Precarious welfare states: Urban struggles over housing delivery in post-apartheid South Africa

SAGE

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Abstract

This article demonstrates how popular struggles over housing distribution lead to the transformation of the welfare state. In post-apartheid South Africa, municipal governments distribute free, formal housing to recipients registered on waiting lists. But as *formally rational* distribution fails to keep pace with growing demand, residents begin to organize mass land occupations. Municipalities respond to these land struggles by either organizing repression, making clientelistic exceptions, or providing transitional housing in temporary relocation areas (TRAs). The growth of TRAs – a direct response to land occupations – signals the institution of a new form of housing distribution alongside the old: *substantively rational* delivery. This argument engages recent work on the rise of new welfare states in the global South, demonstrating the limits of viewing social expenditure in narrowly quantitative terms. Instead, drawing on 15 months of ethnographic fieldwork in Cape Town, it interrogates the emergence of qualitatively novel logics of distribution.

Keywords

Housing, land occupations, post-apartheid South Africa, urban informality, welfare state

Introduction

In this article, I explain how urban struggles over housing lead to the transformation of the post-apartheid welfare state. The system of distribution of goods and services in South Africa amounts to a *precarious welfare state*: no matter how many homes are delivered, the number of people in need of housing increases annually (see Figure 1). South Africa has distributed more free, formal homes than any other democratic state

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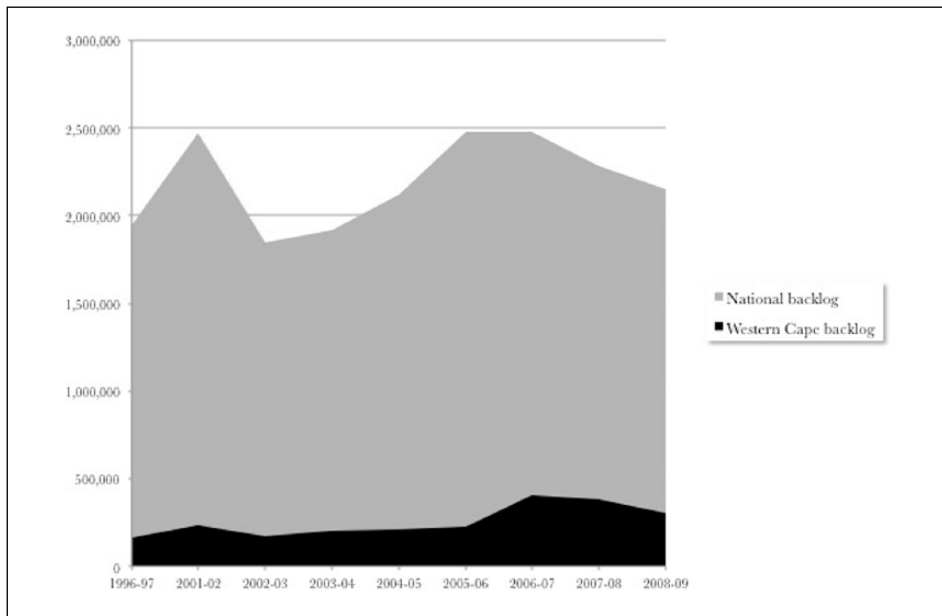Email: Zachary.Levenson@gmail.com

Figure 1. South African housing backlog, 1994–2009.
Source: Department of Human Settlements and Socio-Economic Rights Institute.

(see Figure 2), yet informal settlements and new land occupations continue to proliferate (Figure 3). This precarity is rooted not so much in lack of funding as lack of capacity, or the way in which demand vastly outstrips supply.

The precarious nature of such a state renders it increasingly vulnerable to popular contestation. Instead of conceiving of the postcolonial welfare state as a stable set of institutions that distribute goods, money, and services, this article demonstrates how the state itself can change its logic of distribution in relation to struggles over access to scarce resources. More specifically, it argues that the welfare state has two primary modes of distribution – one formally rational, the other substantively rational – and that the development of the latter is a direct outcome of social struggles *around the former.*

Formally rational delivery, following Weber (1978: 85–86), entails the distribution of goods in a hierarchically ordered, calculable manner, in which this order is codified in written form. In the case of South Africa, this written form is a housing waiting list maintained by the Department of Human Settlements (DHS). By contrast, *substantively rational* delivery means that distribution occurs on a case-by-case basis and in accordance with a criterion of perceived need on the part of its recipients. In most South African cities, the construction of transitional housing in temporary relocation areas (TRAs) fulfills this function.

