

Rights, Recognition and Community Mobilisation to Gain Access to Basic Municipal Services in Soweto

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Abstract

Axel Honneth's work on recognition can assist in explaining how the rights rhetoric of a radical community based organisation in Soweto assisted them in gaining support from the community.

The Soweto Electricity Crisis Committee (SECC) in their struggle against neo-liberal municipal service delivery policies appealed to resident's fundamental need for recognition as morally autonomous agents. This recognition is linked to the supply of adequate amounts of electricity and water in part because of service delivery norms developed during the apartheid era but also because of the arguments made possible by the inclusion of certain socio-economic rights in South Africa's Bill of Rights.

Electricity, because it is not included in the Bill of Rights requires a stronger justification for it to be included in the pantheon of social goods that no human being can reasonably live without, in other words those goods and services that can be demanded as of right. As a result the SECC resorts, when defending the right to electricity, to various arguments that draw on the Bill of Rights as well as from well-recognised community norms developed in Soweto during the apartheid era.

In so far as the SECC is convincing in such a rights based strategy amongst sceptical Soweton's this then allows them to generate sufficient moral outrage to fuel community activism. This study may have been privileged to be at the emergence of a new understanding of what allows South Africans to claim their full citizenship. The fact that basic household electricity services can be characterised in the form of a right assists in generating community involvement and therefore political power

Introduction

The impetus for this paper, which will apply the ideas of Axel Honneth regarding social change and the concept of legal recognition to a concrete political struggle for affordable municipal services, stemmed from my attendance at a gathering of concerned residents that took place in Soweto in late 2001.¹ The venue was the lounge room of an ordinary township home. The room was crowded with priority seating given to the many elderly women in attendance.² The gathering was one of the regular weekly meetings organised with residents by the Soweto Electricity Crisis Committee (SECC). The SECC is a small, militant community based organisation that emerged as a real force in Johannesburg's political life as a result of the state owned electricity utility, ESKOM's³ disconnection of up to 20,000 households per month in the first half of 2001.⁴ Eskom through disconnecting these households hoped to recover arrears that in Johannesburg had reached 1.1 Billion Rand (A250 Million). The meeting involved an intense debate, in a mixture of Zulu and English, on the best strategies for resisting ESKOM's electricity cut-offs. At one point an elderly woman related her experience of having her household disconnected from the electricity grid. The obvious hurt feelings and shame that the retelling of her experience evoked in her face seemed to point to something more than a purely materialist struggle over the price of electricity. It led me to think that the force of emotions that the electricity utilities cost-recovery methods had unleashed could not be explained fully through a materialist framework whether it be Marxist or liberal in origin.

¹ Soweto, an acronym for 'south western townships' is situated southwest of Johannesburg. It is home for over 1 million low income people.

² A persistent feature of SECC meetings, marches and protests was the high representation of female pensioners. As a result of their regular income in households in which no other member had regular employment, they held the primary responsibility for payment of basic household goods and services and as such bore the brunt of the retail price increases for electricity and water services.

³ The government owned supplier of electricity to Sowetan households.

⁴ Fiil-Flynn, Fiil-Flynn, M. with the Soweto Electricity Crises Committee, *The Electricity Crises in Soweto*, Municipal Services Project, Occasional Papers Series No. 4., August 2001, p. 6 available at the Municipal Services website www.qsilver.queensu.ca. For further information and background on the SECC see Norm Dixon, "Grass roots struggles survive" *Green Left Weekly*, No. 460 August 15 2001 at www.glw.org.za, Ferial Haffajee, "From Seattle to Soweto", *New Internationalist*, 338 September 2001, pp. 21-23, Jon Jeter, "For South Africa's Poor, a New Power Struggle", *The Washington Post*, Tuesday, November 6 2001 p.1, Arthur Nelsen, "New activist generation comes of age", *Red Pepper*, 25 March, Trevor Ngwane, *Focus*, 25, March, 2002. Helen Suzman Foundation, available at www.hsf.org.za/focus25/focus25electric.html, "Sparks in the Township", Interview with Trevor Ngwane, *New Left Review*, 22 July – Aug 2003 at 37 and Paul Kingsnorth, *One No, Many Yeses: a journey to the heart of the global resistance movement*, Free Press, 2003 from 87.

Before exploring Honneth's 'moral grammar' of social change I must provide a potted summary of the economic and social background to the Soweto electricity crisis. This paper will focus mainly on electricity but as access to water has been an inseparable part of the struggle for affordable municipal services it will touch briefly on water service provision.

The SECC emerged, in the first instance, because of the real economic hardship imposed on Sowetan households by the restructuring of water and electricity infrastructure provision along neo-liberal lines.⁵ Under the ANC government there has been an increased emphasis on basic service provision using a business rather than a public service model.⁶ In Johannesburg, this approach has been symbolised by the controversial outsourcing of the management of the water and sanitation utility to Water and Sanitation Services South Africa (WSSA), a subsidiary of the French water giant Suez - Lyonnaise des Eaux.

The World Bank in its World Development Report 2004 devotes 2 pages the success story of Johannesburg's neo-liberal service delivery reforms.⁷ The reforms aim to "re-balance" prices so that users pay the full price of the cost of service delivery. This in effect means reduction in cross subsidies between business and household consumers by lowering prices for industry and raising prices for households. Full cost recovery relies heavily on a credible threat of disconnection to those who can't or won't pay the full cost of electricity and water services.⁸

In water and electricity provision in Soweto the greatest impact on pricing resulted from a shift from a flat rate payment for services, used during apartheid, to metered consumption, where households pay on the basis of the volume of the service used. For township residents this led to significant price increases. One study reported increases of up to 400% on electricity accounts for some households since flat rates were abolished in the mid – 1990's.⁹

As a result new technologies for managing payment, such as pre-paid water meters have been introduced in Johannesburg, particularly in low-income

⁵ A discussion of the ANC's adoption of neo-liberal macro-economic policies and their effect on the service delivery mandate of the new government can be found in *South Africa Human Development Report 2003 – The Challenge of Sustainable Development in South Africa: Unlocking People's Creativity*, Oxford University Press, 2004, Chapter 5 Access to Social Services.

