcing a by-election. In the first case, the by-elections were regarded as a victory by the protest movement, in the second they were regarded as illegitimate and boycotted, dramatizing the contrasting symbolic meanings that elections may have in different local contexts, even in the same democracy – the two towns are not more than 50 km apart.

In both cases the resignation of councillors opened up fierce contestations over the nomination of candidates within the ward branches of the ANC where the by-elections were to be held. In the first town the struggle over nomination took place between candidates nominated by the protest leadership, and candidates regarded as representatives of the old guard against whom they were pitted in struggle. In the most intensely contested ward branch both sides recruited new members in an effort to swing the vote, and each vote was challenged on the grounds that new members can only vote three months after joining the organisation. Three nomination meetings had to be aborted. Eventually the protesters' candidates were nominated in all the wards. On the election day large crowds turned out to vote, and the protest leadership articulated a sense of excitement and triumph:

Look there, look that side. It is early, but the people are already queueing. This is massive, Comrade. . . . The masses have spoken through their mass action last year

and now they'll exercise their democratic right to vote for their leader. . . . Today it is like 27 April 1994. The people are happy to come and vote for their leaders. This is the democracy that we fought for.

The by-election gains its meaning from the mass action, including violence, of the protest movement. The democratic right to vote is directly related to the mass action which toppled the previously elected councillors. The analogy is explicitly drawn with the first national democratic elections in 1994, understood as the democracy that was fought for through the mass anti-apartheid struggle and intense violence of the 1980s. In this narrative democracy does not replace the violent conflicts of the 1980s – the fight for democracy is continuous, and its promise remains dependent on the ability of the people to insert themselves forcefully into the institutions of democracy, such as elections. As the protesters said about one of the new councillors:

He knows the process, he was part of the march. If he does not deliver we will also remove him like the former mayor. It is not guaranteed that violence would not happen again.

The symbolic power of elections is directly related to the symbolic power of popular mobilization (Von Holdt *et al.*, 2011). The legitimacy of electoral processes and results is always provisional, and can be trumped by direct action when necessary.

In the second town the by-election did not symbolize the power of the people. The overarching demand of the protesters was that the provincial boundary should be redrawn so that the town could be incorporated into the better-resourced neighbouring province where, they believed, state services would be better. The ANC refused this demand, and demonstrated its support for the local ANC leadership. Here two nomination meetings in the ward branch were disrupted by ANC members who did not want the elections to proceed until re-demarcation had taken place. Eventually a candidate was nominated by the regional executive of the ANC. Some ANC activists who had been involved in the protests put out a pamphlet urging the community not to vote for the ANC, but for a small opposition party that also had liberation movement credentials, the PAC: 'We must vote PAC to show the ANC that we will not vote for ANC until we are incorporated into Gauteng', read the pamphlet. Many of the protesters, however, adopted a strategy of boycotting the elections with the slogan, 'No Gauteng, no elections'. There was a strong sense that the election lacked credibility among residents; as one said, 'I will not vote for someone to drive an expensive car, while I still live in a shack.' In the end, the ANC candidate narrowly won the ward on a very low voter turnout (Langa, 2010; Von Holdt *et al.*, 2011).

In this case the by-election symbolizes the indifference of authority and the ANC (the two are conflated), rather than the power of the people and so it becomes dis-articulated from democracy. The boycott of elections is a continuation of protest, a new way of sending a message to the ANC; and those who

advocated voting for an alternative party did so not in order to support an alternative policy position, but also, and explicitly, to send a signal to the ANC.