Formally rational systems of distribution maintain an arbitrary order of hierarchy, akin to a first come, first served model; but there remains no space for those with more pressing needs, such as those facing eviction, environmental hazards, or shack fires. This opens up a space for contesting this prevailing mode of delivery, above all through
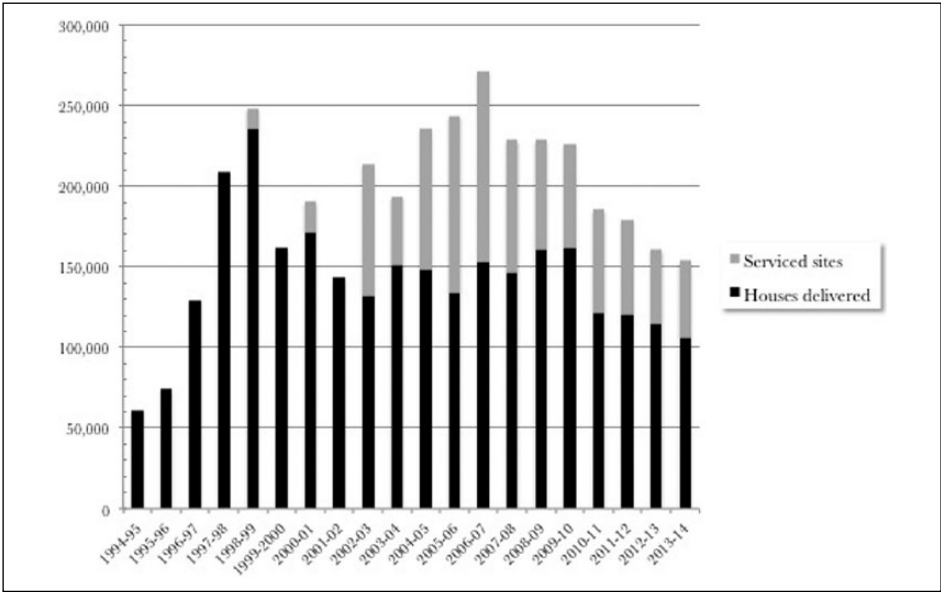
Figure 2. South African housing delivery, 1994–2014.
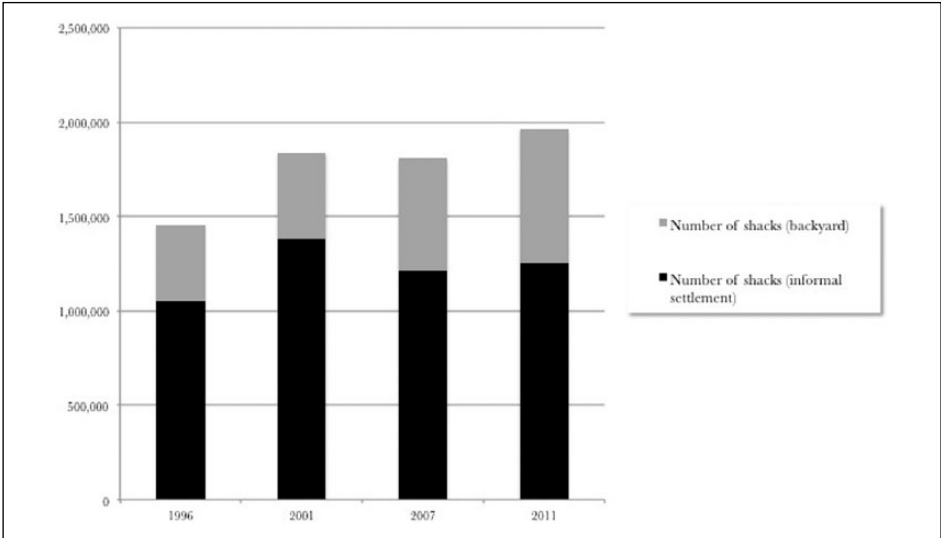Source: Department of Human Settlements.