⁶ See McDonald, David, (Ed.) *The Age of Commodity: Water Privatisation in Southern Africa*, Earthscan Press, Forthcoming and also Marais, H., *South Africa - Limits to Change: The Political Economy of Transition*, Zed Books, 2001.

⁷ World Development Report 2004, *Services Working for Poor People*, p. 178 – 179.

⁸ Kerf, M., Gray R., Irwin, T., Levesque, C., Taylor, R., *Concessions for Infrastructure: A Guide to Their Design and Award*, World Bank Technical Paper No. 399, Washington D.C. 1998, p. 30.

⁹ Fiil-Flynn, Op. cit.

communities where many households had debt levels which were unserviceable.¹⁰ Pre-paid water meters allow service disconnection to be privatised. Pre-paid water meters facilitate the circumvention of a key tactic of the SECC – water service payment boycotts. Unlike traditional credit meters there is no longer any ability of households to temporarily withhold payment. Disconnection occurs not as a result of a Johannesburg Water official disconnecting a household's water service, with all the potential political opprobrium entailed in that action, but as a result of a socially isolated household not purchasing a pre-paid card to enable continued access to water in the home. In this way a household disconnects itself from the water grid. This mode of water service disconnection is silent and the pernicious effects on low-income communities led to these devices being banned in England.¹¹

Coupled with the introduction of pre-payment metres and the increasing prices for basic services were widespread job losses. In 1996 the ANC government introduced the neo-liberal Growth Employment and Redistribution (GEAR) program confidently projecting annual increase of 270,000 jobs in the formal sector per annum. The actual rate, in the first three years of implementation, was 125,000 *losses* per annum.¹² Sowetan households would have been hit hard by these job losses.¹³ In this context it is important to note that South Africa has only a minimal social safety net with no unemployment benefits.

It was not until the intervention of the SECC that the discontent over increasing electricity prices had a social face. Prior to this, resistance was primarily individualised with households either, struggling without electricity for months or clandestinely reconnecting to the electricity mains. The SECC's response to the electricity cut-offs was to initiate "Operation Khanyisa" (A Zulu word meaning "to light up") which involved SECC activists illegally reconnecting households to electricity.

Government officials often consider rising household services debt in the townships not in terms of deepening poverty but primarily the result of a chronic culture of non-payment. It is argued that this culture emerged from

¹⁰ Harvey, Ebrahim, "Managing the Poor by Remote Control: Johannesburg's Experiments with Prepaid Water Meters, in McDonald, David, *Ibid.*

¹¹ For some of the background to this decision see Drakeford, M., "Water Regulation and Pre-payment Meters", *Journal of Law and Society*, 25 (4), 1998.

¹² Padayachee, V., and Valodia, I., "Changing Gear? The 2001 budget and economic policy in South Africa", *Transformation*, Vol. 46:71 at 74.

¹³ For example 75% of Gauteng provinces' workforce in 2001 was in the formal sector. See data on Gauteng contained in the International Labour Organisation, *Women and Men in the Informal Economy: A statistical picture*, Geneva, 2002 p. 42. Available at <http://www.ilo.org/public/english/employment/infeco/publ.htm#stat1>.

services payment boycotts left over from apartheid era struggles, as a way to explain the precipitous rise in household services debt that led to the disconnections in early 2001.¹⁴ Research conducted by the Municipal Services Project in Soweto, however, found little evidence of such a culture, with many households taking meticulous efforts to keep bills over four or five year period which they were simply unable to pay.¹⁵

At its simplest the struggle in Soweto over affordable municipal services can be reduced to household's attempting to hold on to ordinary everyday activities of urban life - bathing, keeping warm in cold Johannesburg winters and putting the kettle on and having a cup of tea in the morning. After 20 years or so of electricity supply in Soweto, households have begun to see electricity as essential part of daily life.¹⁶ It has of course a more serious significance for public health if the issue of water is included as higher childhood morbidity and mortality is strongly associated with a lack of adequate supplies of clean water. There is also emerging evidence of increased mortality for HIV/AIDS sufferers who lack access to adequate supplies of potable water. But there are also health concerns if electricity is cut off. Without electricity and refrigeration, for example, food gets spoiled and medicines can't be kept cool.

Many however would look beyond these more immediate concerns and characterise the emergence of social activism around municipal services as evidence of activists and communities engaging in social change through a grass roots resistance to neo-liberalism.¹⁷ In this broader perspective of the emerging social struggle in Soweto class and individualistic interest based (neo-liberal) approaches featured prominently both in academic and popular explanations.¹⁸ I view both understandings as problematic as they describe behaviour of social and individual actors in a purely rational and materialist

¹⁴ An earlier empirical study covering the whole of South Africa based on this assumption is Johnson, R. W., *Not so close to their hearts: An investigation into the non-payment of rates, rents and service charges in South Africa's towns and cities*, Helen Suzman Foundation Special Reports, Johannesburg, 1999.

¹⁵ Fiil-Flynn, *Op. cit.*.

¹⁶ Soweto began to be electrified by the apartheid regime after the 1976 Soweto uprising see Bond, *Op. cit.*, pp. 307 – 310 and 327, and also Jo Beall, Owen Crankshaw, Susan Parnell, *Uniting a divided city: governance and social exclusion in Johannesburg*, Earthscan, 2002, Ch. 9 - Housing and Service Consumption in Soweto, p. 159.