In both these cases, the elections gain their symbolic power from their relation to mass action, which includes violence: in the first, the election symbolizes the triumph of mass action on the analogy of the 1994 elections, whereas in the second it symbolizes the indifference of authority in the face of mass action, and becomes an occasion for further symbolic protest. These cases reveal a complex relation between collective violence and the democratic institution of elections. Formal democratic processes do not reign supreme. Collective violence may annul the results of previous elections, and elections gain their symbolic power not only from the tally of citizen votes but also from their relation to popular protest, including violence. Elections are not so much an occasion for choosing between political parties and their policies, but for communicating with the ANC as political authority. While this argument is consistent with that of Booyesen's (2009), it differs with the emphasis placed by Alexander (2012) on the significance of relatively small-scale and local electoral alternatives – though such an alternative did emerge in the second of the case studies mentioned here, and may constitute an important trend in future.

The state, patronage and violence

The case studies of protest and collective violence discussed in the previous section concentrated on the relation of citizens in poor communities to elections. However, as has already been noted, community protests tend to have a dual character reflecting not only popular grievances, but also the interests of local elite factions in shifting the configurations of power in the local ANC. Given the role that collective violence plays in these protests, this suggests that some elites are willing to use violence to gain power within the ANC.

Intra-elite conflict is related to access to state resources, the allocation of tenders, and the allocation of jobs within the state. This reality drives intra-elite conflict over patronage and access to economic opportunities within the ANC, shaping its intra-organizational dynamics. Violence is increasingly a factor in these conflicts. One form that such violence takes is the collective violence that emerges during episodes of community protest, as described above. But violence is taking other forms as well, including collective violence at organizational meetings, and targeted assassinations.

As with collective violence in community protests discussed above, these forms of violence are closely entwined with democratic institutions and processes in the broader polity. The ANC is a political party, and its domination in elected assemblies and over the state depends on its performance in national, provincial and local elections. At the same time, success in internal organizational elections at different levels determines the power of individuals and factions and their access to positions in the state, or ability to command

influence over state decisions. In particular, control of branches and higher structures means influence over who gets nominated to candidate lists for national elections.

Thus the Secretary General reported in 2010 that a ‘General collapse of discipline has characterised the period under review [the previous two years]. Disruption of ANC meetings, assault of members in ANC meetings and taking the ANC to court without exhausting the internal processes are widespread’ (ANC, 2010: para. 4.23) and that the leadership had to oversee ‘many rowdy provincial conferences’ (ANC, 2010: para. 4.20). This ‘alien culture’ (para. 4.20) started in the North-West Province, at the first provincial conference held after the bitterly divided Polokwane National Conference of the ANC, that ‘ushered in a new culture of open physical fights in ANC meetings’ (para. 8.110). In the same year violent conflict at a regional conference in the Northern Cape led to one death (para. 8.13).

The run-up to the 2011 local government elections was characterized by bitter conflicts, membership protests, and allegations of fraudulent behaviour in branches over the nomination of candidates. The ANC was only able to restore some kind of internal order by promising to establish a commission that would investigate all allegations after the elections, and that where candidates were found to have benefited from manipulation they would be removed from office, precipitating fresh nominations and a by-election. Over the following year, the commission investigated disputes in 419 wards, finding numerous irregularities, manipulation and fraud, and recommending that 125 selection processes should be re-run, and that disciplinary action should be taken against leaders and members ‘who were responsible for gross violation and manipulation of the guidelines’ (ANC, 2012: 61–64). According to press reports, the commission found that the votes of ANC members were being bought and traded, gatekeepers were controlling who could attend meetings, and membership lists were manipulated. Intimidation, threats, assaults and shootings were also reported by the commission. The general secretary condemned ‘the determination by some members of our movement to destabilise organisation and disrupt meetings as a tactic to get what they want . . .’ (*BD live*, 16 January 2013; *City Press*, 17 November 2012; *Mail & Guardian*, 8 February 2013).