Figure 3. Number of shacks in Cape Town, 1996–2011.
Source: StatsSA.

organized land occupations. But this emergent substantively rational alternative has no inherently codifiable logic governing distribution. When housing is provisioned in

accordance with immediate needs, officials must determine how exactly to define 'needs.' This means that they must actively decide which populations to prioritize. Their role in this situation stands in stark contrast to the impersonal model of formal rationality that conceals the role of political actors in actively making such redistributive decisions. As such, substantively rational distribution is open to charges of favoritism and partiality.

As substantively rational alternatives emerge in the interstices of a formally rational system, both officials and residents view them as instances of clientelism.[1] Residents contest what they view as a distorted bureaucracy, withdrawing from its calculable logic and organizing mass land occupations. In this article, I argue that this form of popular pressure results in the institution of a new form of housing distribution alongside the old: substantively rational delivery. Residents are provided with temporary housing on a case-by-case basis, with the promise that these homes are transitional. But given the resource-poor nature of the precarious welfare state, temporary housing turns out to be permanent, with the municipal government lacking any means of providing more formal options on a mass scale. Without any conceivable alternatives in sight, residents veer from organized struggles for recognition to an atomized politics of desperation. Substantive rationality then undermines the very struggles that spawned its creation, leading to permanence rather than provisionality.

This argument contributes to debates over the nature of welfare states in the global South. In the early 2000s, the prevailing view in the social sciences was that middle- and lower-income countries faced the brunt of global neoliberalism, and with it, the retrenchment of social spending that was a central tenet of the developmental state (Bond, 2003; Davis, 2006; Fourcade-Gourinchas and Babb, 2002; Harvey, 2006). More recently, however, scholars have begun to call this sweeping account into question. Rather than retrenchment, they argue, the past two decades have actually witnessed the augmentation of social spending as part of a broader trend in Africa, Asia, and Latin America (Burdick et al., 2008; Evans, 2005; Sandbrook et al., 2007), bringing with it a 'new politics of distribution' (Ferguson, 2015), 'a global turn … to the use of direct cash payments' (Breckenridge, 2014: 188), and a '"welfare first" approach to development' (Harris and Scully, 2015). In the following section, I critically engage this Polanyian framing, demonstrating that social struggles do not simply produce quantitative augmentation of social spending, but may also induce the qualitative transformation of the logic of distribution itself.

Social struggles and the welfare state

The literature on the 'new welfare state' (Ferguson, 2015) in the global South (Burdick et al., 2008; Evans, 2005; Harris and Scully, 2015; Roy and Crane, 2015; Sandbrook et al., 2007; Seekings and Nattrass, 2015) represents a major advance over previous accounts of neoliberalization. Framing their accounts in a Polanyian idiom, these writers conceive of welfarism in terms of increased social expenditure from the state. They understand augmented spending as a direct response to the destruction of the 'fabric of society' by excessive commodification of land and labor (Polanyi, 2001). Whether they theorize the state as acting autonomously or in direct response to residents' demands, the concept of the double movement leaves little space for moving beyond a narrowly quantitative conception of the welfare state: either it is lacking in cases of excessively

commodified land and labor, or else it is augmented in cases of decommodification. While this framing may tell us something about the role of the state in relation to social expenditure, the logic of resource redistribution remains remarkably constant throughout. In other words, this literature represents the state as able to decommodify more or less, but not in variable ways. In this article I demonstrate one of these ways, drawing on an analysis of the transformation of the very mode of housing distribution. The point is that this is not simply a matter of spending more on housing, but actually changing how housing is itself distributed to populations in need.

Even if welfare states are themselves viewed by authors in the Polanyian tradition as products of concrete struggles, once they are in place, they are remarkably resistant to change (Pierson, 1994). But what happens when the coalitional demands which yielded redistributive policies in the first place are not conciliated? Rather than viewing welfare states as static outcomes of struggles as in the Polanyian account of the double movement, this article treats them as dynamic sites of ongoing contestation.

My alternative is closer to Partha Chatterjee's account of 'political society' (2004, 2011) in which residents actively organize themselves as populations legible to the state in relation to the welfare apparatus. Rather than pursuing the legally enforceable rights guaranteed to individual members of civil society, members of political society attempt to constitute themselves as groups worthy of government attention. 'If as squatters they have violated the law,' Chatterjee writes, 'they do not necessarily deny that fact, nor do they claim that their illegal occupation of land is right. But they insist that they have a right to housing and livelihood in the city, and, if they are required to move elsewhere, they must be rehabilitated' (2011: 15). Unlike members of civil society who have legally guaranteed rights, Chatterjee's squatters force their demands on the state, bringing their rights into being. Rather than hailing a preexisting welfare state and attempting to secure resources through stable channels, members of political society attempt to comport themselves as part of a deserving community worthy of limited state resources. 'Consequently, if, despite their illegal occupation of land, they are given electricity connections or allowed to use municipal services,' Chatterjee concludes, 'it is not because they have a right to them but because the authorities make a political calculation of costs and benefits and agree, for the time being, to give them those benefits' (2011: 14).