¹⁷ David Harvey's analysis of the grassroots struggles against what he sees as 'accumulation by dispossession' is a good example. See his *The New Imperialism*, Oxford University Press, 2003, p. 157 and 162 - 180.

¹⁸ I won't discuss the neo-liberal variant and it must be stated that they tend not to see the 'social struggle' I talk of here but more evidence of the increasing ungovernability of the townships. Johnson, *Op. cit.* is a more nuanced example of this work.

framework.¹⁹ In this sense all behaviour can be reduced to a struggle over prices for basic services.

A Marxist explanation of the struggle over services in Soweto sees the appropriate subject of investigation as class. Class struggle explains the tariff structures for electricity and water as a result of the relative strengths of social actors in conflict.²⁰ The existence and/or extent of cross-subsidisation, between large industrial consumers and households and between rich/high consumption and poor/low consumption households, is primarily a measure of the balance of forces between classes. The extent to which working class/black consumption of basic services is subsidised is primarily a class issue. Illegal reconnection to the electricity grid whether individually or collectively organised, is an act of class struggle and can be justified and explained on the basis of collective *material interests*.

While this materialist/interest based model has considerable explanatory power it seems to me a necessary but insufficient explanation of the observed social mobilisation that occurred around basic services in Soweto since 2001. While the price rises and the increasing poverty and unemployment go some way to explaining the emergence and success of organisations like the SECC I nonetheless think more is needed.

I would argue that the struggle in Soweto over basic services has emerged from important moral and legal norms regarding recognition being disrupted. These moral and legal norms are not radically separate from underlying economic conditions. It is undeniable that the price increases in electricity, the introduction of pre-payment water and electricity meters and the ending of apartheid era practice of ignoring non payment by households all played their part in the sense of moral indignation that was generated in the townships during the Soweto electricity crisis. Nonetheless I view them as separate enough to deserve serious study as a non-materialist explanation of the emerging social movement in Soweto. As Barrington Moore Jnr, points out

¹⁹ Honneth makes the point that his model of conflict discussed below “should not try and replace the first, utilitarian model but only extend it.” See Honneth, A., *The Struggle for Recognition; The Moral Grammar of Social Conflicts*, Polity Press, 1995, p. 165. I do not endorse Francis Fukuyama’s interpretation of Hegel that “the primary motor of human history is not modern natural science or the ever expanding horizon of desire that powers it, but rather a totally non-economic drive, the *struggle for recognition*.” *The End of History and the Last Man*, Penguin, 1992, p. 135.

²⁰ Patrick Bond’s work on municipal services is representative of this style of discussion. I was privileged to attend his political economy of infrastructure course held at the University of Witwatersrand in May 2001. At interview Bond emphasised class struggle for explaining tariff structures when interviewed on the 6 June 2002. See also his *Unsustainable South Africa: Environment, development and social protest*, University of Natal Press, 2002.

economic changes, in and of themselves, are generally not enough to explain why communities rebel against imposed changes of the sort introduced by the ANC:

Granting and even emphasizing that ideas cannot become effective without economic changes, there is still an important positive point to be made. Without strong moral feelings and indignation, human beings will not act against the social order. In this sense moral convictions become an equally necessary element for changing the social order, along with alterations in economic structure.²¹

Axel Honneth and the moral grammar of social conflict

The writings of the German critical scholar Axel Honneth question the dominant materialist explanation for resistance and revolt, which grounds most Marxist and to a lesser extent liberal accounts of social change. Rather than accept materialist explanations for the sources and structure of much social conflict and institutional change, Honneth, drawing on Hegel's early writings and the sociologist George Herbert Mead, argues that social conflict is driven by the individual and group need for inter-subjective recognition.²² This recognition can only come from significant interaction partners. One cannot develop a sense of self, one's own interests, needs and desires without interaction with others. This occurs at a family level, crucially with respect to the mother/child relationship and also at a group level.

An individual, to fully engage with the world, must have self-confidence, self-esteem and self-respect.²³ These traits cannot be realised individually. They arise through interaction with significant others in the life world, through the recognition of others whom one also recognises.

Honneth uses respect in a particular way. He does *not* mean respect for the specific individual traits of a person, in the sense that one might esteem an individual for their ability to play football well, write good academic sociology texts or for any myriad of private and public activities humans engage in. Nor does it refer to personality traits such as qualities of agreeableness, tough-

²¹ *Injustice: The Social Bases of Obedience and Revolt*, MacMillan, 1978, p. 469.

²² It should be acknowledged that Peter Gabel's dense legal writings also deploy the concept of legal recognition. To Gabel legal rights represent a false and alienating form of recognition. See "The Phenomenology of Rights Consciousness and the Pact of the Withdrawn Selves", *Texas Law Review*, 62:1563, 1984 particularly at 1591 – 1597.

²³ Honneth has his own particular definitions for all of these commonly used terms. For the purposes of this chapter I will only explain the latter.

mindfulness or stoicism in the face of personal hardship. These are individual traits, which help us distinguish ourselves from and between others.

Respect, in Honneth's use of the word, has a universal character structured through relations associated with legal recognition. Individuals gain legal recognition or rights in a way that allow no exceptions or privileges.²⁴ As a "fully-fledged" member of a political community one's level of economic power should be irrelevant, in so far as it relates to the ability to engage in struggle as an equal partner with others, for representation of one's political interests.²⁵

Self-realisation depends on the establishment of conditions that allow for mutual recognition. Honneth sees respect as stemming from legally institutionalised relationships of universal respect for the autonomy and *dignity* of persons.²⁶

It is the individual manifestation of "self-respect" that is most important for understanding the role of rights in promoting social change. Honneth explains;

Since possessing rights means being able to raise socially accepted claims, they provide one with a legitimate way of making clear to oneself that one is respected by everyone else. What gives rights the power to enable the development of self respect is the *public character that rights possess* in virtue of their empowering the bearer to *engage in action* that can be *perceived by interaction partners*. For, with the optional activity of taking legal recourse to a right, the individual now has available a symbolic means of expression whose social effectiveness can demonstrate to him, that he or she is recognized as a morally responsible person...we can conclude that in the experience of legal recognition, one is able to view oneself as a person who shares with all other members of one's community the qualities that make participation in discursive will-formation possible. And we can term the possibility of relating positively to oneself in this manner 'self-respect'.²⁷

²⁴ Exceptions emerge in practice as a result of liberal societies inherent inequalities in economic power. Nonetheless the normative point, what people believe society should be like, is what is at issue.