In the run-up to the 2012 ANC congress in Mangaung, meetings were disrupted by brawls, armed men threatening violence, gunshots, assaults, stabbings, burning down of opponents’ houses, and the aborting of meetings (*The Star*, 16 November 2012; *Business Day*, 7 August 2012, 19 November 2012). Again, access to state power is an important asset, as the police are frequently called in to monitor such meetings and restore ‘order’ in the case of disruption. For example, in the run-up to Mangaung, a Limpopo provincial general council was ‘stormed’ by a group of Zuma supporters who hurled bricks and stones, and kidnapped, assaulted and threatened to ‘kill’ a key supporter of expelled ANCYL leader Julius Malema. Instead of protecting the meeting, the police withdrew, ‘allegedly at the instruction of police top brass’, after which ‘pandemonium erupted’ (*The Sunday Independent*, 2 December 2012).

In parallel to these displays of public and collective violence, assassinations of ANC office bearers and representatives have become increasingly visible over the past few years. For example, in one of our research sites in Mpumalanga both the first mayor elected under democracy and the man chosen to replace him were assassinated, and its two subsequent mayors claim to have been victims of assassination attempts (Langa and Von Holdt, 2012). In July 2012 the mayor of Rustenburg in North West province was found guilty, together with his bodyguard, of arranging the murder of a rival councillor who had submitted a dossier of evidence about the mayor's corrupt dealings to the police, while rival ANC factions faced off outside the courtroom (*The Star*, 17 and 18 July 2012). The case was dismissed on appeal, as a key witness recanted his evidence, claiming to have been bribed by the police (*Business Day*, 22 July 2014). Early in 2013, an MEC and deputy chairperson of the ANC in North West Province was arrested together with the provincial chair of the ANC Youth League, a councillor and a ward secretary, for the shooting of a district secretary on the eve of the Mangaung national conference of ANC (*Business Day*, 26 February 2013).

But it is in KwaZulu-Natal, previously the site of high levels of political violence between the ANC and Gatsha Buthelezi's Zulu ethnic political party, Inkatha, that the greatest increase in intra-ANC assassination seems to have taken place. As Inkatha's fortunes have waned, and the ANC has come to dominate the province, political violence has come to characterize internal conflict over power and access to state resources. At the same time, Inkatha-linked violence continues, seemingly focused on the rivalry between it and a breakaway, the National Freedom Party, with the latter claiming 27 of its members had been killed since the party's formation in 2010. Thirty-eight ANC members were killed in KwaZulu-Natal between February 2011 and October 2012, compared to 10 politically linked murders in the previous three years. A journalist was told by one informant that all the 'comrades' now found it necessary to carry guns (*Business Day*, 17 October 2012; *Mail & Guardian*, 20–26 July 2012).

These killings are closely linked to rivalry for positions in the ANC, and local and provincial government, which provide access to state resources and patronage. The *Mail & Guardian* reporter was told violence in the ANC was linked to 'city contracts, ranging from the building of low-cost housing to waste collection, [that] were awarded to influential business associates, who would channel money back to the ANC for its operations, or to small and medium-sized businesses connected to the ANC at ward level' (*Mail & Guardian*, 20–26 July 2012). An ANC NEC member told the *Business Day* reporter that:

Having ANC membership is the best CV in town. The higher you go in the party, the more you can dish out patronage. It's about taking care of yourself and those close to you. . . . People are reducing the ANC to their personal kitty and are prepared to kill to get their slice of the wealth (*Business Day*, 17 October 2012).

Regarding the murder of Mthembeni Shezi, a local councillor gunned down by two men in a public meeting, his fiancée claimed people hated him because he was fighting corruption, while an ANC official said:

There are as many bad things to say about Shezi as there are good. People look at his lifestyle and ask, 'how does a herd boy from Nkandla go from having absolutely nothing to a fancy 4x4 and several houses?' People start to see that being a local councillor can be a means to acquire wealth.

Assassination as a form of political violence is not limited to struggles within the dominant political party and between political parties. In the vortex of different forms of violence that characterized the wave of strikes in the platinum mining sector in 2012, culminating in the Marikana massacre in which police shot and killed 34 striking miners, targeted assassination of local trade union leaders has emerged as a new phenomenon. Violence directed against strike breakers, including assaults and killings, have been a recurring feature of militant and protracted strikes in South Africa and were repeated in the platinum strikes (Chinguno, 2013; von Holdt, 2010), but targeted assassinations as a feature of intra- and interunion rivalry have been extremely rare. Since the strikes, though, nine trade union shop stewards and officials have been shot and killed.