Despite its grounding in Indian empirics, Chatterjee's theory is meant to be extended to 'postcolonial democracies' (2011) or, as he puts it in a previous title, 'most of the world' (2004). Indeed, his concept of 'political society' is increasingly popular with analysts of post-apartheid politics, with a growing number of new books and articles drawing heavily upon his relational theory of the state (Hart, 2015; Naidoo, 2007; Paret, 2017; Reddy, 2015). As useful as Chatterjee's framework is for making sense of precarious welfare states, it remains a largely descriptive theory. It represents a major advance over the Polanyian framework in that it demonstrates how resource redistribution works in a postcolonial context, and how residents engage this redistributive apparatus in practice. But it does not account for how these demands on the welfare state can transform the logic of distribution itself. In what follows, I show how growing land occupations precipitate the emergence of a substantively rational mode of delivery. These social struggles are at the root of this transformation.

Case selection and methodology

South Africa is the most frequently analyzed country in the literature on 'new welfare states' in the global South (Ferguson, 2015; Harris and Scully, 2015; Seekings and Nattrass, 2015). Yet nearly all of this literature is focused on cash disbursements as a means of poverty alleviation (Barchiesi, 2007; Ferguson, 2007, 2015; Seekings, 2002; Seekings and Nattrass, 2015; Standing, 2008). Housing provision and access to basic services are all but absent from this body of writing. Given that South Africa has delivered more free, formal homes since the demise of apartheid than any other democracy, this is a notable oversight – especially given that services and housing are the two leading causes of township protests in the country (Alexander et al., 2014; Powell et al., 2014). More substantially, this focus on cash disbursements means that attention is entirely focused on the quantity of social spending. Qualitative differences among modes of delivery only pertain to housing and services, but since these are largely absent from the literature, so too is any treatment of modes of distribution.

Within South Africa, no municipality has claimed as successful a record of housing delivery as the City of Cape Town, South Africa's third largest city. As in most South African cities, the abrogation of controls over population mobility in place under apartheid meant the rapid urbanization of unemployed populations. Most 'African'[2] Capetonians were deported to an underdeveloped rural area 1000 km eastward, and 60,000 residents of the largest so-called Colored[3] neighborhood in the city were forcibly relocated to newly constructed townships on the remote, sandy flatlands east of the city center. With the juridical deracialization of urban space after the transition to democracy, residents in need of durable shelter increasingly saw mass land occupations as a viable strategy. Pejoratively termed 'land invasions' by housing officials, these occupations are typically derided as opportunistic means of gaining inclusion in existing housing developments. Officials describe this contravention of formal rationality as 'queue jumping,' assuming that formally rational housing distribution functions adequately. From the perspective of formal rationality, residents *are* jumping queue as evidenced by the proliferation of clientelistic deviations described below: they may be included in new housing projects even when they are not next in line on the waiting list. But queue jumping is an effect produced by state responses to land occupations rather than a strategy devised by occupiers. These occupations are rarely carried out as means of accessing formal housing but are instead typically ends in themselves. Moreover, when government officials frame land occupiers as 'queue jumpers,' they are effectively accusing them of opportunism on an individualized basis. But land occupations are nearly always collective enterprises.

Between September 2011 and August 2014, I carried out 15 months of participant observation fieldwork in three different townships on the Cape Flats, the poorest region of Cape Town and home to 60% of its population. My ethnographic approach was to trace how residents in immediate need of housing made demands on the local state. For much of this period, I lived in a backyard shack with a Colored family evicted from two such land occupations. I visited nearby occupations on a regular basis, both Colored and Xhosa, as well as relocation sites, including both formal housing developments and TRAs. The majority of my fieldwork was conducted with Colored backyarders and participants in land occupations in Mitchell's Plain, the largest Colored

township in the country and the second largest township in Cape Town. I lived with a family in a backyard shack for roughly 12 months, regularly interviewing backyarders in the vicinity and attending neighborhood meetings of various sorts throughout, ranging from social movement meetings to housing summits organized by the Department of Human Settlements.