²⁵ Honneth, *Op. cit.*, p. 115.

²⁶ Honneth, *Ibid*, taken from Anderson, J., "Translators Introduction" p. xi - xii.

²⁷ *Ibid*, p. 120 my italics.

Self-respect, however, can only be observed in the negative, that is when it has been denied. It is as a result of “legal under-privileging”, when rights are denied, that there emerges a crippling sense of shame in individuals. This shame can only be extinguished by active protest and resistance.²⁸

Can this shame be observed in the struggles in the community over electricity and water? What happens when someone’s electricity and water is cut-off? In the small survey conducted in Soweto, under the auspices of the SECC, it was found that “many stated that they worry that their neighbours will look down on them for not having electricity in their house”.²⁹ There was widespread agreement that loss of electricity affected dignity with 70% of respondents agreeing with the statement that “it is degrading to my family to live without electricity”.³⁰

Phillip Matseone from the SECC characterised it in this way when asked if households felt shame when their water and electricity was cut off:

When people get cut off it’s a lot more serious when somebody gets diagnosed as having full-blown AIDS. It isolates you like it’s a sin to be poor...I believe personally, and the SECC does as well, that it is not a sin to be poor. But now if you have to stay without electricity and people around you have electricity it has an effect on you psychologically. It rubs down to the kids and rubs down to the whole community.³¹

The social stigma associated with contraction of HIV/AIDS is compared to loss of electricity as a basic service. Matseone clearly implies that the social consequences of electricity disconnection are very significant.

Generally most people I interviewed felt that disconnection was an event that led, at least initially, to a sense of social exclusion and social withdrawal linked to feelings of social shame. However, there is nothing in these feelings of shame and hurt that in anyway suggest an immediate move towards some kind of political or social action. Poor people experience all kinds of humiliation and this does not often lead to revolt or even minimal political organisation. Honneth argues that “the motives for social resistance and rebellion are formed in the context of moral experiences stemming from the violation of deeply rooted expectations regarding recognition”.³²

²⁸ *Ibid*, p. 121 and p. 164.

²⁹ Fiil-Flynn, *Op. cit.*, p. 18.

³⁰ *Ibid*.

³¹ Phillip Matseone, SECC Media Officer, Interview 22 March 2002.

³² Honneth, *Op. cit.*, p. 163.

But these feelings cannot serve as an impetus for social action unless there is some shared language, which articulates and generalises these individualised feelings of disappointment to a wider circle of many other subjects. It was the SECC who provided this language and articulated a sense of what people should expect of their new government. The SECC's language was a language of rights but also involved contrasting the practices of the previous regime's approach to provision of basic services in Soweto in the new South Africa.

This was provided through contrasting the practices related to water and electricity services that occurred during the obviously illegitimate period of apartheid governance and the practices that were being followed by the legitimate ANC government. Apartheid denied the residents of Soweto their humanity by violating basic civil and political rights. It did not, however, in many people's memory, engage in mass cut-offs despite widespread non-payment by residents of Soweto. Dudu Mphenyeke, media officer for the SECC when asked what were the most useful techniques to inspire people at SECC rally's said the following:

We actually quote the things that the old government used to do that are no longer happening...Electricity we used to pay a flat rate. We were sure of it and no one was taken out for not paying. What is happening right now in a "better life" in the new government? It's worse. Actually we say we were living better in the old government. We take it from there. "No one is going to take us out of this misery we have to do it ourselves. We have to do it now and not postpone it". That actually inspires the people.³³

This description of apartheid era basic services is surprisingly accurate for long-term residents of Soweto. The apartheid councils and ESKOM largely didn't disconnect services for non-payment (this was because they lacked any democratic legitimacy) and charged a very low flat rate for water and electricity services. In Soweto this flat rate for electricity actually stemmed from earlier struggles against the apartheid government.³⁴

Soweto resident's expectation of what is fair was largely formed by their experience under apartheid. This is an example of a breach of the moral economy of Keynesian and specifically apartheid era infrastructure policies in which cost-recovery was not central to the provision of basic services. It is to

³³ Interview with Dudu Mphenyeke, 1st November 2001.

³⁴ For some of this background see the essays contained in McDonald, D., Pape, J., (Eds) *Cost Recovery and the Crisis of Service Delivery in South Africa*, Human Sciences Research Council and Zed Books, 2002.

this model that poor Soweton's look to understand their present experience of shame and humiliation due to service disconnection.

This contrast provides a powerful rhetorical tool to SECC activists to delegitimise the policies of Eskom and the local government. They highlight, in essence, that Eskom has broken a widely held expectation of entitlement. It is via highlighting these broken social norms that the SECC hopes to build the inevitable moral indignation that can be channelled into social action.

Rights and the SECC³⁵

Can we see in the struggles around electricity any sign of "legal under privileging" to explain this sense of shame? There was a clear sense that people were disrespected when they were disconnected. Yet, on the face of it, it would be a tough case for any progressive South African lawyer to prove that electricity is a right guaranteed by the South African constitution.³⁶ The struggle for recognition in Soweto is a struggle over what can reasonably be characterised as a universal need or right that everyone should have access to regardless of whether they are rich or poor.