The central feature of the strike wave was the rejection of the established National Union of Mineworkers (NUM) by striking workers, and the emergence of a new union, the Amalgamated Mining and Construction Workers Union (AMCU). Since the strikes the latter has consolidated its position in this sector. Of the assassination victims, one was a key AMCU activist, and eight were NUM shop stewards and officials, while a ninth was critically injured. All the victims were shot, and all worked at Lonmin, the mine at the centre of the massacre. On the face of it these killings are motivated by union rivalry, and AMCU is the aggressor union. However, interviews with mine workers suggest that this pattern of shootings represents a continuation and intensification of an already existing tradition of intra-worker struggles at Lonmin mine, but that prior to the emergence of AMCU this took the form of intra-union struggle within the NUM. Indeed, two of the victims had themselves opened fire on strikers when they marched to the NUM office early on in the strike, and according to workers the NUM local leadership had only gained office because 'they lived by the gun'.²

There is a direct analogy between this violence and assassination within the ANC. Union office in the mining sector comes with numerous perks negotiated between companies and the NUM – a higher salary, escape from arduous underground work to an office desk, and numerous opportunities for self-enrichment and patronage – which substantially raise the stakes in the battle for election as shop steward or branch official. While this violence may be localized at this point, it shows similarities to the use of assassination in the ANC in the same province (North-West Province), and there is a strong possibility that it

may spread, whether through political networks or through the hit squads of professional assassins that undertake this form of violence.

The forms of violence discussed in this section – collective violence and assassination within the dominant political party, the ANC, between political parties, and within trade union structures, are shaped by the opportunities and processes provided by democratic institutions. Political parties are designed to mobilize votes in national elections, and to manage government. Violence is directly related to disputes over who controls party structures and candidate lists, and who therefore gets political office and power over assets and patronage. Likewise, industrial relations in a democratic system provides for a greater degree of interaction and cooperation between trade unions and managers, hence opening a variety of opportunities for trade unionists to benefit personally and in fact to migrate into management, thus raising the stakes in the internal democratic procedures that generally characterize trade unions. Violence in both cases is occasioned by democratic procedures and opportunities, but at the same time is a strategy for limiting their reach and accessibility and controlling their outcomes. Violence, in other words, is produced by democratic institutions and at the same time constrains their democratic potential. Democracy and violence are entangled and mutually shaping processes.

The violence of the democratic state

In this section we will consider two forms of violence practised by the democratic state – the violence directed by state agencies against subaltern movements and protesters, and the internal struggles over the control and deployment of the coercive agencies of the state.

Using deaths of protesters at the hands of police as the key indicator of police violence, independent researcher David Bruce shows a pattern of escalation in the use of lethal violence against protesters and strikers from 2009 to 2011, and correlates this with organizational changes within the police service. Between 2006 and 2009 three people were killed by the police during collective protests, three people were killed in 2010 alone, and nine were killed in 2011 – an escalation which culminated in the Marikana massacre of 34 striking mine workers in 2012. The increase in police killings lagged the increase in collective violence during protests and strikes, which began an upward trend in 2004 continuing into the present. Drawing on his analysis of press reports of these incidents, Bruce concludes that there was a shift by the police to ‘brutal new methods for dealing with public protests’, including the use of live ammunition, the firing of rubber bullets directly at crowds – which strongly increases the likelihood of lethal outcomes, as well as assaults and other abuses of community members (Bruce, 2012a).