Additionally, to understand government policy as formulated in its formally rational ideal type, I interviewed 20 housing officials at municipal and provincial levels of the Department of Human Settlements (DHS), as well as a handful of private sector consultants involved in policy formulation. I supplemented this information with a number of other sources: I read systematically through the 2009 revision of the Housing Code produced by the national DHS, as well as other DHS documents and related High Court and Constitutional Court caselaw; I consulted housing policy overviews produced by non-profits, think tanks, and legal resource centers; and I attended a number of DHS informational sessions on housing delivery and informal housing policy at sites throughout Cape Town between 2011 and 2014.

In the next section, I analyze the origins and genesis of the housing waiting list, the chief technology of formally rational housing delivery in post-apartheid South Africa. I proceed to account for proliferating 'exceptions,' seemingly overwhelming the local state, and I explain how residents began to organize themselves and demand immediate access to housing in the form of land occupations. After doing so, I examine the second road to housing delivery: the substantively rational project of TRAs.

Formally rational housing delivery: The waiting list

Cape Town's formally rational system for delivering housing has its origins in the late apartheid period. With the clearance of the largest Colored neighborhood in the city center during the 1970s, residents were forcibly relocated to newly constructed townships on the remote plains east of the city. The construction of Mitchell's Plain in the mid-1970s, one of the largest of these townships, was a textbook case. Colored residents uprooted from the city center were given a place on a waiting list for formal housing distributed and administered by local authorities. When housing could not be immediately provided, residents were often provided with transitional rental stock in other newly built townships.

However, apartheid delivery was premised upon tight controls over population mobility. When influx controls were lifted in 1986, formerly excluded residents rushed to cities in desperate search of employment. This rapid urbanization of surplus populations meant that housing delivery was viewed as a key means of managing migration following the transition to democracy in 1994 (Mabin, 1995; Smith, 1992; Swilling et al., 1992; Turok, 1994a, 1994b). As part of its Reconstruction and Development Program (RDP) of 1994, the African National Congress (ANC) announced its plan to build 1 million formal homes in the first five years of democracy. To this day, most South Africans continue to refer to state-delivered homes as 'RDP houses,' despite the closure of the RDP office in 1996. By 2014, nearly 4 million subsidies had been released for RDP houses, though the DHS does not keep records on how many were actually constructed. Roughly 1.5 million subsidized homes have been formally registered with the Deeds Registry.

This approach to housing distribution is formally rational in its presumed impartiality and calculability. Registering for the waiting list requires the completion of a form at a local branch office of the DHS, typically located in all major townships. Applicants must produce a government-issued identification card and provide basic personal information. The receipt they receive contains the date of registration, the key datum for ordering registrants. When a registrant is selected, the DHS releases a subsidy in her/his name to the contractor assigned to the given RDP housing project. The municipal DHS advertises tenders in local newspapers, and through a process of public procurement, applicants (both public- and private-sector) are selected to construct RDP developments funded by municipal subsidies.

As formulated, the waiting list conforms to the formally rational ideal type. Obsessive record keeping has marked housing delivery since its inception, though the organization of these records has undergone a constant process of rationalization since at least 1970. According to Brian Shelton (30 September 2013), the architect of the waiting list system in the Western Cape,

> In those early days, there were a lot of waiting lists. … Think of Rolodexes – you know what a Rolodex looks like? It's one of these things with all the cards, and then for each of these areas, for each of these areas here, we would have a Rolodex for subeconomic [impoverished], and another Rolodex for economic [employed], but then for each of those we had further Rolodexes for one-room, two-room, three-room, four-room, five-rooms units. There were one, two, three, four, five – one, two, three, four, five, six, seven, eight, nine, ten – ten times seven – so, there were seventy lists for rental housing. There's a list for each of these, each of these – each times seven – to give you that. And then for ownership there was one list for each of those areas including that seven, plus another two. So that was seventy lists, seventy-seven, seventy-eight, seventy-nine, right about eighty lists.

Shelton characterized this system as a 'mish-mash,' and in 1983, he insisted upon standardizing and computerizing it. Forty municipalities then made up what is today the City of Cape Town. These were condensed into six in 1996, and they were subsequently amalgamated into a single administrative unit in 2000 under the Cape Town Metropolitan Council in 2000. Under Shelton's direction, this condensed database 'went live' in July 2006.