Many people simply think of electricity as another commodity with none of the "essential" characteristics surrounding water. The SECC nonetheless argue that electricity is a right, even though this has no obvious legal basis, as electricity is not found in the Bill of Rights. SECC activists used the phrase "Electricity is a right not a privilege" as a core campaign slogan. Trevor Ngwane, SECC Chairperson, explained what is meant by the slogan:

To say that electricity is a right is to say, whether they have the money or not you must still get electricity. Whether you are rich or poor you have freedom of expression. Whether you are rich or poor you have the right to choose your representatives. And now, socio-economic rights. You have a right to water.³⁷

Assertion that electricity is a legal right is as much wish fulfilment as an actuality. Electricity still has a very contested "universal legal character" and the SECC attempts through social mobilisation to infuse electricity with that

³⁵ Further insight into the SECC's legal/activist strategies can be found in Greenstein, Ran, "Socio-economic Rights, Radical Democracy and Power: South Africa as a Case Study", in Gordon, Neve (Ed), *From the Margins of Globalisation: Critical Perspectives on Human Rights*, Lexington Books, 2004.

³⁶ Although legal work in this area is being undertaken see Roux, Theunis and Vahle, Rebecca, *Electricity Rights in Soweto: An Analysis of Possible Legal Arguments*, (Law and Transformation Program, Centre for Applied Legal Studies, 2002, available at <http://www.law.wits.ac.za/cals/lt/publications/>).

³⁷ Trevor Ngwane, interview with the author, 17th October 2001.

universality and by association demonstrate that rights and full respect is denied to Sowetans when their electricity is cut off. The SECC's right to electricity is primarily characterised in the negative. The state is being asked to refrain from disconnecting services rather than the positive obligation to provide electricity.

Trevor Ngwane, in describing the origins of the movement talks of the development of a political/rights strategy explicitly based on using the constitution and rights arguments to raise consciousness around electricity:

In a different context, during the local government election campaign, some comrade, part of the movement...said electricity is written in the Constitution as a right. Later someone said, "It's not true that it's written". We were forced to actually go and study it and find appropriate, more accurate methods of introducing the question of the Constitution. This happened quite early.³⁸

As there is no clause, which specifically contains electricity the SECC loosely base their right claims to electricity on the Bill of Rights clauses which speak of the rights to a healthy environment³⁹, equality⁴⁰, dignity⁴¹ adequate housing⁴² and most importantly water.⁴³

The SECC uses the example of the right to water in their "agitational speeches" as a counterpoint to neo-liberal ideologies which emphasise commodification and cost recovery. The SECC strategically juxtapose discussions around the right to water with their constituent's grievances around electricity. The comparison of water with electricity is important, as electricity's essential characteristics, in the modern urban environment, suggests the impossibility of living without it. Yet water is included in the Bill of Rights while electricity is not. Water was a key part of the SECC's mobilisational propaganda as described by Ngwane:

³⁸ Ngwane, *Ibid.*

³⁹ Section 24 states that everyone has the right to an environment that is not harmful to their health or well being.

⁴⁰ Section 9. (1) Everyone is equal before the law and has the right to equal protection and benefit of the law. (2) Equality includes the full and equal enjoyment of all rights and freedoms.

⁴¹ Section 10. Everyone has inherent dignity and the right to have their dignity respected and protected.

⁴² Section 26. (1) Everyone has the right to have access to adequate housing.

⁴³ 27. (1) Everyone has the right to have access to (b) sufficient food and water.

When we do agitational speeches we do a big thing with water. You know water comes from God, from the heavens. Now they say you can't drink the water. Next thing they will be trapping the air we breathe and selling it to us. And that makes it very clear to the people.⁴⁴

They rely on the core sense that water is so important to warn people about the consequences of commodification and neo-liberalism. Water disconnection for non-payment and the lack of access to such an essential service generated significant outrage amongst the community despite it being considerably rarer occurrence than electricity disconnection. This sense of outrage was even picked up by the Johannesburg Star newspaper in a 2002 editorial reflecting perhaps a broad community consensus that disconnecting a household from the water supply for non-payment was both immoral and illegal.⁴⁵

Another activist when asked about whether he used rights when speaking at public rallies quickly focused strongly on the right to water:

I stress it (rights). In South Africa we have the *best* constitution and this best constitution allows everyone to have their rights of water. It doesn't say the few must have their right to water...It says *everyone* must have access to their basic needs. I also stress that the constitution says that everyone has the right to a decent life. If you have your water and electricity cut off are you living a decent life? No you are not living a decent life.⁴⁶

The emphasis here is primarily on the constitutional rights to water and dignity (a decent life) despite the core of the SECC's campaign being about electricity disconnection. The SECC by emphasising need for both water and electricity for the enjoyment of a decent life hope to highlight and reinforce their claim that electricity should be treated as a right. In this way the SECC educated people about their Constitution. They informed people about some of the rights contained in the Bill of Rights that are relevant to their current problems with electricity cut offs, particularly water.

⁴⁴ Trevor Ngwane, Interview with the author, 17 October 2002. And see also Melanie Gosling, "Kasril's water meeting stormed." *The Star*, Wednesday, September 4 2002.

⁴⁵ *The Star*, "Stop Cutting Water" Editorial, Monday, April 8, 2002, 10.

⁴⁶ Interview with the author 26 October 2001.

Recognising the moral autonomy of Sowetans through rights justifications

One of the core mobilisational tools of the SECC is the illegal reconnection of electricity of disconnected households. The SECC admits, however, that the practice of illegal re-connection was widespread before the introduction of the SECC's Operation Khanyisa. Trevor Ngwane at a presentation to the *Sustainable Energy for All* seminar (as part of World Summit on Sustainable Development held in Johannesburg in 2002), reflected on the success of Operation Khanyisa, by asking a question – what is the use of illegal re-connections as a way of mobilising support for the SECC if there are so many people illegally reconnected already? His answer reflects on the psychology of being disconnected and having to reconnect illegally to maintain a sense of dignity and self-respect.