While there is evidence of the new tactics from 2009, the dramatic increase in violence in 2011 coincides with the elevation of the police Operational Response

Services as a full division under new leadership – including paramilitary units such as the Special Task Force, National Intervention Unit and Tactical Response Teams. These units were active in many of the more repressive actions by the police, and they were directly involved in the Marikana massacre (Bruce, 2012a). This kind of violent policing is highly reminiscent of the policing methods used by the apartheid regime. The transformation of repressive police agencies after transitions to democracy is notoriously difficult, but the ANC government elected after 1994 devoted considerable resources and energy to doing just that. With international support, the apartheid ‘riot police’ were transformed into public order policing units with new management and command structures, intensive training in public order policing, and an emphasis on the role of the police in supporting the right of the public to assemble and demonstrate (Bruce, 2012a; Marks, 2005). However, over the following decade public demonstrations were generally peaceful, and public order units were redeployed to normal crime combating operations. Their re-emergence as specialists in policing protests has been accompanied by methods that suggest order is more important than rights, and that whenever they have a pretext ‘they could dispense with principles of minimum force, and use as much force as they wanted’ (Bruce, 2012a).

Our research on protest and violence took place in 2009–10, before the formation of the new police division, but in each case study police action was heavy-handed and violent, and was frequently described as provoking the violence of protesters. Police violence took the form of tear gassing protesters, firing rubber bullets at them and at times quite randomly into crowds of bystanders, and assaulting and beating protesters. In one small town the police acted with particular brutality both in attempting to quell collective action and in pursuing individuals they suspected to be leaders, including violent incursions into their homes and assaulting family members, and detaining and torturing suspects. Since this was the only research site in which protests involved an opposition political party (together with a section of the local ANC) with substantial black support that could conceivably pose an electoral challenge to the ANC, the harshness of police action may well have been motivated by this (Von Holdt *et al.*, 2011; Langa, 2010).

The kind of violent policing described here is antithetical to the provisions of the post-apartheid constitution which lays out the rights, values and institutions of democratic government in South Africa, and is also in several respects illegal. What is its relation to democracy? Is it simply an aberration, a leftover from the pre-democratic period?

As sketched at the beginning of this article, democracy in South Africa is characterized by profound material inequalities and deep levels of unemployment and poverty, strongly shaped by racial factors. Democracy founded on this kind of material base is unlikely to be stable, and indeed the increasing levels of protest violence are linked to frustration about the responsiveness of democratic institutions and elected representatives to the plight of citizens; often this is blamed on incompetence, indifference or corruption – but it is not clear at all

that even a more competent or dedicated administration would be able to solve the problems of poverty and inequality within the current economic structures largely inherited intact from apartheid. Democracy in South Africa, in other words, is characterized by a profound contradiction between inclusive political institutions and an exclusionary economic structure. It promises the equality of citizenship and the responsiveness of government, but cannot deliver on this. Structurally unable to accommodate the needs of the poor, democracy produces another language through which the poor communicate their grievances – the language of violence. Democratic government, alarmed, frustrated and affronted that citizens' protests show no sign of subsiding, but instead expand and deploy force outside of the procedures of democracy, respond in the same language – that of violence.

While this language may be regarded as an *element* of democracy through which the poor can supplement their votes by demanding responsiveness from authority, it undermines the processes of public deliberation, election and civility on which democracy depends. In turn, democracy becomes increasingly repressive, diminishing the rights of citizens, eroding the mechanisms through which policing is made accountable, and undermining the rule of law. Relations between citizens and government are regulated by a combination of democratic processes and coercive institutions – constituting violent democracy.

To this general picture of the intersection between violence and democracy in a highly unequal society, must be added evidence of a closer role played by police violence in the struggles over electoral processes described in the previous section. Allegations have emerged that police violence against protesters in the township of Wesselton outside Ermelo in the province of Mpumalanga in early 2011 was directly related to the struggles between different factions of the ANC in the province over the candidate list for local government elections. The protests started when a residents' committee complained that a local ANC strongman had imposed his preferred candidates in the compiling of the election lists, but received no response. Not only did the police respond brutally to the protests, killing two, they were alleged to have subjected those arrested to torture, including electric shocks, suffocation with plastic bags, and immersion under water. According to detainees, the objective was to obtain confessions that the protests had been instigated by political opponents of the Mpumalanga Premier. As Bruce points out, something very similar happened after the Marikana massacre, when large numbers of survivors were arrested and allegedly tortured with the objective of obtaining confessions that Julius Malema, the populist ANC Youth League leader who had been expelled from the organization and was seeking to build a constituency among striking mine workers, had instigated the confrontations with authority (Bruce, 2012b).

It is apparent that there is a short step between more general repression of protest in a violent democracy, and police involvement in more selective and directly political repression of opponents of a democratically elected regime – ranging from opposing factions in the governing party, to opposition political

parties such as the PAC or political movements such as Malema's. As with popular protests, the forms of coercion and repression are entwined with the political processes and institutions of democracy and deeply shaped by them. In turn, the democratic rights of association and electoral participation are constrained by the violent practices of state agencies.

The rule of law is a foundational institution of democratic regimes, designed to ensure that all citizens are equal before the law and that the coercive agencies of the state are bound by and accountable to the law. The examples above indicate a drift away from the rule of law. But violent democracy is not only marked by the kind of extralegal violence deployed by protesters or police discussed so far – it is marked as well by institutional struggles for control over the instruments of law, that is to say, the instruments of institutionalized coercion over which the Weberian state is supposed to hold a monopoly. This is precisely to *avert* the equal application of the law to all citizens and the accountability of the state's coercive agencies.

In a society where patronage is central to elite formation, accumulation strategies, and the survival of the marginalized and the poor, it necessarily shapes democratic processes and institutions to its logic and its requirements. The mechanisms for controlling, organizing and dispensing patronage are variously defined by the law as corruption, fraud and theft; hence, whoever controls the various institutions of law is able to decide who should be prosecuted and who protected from prosecution. Over the two decades since democracy was inaugurated in South Africa the struggle for control over these institutions has intensified and ramified through the state. Victims have included commissioners of police, heads of the National Prosecuting Authority (NPA), senior ANC officials, and numerous functionaries beneath them.

The paradigm case for these practices was the arms deal of the 1990s, both because of its scale and the way it has continued to ramify through the ANC and the state. Efforts to contain the damage included executive intimidation of Parliament, curbing the involvement of the auditor general and the public protector, disbanding the Scorpions,³ political interference with the National Prosecuting Authority (NPA) to protect then-Deputy President Jacob Zuma from prosecution, and selective leaks and disinformation from state intelligence agencies. The intense struggles within state institutions over the arms deal were linked to the battles between then-President Thabo Mbeki and Zuma for leadership within the ANC (Plaut and Holden, 2012).

By their nature many of these struggles are hidden from public view, and when they do surface the media becomes simply one resource among many others for the contesting parties – selective leaks and disinformation campaigns making it extremely difficult to untangle the interests and actions involved. One such struggle involves the head of crime intelligence, General Richard Mdluli, and a senior prosecutor, Glynnis Breytenbach. Mdluli appears to have the support of senior political leaders, including the Minister of Police, and when he was arrested on murder and corruption charges and suspended he wrote a letter to the president claiming that senior police officers were

conspiring against him, and that if he was reinstated he would assist the president in his campaign for re-election as president of the ANC. It is widely believed that Mdluli is a key element in the plan of the president's faction within the ANC to ensure that the president and his allies are protected from investigations for corruption.

Breytenbach led the prosecution of Mdluli, refused to withdraw charges when instructed to do so by her superiors, and was then suspended and brought before a disciplinary enquiry. While she claimed that her suspension was because of the Mdluli case, the NPA claimed it was because of misconduct in another high-profile case she was prosecuting against a company owned by figures close to President Zuma, including his son, which was alleged to have connived with government officials to defraud a mining corporation of its mining rights (the company has subsequently been found guilty). All 15 charges were dismissed by the disciplinary enquiry and Breytenbach was reluctantly reinstated, but removed from both cases. Mdluli then laid a charge of intimidation against Breytenbach while a judge instructed the NPA to reinstate charges against Mdluli, currently under appeal (Plaut and Holden, 2012; *Mail & Guardian*, 4–10 May 2012; 8–14 June, 2012; 1–7 February 2013; 8–14 February 2013; 31 May–6 June 2013; 6–12 December 2013).