But they felt like criminals. We (the SECC) made this (re-connection) an act of defiance. It is your right to have electricity.⁴⁷

The residents of Soweto, before the intervention of the SECC, were engaged in micro or everyday resistance against the pricing practices of Eskom and the local government. This resistance did not have a public character. It was clandestine and secretive. Few households were willing to admit that they were illegally connected to the electricity grid.⁴⁸ In characterizing electricity as a right, Sowetan residents can publicly challenge the denial of an important, essential social resource such as electricity. They are able to break the crippling assumption that they are engaged in an individual act of deviance by being illegally connected to the electricity grid. They are more able to engage in social and political struggle around electricity or in Honneth's terms "discursive will formation" by having the sense of shame and criminality lifted from their shoulders and their character as morally autonomous human beings respected.

⁴⁷ Presentation by Trevor Ngwane, Chair of the SECC, to the *Sustainable Electricity for All Seminar*, University of Witwatersrand school for Public and Development Management, 29th August 2002.

⁴⁸ See Johnson, *Op. cit.* for some evidence of the clandestine nature of the Gauteng community struggle against high prices. See also the discussion in McDonald, D., "The Bell Tolls for Thee: Cost Recovery, Cut-offs and the Affordability of Municipal Services in South Africa, in MacDonald, D., & Pape, J., *Cost Recovery and the Crisis of Service Delivery*, HSRC publishers and Zed Books, 2002, p. 173 also available at www.qsilver.queensu.ca.

The politics of recognition in the SECC's struggle for affordable electricity

Recognition relations featured prominently in the struggle between the SECC and Eskom. There was a strong belief articulated and promoted by the SECC that community standards relating to the ANC's commitment to "a better life" are breached by Eskom and Johannesburg Metropolitan Municipality when electricity and water services are cut-off.

The politics of recognition was most prominent in the sense of being heard and on the other side listening to the claims of the "other". SECC activists continually stressed that they had made every attempt to interact with Eskom. The lack of a proper response to their demands and their very public exclusion from Eskom's negotiations with the community in Soweto resulted in the imperative of using direct action to be properly heard.⁴⁹ When I asked one activist about whether Operation Khanyisa was justified by reference the Bill of Rights he responded in this way.

You know we have tried to engage ourselves with the government and also ESKOM on the basis that everyone has the right to [electricity]. By showing that they don't want to respond to our demands the community decided that the only way they will understand is to defy ESKOM. When they switch off let us switch on. And we do it legally in terms that you have to demand your right, it's not like a plate of food that you will get it on the table. So that our government can hear what we want, and also electricity it's a right. The only way [you can get it] is to use force. As I was saying we have tried so many times to engage ourselves with ESKOM and the government to address the problems of the community. But they don't want to address it. They run away. So the community said the only way to address it is to use a defiance campaign against [ESKOM on] these issues.⁵⁰

In an obvious sense the militant direct action campaign of the SECC can only be justified *if* Eskom or the local government fails to give proper recognition to

⁴⁹ Eskom preferred to negotiate with the community through the South African National Civic Organisation (SANCO) affiliated prominently with the ANC. While having a long and proud record in the struggle against the Apartheid regime SANCO has struggled to maintain its relevance in the new South Africa because of the perception that it is too closely aligned with the government.

⁵⁰ Bongani Lubisi, 26/10/2001.

the legitimacy of their concerns. Illegal reconnection while a “right” also enables the pain, discomfort of the people to be heard by the “government”.

Eskom is also concerned with the politics of recognition arguing that it engaged exhaustively with the “legitimate” representatives of the community (that is SANCO) before it proposes its solutions to the ongoing crisis in electricity in Soweto. In June 2001, during Eskom’s cut-off campaign to increase the rate of payment and reduce the outstanding debt owed by households, an Eskom spokesperson discussed what would happen once the audit detecting illegal connections was finalised:

We will then take legal action. It must be stressed that we will not be intimidated by these actions. *We are in constant negotiations with the community*, but we are running a business and we cannot afford the huge losses we have been sustaining through non-payment.⁵¹

The intimidation in this instance refers to the SECC’s Operation Khanyisa. Eskom is at pains to present itself as an understanding entity. In the words of John van der Byl, Guateng regional manager of Eskom;

We are not an enemy of the community. We are willing to work with them to solve problems.⁵²

The protests of the SECC are an example of attempts to elicit recognition and respect from both Eskom and Johannesburg’s Mayor Amos Masondo. Mayor Masondo as the public face of local government has been the consistent focus of SECC protest actions.⁵³ Demands are presented through memorandums to both the Mayor’s offices and his personal residence.

The disconnection of the water and electricity from Johannesburg councillors’ houses and the Mayor’s residence is an attempt to make the decision-makers aware of the implications of their policies. The argument is to make “them” feel what the community is feeling, to give them “a taste of their own medicine”.⁵⁴ These are acts, which are designed to facilitate amongst the political leaders of the ANC recognition of the consequences of everyday credit control practices as exercised by Eskom and Johannesburg Water.

⁵¹ Anna Cox, “Sowetans to defy Eskom over cutoffs”, *The Star*, 4 June 2001.

⁵² “Eskom in continuing battle over accounts”, *City Vision*, 8 June 2001, p. 2.

⁵³ Marches to his offices have been held on Human Rights Day 21 March 2001 and 2002, and as well on the 9 June 2001 and to his home on the 30 June 2001 and the 6 April 2002.

⁵⁴ Trevor Ngwane, statement to press on South Africa television evening news, E-news, 16 April 2002.