This case suggests something of what is at stake in the struggle for control of the police and the prosecuting authority: whether and how the law will be applied in cases of fraud and corruption involving figures in the leading faction of the ANC, including those close to the president. As another example, until recently it appeared that Julius Malema, referred to above, who was at the time close to the president, was protected from investigation of the several allegations of fraud levelled against him; this changed when he turned on the president and was eventually expelled from the ANC – he now faces charges of corruption. Similar contestations have surfaced at other levels in the coercive apparatus of the state as well (Von Holdt, 2013b).

These cases demonstrate how the central institutions of democracy – in this instance, institutions of the rule of law – are subjected to processes of contestation and control, and ultimately reconfigured by the forces of factionalism and patronage within a democracy such as South Africa's. This is not to say that such processes are uncontested – there are institutions and officials within the state, as well as public voices in civil society, which challenge and mobilize against the capturing of state institutions and subversion of the rule of law; the result is a kind of war of attrition which rages back and forth across the institutions of state and civil society as first one side and then another appears to gain the upper hand. In the process, though, institutions are destabilized and lose credibility. These institutional battles entail violence. Although their institutional nature, and the legal terrain on which many are fought, tend to mask this, ultimately the law is an instrument of coercion, and where it is applied unequally and as an instrument in political and factional struggles, it constitutes the application of violence to political and economic foes.

Conclusion: violent democracy

In this article I have explored the ways in which institutions and processes of democracy in South Africa provide the occasion for violence and shape its forms. It is important to reiterate that the democracy we are exploring is characterized by political inclusion and high levels of socio-economic exclusion which continue to be shaped by the racial structuring of more than 300 years of colonialism and apartheid. The consequence, as argued earlier in this article, is the recourse by both elites and subalterns to using the resources of the state and the politics of patronage to effect a degree of accumulation and redistribution for the formerly oppressed black majority. Patterns of violence are closely shaped by this reality.

Our examination of local government elections reveals a complex interplay between the institution of elections – the defining feature of democracy – and collective violence. In these communities formal democratic processes do not reign supreme but gain their symbolic power from their relation to popular protest which derives its potency from the mass struggles that ended apartheid and delivered democracy, and elections are not so much an occasion for choosing between political parties and policies, but for communicating with political authority in the form of the ANC. Violence is another way of communicating with political authority when elections fail to bring results. Political parties and elections provide the institutional forms through which patronage politics necessarily works in a democracy. This heightens the stakes for those contesting elections, which explains the resort to manipulation and collective violence in organizational processes, meetings and elections, as well as the escalation of political assassination within and between political parties and to settle trade union rivalries. Finally, the article examined the violence of the state. On the one hand is the growing level of violence with which police are responding to collective protest. On the other are the battles within the state for the control of the institutions of the rule of law, so that coercion can be applied or withheld selectively in the struggles between factions for control of the sources of patronage. The result is an erosion of the rights of citizens, the rule of law, and the accountability of state officials and political representatives.

This nexus of democracy, patronage and violence constitutes what I think can be called *violent democracy*. The concept of violent democracy provides *an analytic category* which can be used to explore the concrete dynamics of this nexus. Democratic institutions and processes generate violence as disputes and conflicts are mediated both within and outside of them, and the forms that violence takes are shaped by these institutions and processes, differing from the forms it takes in authoritarian regimes. At the same time, violence constrains and subverts the workings of democracy, eroding the effectiveness of these institutions and limiting the democratic rights of citizens and the rule of law. Thus violent democracy produces O'Donnell's (1993) 'low intensity citizenship'.

This does not mean that the democracy of violent democracy is an empty term. On the one hand, as argued above, democracy shapes the forms that violence takes, but on the other it also constrains violence and provides new means in the struggle to curb and hold accountable the purveyors of violence, as argued by Holston (2008). In the case of the Marikana massacre, the existence of an independent judiciary, a free press, and civil society organizations, has ensured that considerable evidence incriminating the police has entered the public arena, and it is difficult to imagine that there will not be serious consequences for them. There is a specificity, then, to the violence of violent democracy which differs from the kinds of violence that take place in authoritarian regimes.

This suggests that the line of argument implied by Arias and Goldstein (2010b) and put forward by North *et al.* (2013b) that the institutions of democracy are more or less irrelevant to the workings of violence is wrong. While there certainly are democracies which are so limited that they have little effect on violence, many of the democracies with which we are concerned not only produce and shape violence, but also tend to constrain it. In this sense violence and democracy are simultaneously mutually constitutive and contradictory or 'disjunctive', as Holston (2008) puts it.

Large theoretical questions come into play here. How do we think about the relationship between democracy and social order? And under what conditions does violence come into play? Democracy constitutes a system of power which structures social order and hierarchy in particular ways determined in part by the ways in which it regulates the use of violence. While it claims to empower all citizens equally, in practice it is a system of differential power (or, in Holston's terminology, differential citizenship). But it is not the only system of power – another resides in the shape of the economy. Others are constituted by the system of multiple violent actors operating across and beyond the state – the 'violent pluralism' identified by Arias and Goldstein (2010b) – and a key set of these consists of the various elite factions and coalitions and the dynamics of rent seeking and patronage that are the subject of analysis by North *et al.* (2013b).

Violence, or rather the capability for violence, is a form of power which can be deployed to maintain a particular social order or disrupt it. Where the prevailing political form – in this case democracy – has insufficient capability to sustain or regulate the given social order, violence comes into play. Where the economic structure and its power are grossly inequitable, democracy necessarily becomes unresponsive to the plight of the poor, and cannot sustain order without violence, while the clash between inclusion and exclusion produces the violence of the poor. Where democracy clashes with the system of power through which the order of patronage is organized, violence comes into play. Order is produced and challenged in multiple different sites by multiple different agents with violent capability, not only by the state, as Arias and Goldstein (2010b) point out. People move between these orders depending on circumstances and issues; at times they articulate their concerns and aspirations as

citizens, at other times as clients of powerful patrons, and at other times as participants in a local symbolic order with only a tenuous relation to the state.

Here we are just as far from a social order held in place by the internalized processes of Foucault's governmentality or Bourdieu's symbolic violence as we are from the Weberian state and its monopoly of coercion. A sociology that restricts itself to such notions of power, fabricated in the crucible of Western modernity, will not be adequate to the demands of analysing violent democracies in the post-colonial world; and a sociology that is forged in *this* crucible may help to refresh our perspectives on democracy and violence in the West, particularly in this era of savage rollbacks of stable work and social protection.

Western democracy cannot be taken as the paradigm of democracy towards which societies of the post-colonial world are or should be moving – not least because of the role Western democracies have played and continue to play in the formation of violent democracies. But nor can violent democracy in the post-colonial world be regarded as just a variant on democracy: violence constrains democracy and the rights of citizens, as this article has shown. An urgent question facing sociology is how to imagine paths towards democracy which are less violent and more deeply empowering than that of either the West or the post-colonial world – how, in other words, to keep the dream of democracy alive.

Notes

- 1 The study was jointly undertaken by the Centre for the Study of Violence and Reconciliation (CSV) and the Society Work and Development Institute (SWOP) at the University of the Witwatersrand, of which I am the director, and funded by the Royal Norwegian Embassy and the CS Mott Foundation.
- 2 This information was collected by Crispin Chinguno as part of his PhD thesis on strike violence, which I am supervising.
- 3 An elite prosecution-driven investigating unit located within the NPA.

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