Respect is explicitly an issue in some of the publications put out by the SECC. In a press release put out by the SECC, Dudu Mphenyeke, then SECC Media officer, is quoted as describing the process of being cut-off in the following way;

They just come without respect, without even greeting you in your own yard, and cut off your electricity. As Soweto, we are not going to keep quiet. We cannot live with paraffin fumes and coal smoke. The man from Eskom says electricity is a privilege, we say electricity is a right.⁵⁵

One of the points of contention with Eskom, the Johannesburg municipal administration and the community, as represented by the SECC, is whether electricity is a legal right at all. The SECC is articulating the community feeling that the local government and Eskom are denying proper recognition to households through the disconnection of electricity services. The construction of this argument occurs at all levels starting from the very act of disconnection which is characterised as abusing and disrespectful of the right to privacy.

When articulating the concerns of the community the SECC uses language, which evokes and dramatises the community's experience.

The electricity crisis among SOWETO residents has reached saturation point. After several negotiations with ESKOM management, who turned a deaf ear to the grievances of the residents. (Sic) The people of SOWETO can no longer tolerate the terrorist behaviour of ESKOM anymore, who keep on *humiliating* people with unjustifiable cut-offs. (My Italics)⁵⁶

Dignity, according to Honneth, is nothing more than the capacity to assert claims against the collective.⁵⁷ The concept of dignity, in the campaign, was sometimes used prominently at the point of partial democratic victory, when it was clear that the agitation, protests and direct action had resulted in some kind of concession from the authorities. Thus Trevor Ngwane was quoted in the *Star* after Eskom suspended electricity cut offs in late 2001 as saying that the suspension was a:

⁵⁵ SECC Press release, "Light is Life" Tuesday 5 June 2001.

⁵⁶ SECC Press release, "Electricity Crisis in Soweto", Monday 4 June 2001.

⁵⁷ Honneth, *Op. cit.* See also Joel Feinberg, quoted in DouZinas, C., "Identity, Recognition, Rights or What can Hegel Teach Us About Human Rights? *Journal of Law and Society* 29:3, 2002, p. 390.

...victory for humanity, for development and for the expansion of our Constitutional rights to lead lives of dignity. The news comes on the eve of our launching major civil protests and legal action against Eskom and municipalities which persist in denying constitutional rights to low income citizens. We will not rest, but will intensify the struggle of poor and working-class Sowetons in related socio-economic grievances.⁵⁸

The suspension of cut-offs, was an implicit act of recognition by Eskom of the grievances of the SECC.⁵⁹ While there was no formal legal action underway, the suspension is characterised as a rights victory. The dignity spoken of by Ngwane is the Constitutional right to dignity, which has little legally defined content.⁶⁰ Clearly the primary linkage to dignity is Soweton's gaining temporary unconditional access to electricity regardless of ability to pay. But I think it can also be argued that dignity spoken of here also relates to having their legitimate right claims publicly recognised by ESKOM. In other words material and recognitive interests are equally important goals of the SECC.

The moral economy and the social struggle

Fundamental to Honneth's interpretation is that the moral element of any social struggle is very important. The feeling of injustice stems from individual experience of moral norms being violated and not just from the experience of people being forced below some bureaucratically or community defined level of consumption. Honneth does not reject the interest based nature of many social struggles but simply wants to bring to the fore another factor governing social change.

Other writers such as Barrington Moore Jnr and E. P. Thompson have recognised the moral basis of social revolt and resistance.⁶¹ Moore in his study of the struggles of the German working class, *Injustice; The Social Bases of Obedience and Revolt*, almost used the term "moral outrage" to explain his findings but in the end rejected it for the more neutral "injustice".⁶² E.P. Thompson emphasised the mix of morality, custom and law in his study of food riots in 18th century England through his concept of the "moral economy

⁵⁸ "Sowetans celebrate Eskom's decision to suspend cut-offs" *The Star* Friday October 19 2001 p. 2.

⁵⁹ Eskom made every attempt to deny the SECC's role in their decision to suspend cut-offs. Press reportage suggested that this was largely unsuccessful.

⁶⁰ Section 10.

⁶¹ Honneth draws heavily on their work see Honneth Op. cit., p. 163 - 170.

⁶² See *Injustice: The Social Bases of Obedience and Revolt*, MacMillan, 1978, p. xiii – xiv although see Ch 14, "Inevitability and the Sense of Injustice", Part 7, "The expropriation of moral outrage" where he seems to return to the term rejected in the preface.

of the poor”.⁶³ The “moral economy”, being customary and legally defined conceptions of protection against the unrestricted free play of the market. These laws and customary practices were used to justify particular forms of riotous behaviour or protest against various profit seeking practices of the bourgeoisie which impacted on the traditional rights and material interests of the newly emerging industrial working class and urban petite-bourgeoisie.⁶⁴

Clearly the moral economy concept will need reinterpretation but on an initial assessment it appears to provide a useful pointer to the construction of political protest by SECC activists and their use of socio-economic rights. One of the clear differences in this context is that the moral economy is constructed from the framework provided by a reforming Constitution and Bill of Rights. Thompson’s research followed subordinate social group’s use of pre-industrial legal forms to resist the capitalist transformation of traditional forms of human association. A central point is that the moral economy in eighteenth century England relied heavily on then archaic laws for its strength as a mobilising and legitimating device for riotous crowd behaviour.⁶⁵ In so far as this backward looking characteristic is reflected in the SECC’s discourse it is more apparent in their representations in relation to the billing and credit control practices of apartheid era electricity provision.

Appealing to apartheid era practices, in this way, does not come without some difficult contradictions. David Harvey, drawing in part on the empirical work collected by David McDonald who documents the tragic impact of the commodification of basic municipal services in South Africa, takes issue with the backward looking character of many social groups’ protests against the myriad manifestations of neo-liberalism around the world. Harvey sees a problem in the ‘politics of nostalgia’ used by those groups who appeal to practices from a social order which is being displaced by the introduction of neo-liberal policies:

The danger lurks that a politics of nostalgia for that which has been lost will supersede the search for ways to better meet the material needs of impoverished and repressed populations; that

⁶³ See “The moral economy of the English crowd in the eighteenth century”, *Past and Present*, 50, 1971, 76 and *The Making of the English Working Class*, London, Gollancz, 1963. Hay, Douglas, “Moral Economy, Political Economy and the Law”, in Randall, A., Charlesworth, A., (eds), *Moral Economy and Popular Protest: Crowds, Conflict and Authority*, Palgrave, 2000, 93.

⁶⁴ See also Fine, R., “The Rule of Law and Muggletonian Marxism: The Perplexities of Edward Thompson”, (1994) *Journal of Law and Society*, 193 at 200 – 201.

⁶⁵ See Randall, A., Charlesworth, A., “The Moral Economy: Riot, Markets and Social Conflict”, in Randall & Charlesworth, (Eds), *Moral Economy and Popular Protest: Crowds, Conflict and Authority*, Palgrave, 2000, 1 at 25.

the exclusionary politics of the local will dominate the need to build an alternative globalisation at a variety of geographical scales; that reversion to older patterns of social relations and systems of production will be posited in a world that has moved on. There appears to be no easy answers to such questions.⁶⁶

There is a very clear sense in which the SECC appeals nostalgically to the rare progressive elements of a social order that was deeply and obviously unjust.⁶⁷ The flat rates for electricity and water, the no-disconnection policy for non-payment clearly were designed to maintain the apartheid regime.⁶⁸ As a result these appeals, while laden with a deep irony, in that “even under apartheid we were not treated like this”, nonetheless pose some difficult strategic questions for groups like the SECC. Furthermore flat rates, if applied broadly across the whole community, would mean that high, environmentally damaging household electricity and water consumption patterns, would not be deterred. This conflict may explain why the SECC’s basic demands shifted from a flat rate payment for electricity to the fairer and more rational system of a lifeline supply of 1 kWh per person per day of free electricity.⁶⁹

This problematic evocation of the apartheid era is however balanced by the SECC’s appeal to their government’s commitments, made under the ‘rights based’ social order of the ‘new’ South Africa, to provide certain social goods, such as water, and by association electricity, ‘as of right’ to its people. The Bill of Rights’ socio-economic clauses the SECC seek to rely on are clearly new or novel claims as far as traditional liberal constitutions are concerned but are already entrenched in the international human rights regime.⁷⁰ The central place that the appeal to socio-economic rights played in the SECC’s attempts to mobilise a public in Soweto provides a good example of a positive aspect of globalisation, in this case the adoption of international socioeconomic human rights norms.

⁶⁶ Harvey, *Op. cit.* p. 177.

⁶⁷ See above quote from Dudu Mphenyeka at n.33.

⁶⁸ Bond suggests they were in effect concessions forced on the apartheid regime by an earlier round of community struggle See Bond, *Op. cit.*, p. 327.

⁶⁹ See Bond, *Ibid.* A free lifeline supply of water and electricity was part of the ANC government’s promises in the 2000 elections. While implemented widely in relationship to water (6 kilolitres of free water per household per month) Eskom was very slow in providing a lifeline supply of electricity in Soweto. The SECC has campaigned strongly against the adequacy of the amount of lifeline offered for both water and electricity.

⁷⁰ For example the International Covenant on Economic, Social and Cultural Rights which entered into force on the 3 January 1976 and for an in depth discussion of the internationalist dynamic of South Africa’s exercise in constitution making see Klug, H., *Constituting Democracy: Law, Globalism and South Africa’s Political Reconstruction*, Cambridge University Press, 2000.

Conclusion

Axel Honneth's ideas point to a way of explaining how the immediate political demands of the SECC were made to sound convincing to their constituency in Soweto. The SECC appealed to Soweton's fundamental need for recognition as morally autonomous agents. This recognition is linked to the supply of adequate amounts of electricity and water in part because of norms developed during the apartheid era as well as a result of arguments that have been made possible by the inclusion of novel socio-economic rights contained in the Bill of Rights such as water and food. Electricity is not so recognised in the Bill of Rights and as such needs stronger rhetorical defence to be included in the pantheon of social goods that no human being can reasonably live without. As a result the SECC resorts, when defending the right to electricity, to various arguments that draw on the law and the Bill of Rights as well as from well-recognised community norms developed in Soweto during the apartheid era. The character of the discourse which is used by the SECC to drive social mobilisation has both a forward (rights based) and backward (apartheid era billing practices) character. This paper has largely focussed on legal rights and the recognitive attitudes deriving from the appeal to the legal form by the SECC. In so far as the SECC is convincing with respect to its rights based strategies and discourse this then allows them to generate sufficient moral outrage to fuel community activism.

This study may have been privileged to be at the emergence of a new and important understanding of what allows South Africans to claim their full citizenship. The fact that electricity can be characterised in the form of a right itself facilitates the generation of community involvement and therefore political power. The continued applicability of such a political strategy may depend, to some extent, on official judicial recognition of the right to electricity. From this vantagepoint such an outcome is by no means likely. An important test for the right-claim of electricity will come if a case is litigated before the Constitutional court.

Nevertheless formal recognition by the courts is not the last word on the right to electricity. Trevor Ngwane when asked what he hoped to achieve with formal legal action stated:

We have to take up the legal matters combining it with mass action militancy. It will serve two purposes. Either to win our right to electricity whether we are rich or poor. And if we lose

it is going to expose to the people that they have to rely on their own strength.⁷¹

The very act of denial of legal recognition becomes in the activist's mind an opportunity for mobilising support for their political demands for water and electricity.

⁷¹ Trevor Ngwane, Interview with the author