Far from ameliorating demands for adequate housing, however, the formal rationalization of the waiting list only intensified the struggle between housing officials and residents. As land occupations proliferated in the early 2000s, housing officials continued to view these 'invasions' as threatening exceptions to the rule of formal rationality. The municipal state responds to these threats in one of three possible ways. First, squatters are met with naked repression and occupations are cleared. However, given Constitutional restrictions on eviction without the provision of alternative accommodation, this is not always legal. Instead, a second response is to select certain squatters for new formal housing projects but exclude others, in what amounts to a clientelistic deviation from formally rational delivery. Third, rather than exceptional inclusion in new formal projects, the exception becomes the rule. Squatters may be offered housing in a TRA in accordance with what I describe as a substantively rational mode of housing distribution, i.e., on a case-by-case basis.

Formally rational delivery in crisis

Repression

In response to proliferating land occupations, Cape Town created its own Anti-Land Invasion Unit (ALIU) to monitor the growth of informal housing. In collaboration with the South African Police Service, ALIU oversees surveillance and eradication, often framing land occupations as a direct threat to the possibility of formally rational housing provision. Stephen Hayward (5 October 2013), ALIU's director, explained the nature of this threat to me in an interview:

> The City was losing a lot of land because of people illegally invading, and the fact is that the City was losing the land and couldn't plan and couldn't continue the process of housing. You would have people that would settle in [a] low-lying area where every winter it gets flooded. And every winter the people complained and demonstrated because the City wasn't looking after them. So the City would build housing quite close by and have to move them there. Of course people living in squatter camps that didn't get flooded and being there for ten years objected heavily, and there was lots of unrest about it.

Hayward was describing the chief contradiction of a formally rational waiting list: residents were arbitrarily ordered in terms of their date of registration with the DHS, but nothing about immediate need was taken into account. When precariously housed residents participate in a land occupation in order to gain some semblance of security, they are viewed by the DHS as a threat to the system of housing distribution.

In some cases, DHS officials view land occupiers' motives as more pernicious. The City's Head of Land Acquisition Marlize Odendal (2 October 2013) told me:

> From my perspective what is happening in terms of land invasions is need driven. I understand that. But having said that, urbanization alone is a reality that we need to cope with, but I think a lot of it is politically motivated, and purely aimed at embarrassing [the state], and/or just jumping queue. I mean, this is really the issue.

Like Hayward, Odendal identified the proliferation of occupations as proof that housing was no longer distributed on a formally rational basis, yet both of them maintained faith in purportedly impartial and calculable rules of implementation. Repression then was intended to fortify formal rationality in the face of these threats.

Clientelism

New land occupations, as well as those successfully framed by the DHS as nuisances, were the typical targets of repression. But when squatters were able to occupy a site for a prolonged period, it was more difficult to simply eradicate these settlements. This was especially the case where residents formed representative committees and were perceived by officials as organized communities rather than assemblies of atomized squatters, easily dismissed as individual opportunists. In the case of one such occupation, called Zille-Raine Heights, formed in 2006, the City tried repeatedly to evict more than

60 families. Both municipal and provincial courts upheld the eviction, noting that residents had been offered alternative accommodation in a TRA called Happy Valley 20 km eastward. The municipal court also affirmed 'the [C]ity's claim that there was no viable land that could be serviced for a housing development' on land closer to the occupation (Thorn and Oldfield, 2011: 523).

In late 2013, about half of the Zille-Raine Heights occupiers were added to a formal housing project through an ad hoc City Council session. The RDP units included in this project, Pelikan Park, otherwise went to residents on the waiting list. During an interview, two City DHS officials informed me that their inclusion was 'exceptional,' a favor to a City Council member who had specifically promised the residents of the land occupation inclusion in a subsequent project. But housing only went to half of the occupiers, so this was not a sufficient explanation. Auntie Hannah was in her early sixties and told me that she had been on the waiting list for 26 years. She was among those who did not receive a place in Pelikan Park. 'It was random, we think,' she said as we sat inside her one-room shack. 'We don't know how they choose who will get and who will not get. But I did not get, but I've been on the list since there was apartheid!'

Within the occupation, multiple factions had formed, each around a key leader. Only residents who worked with the dominant faction were included in the Pelikan Park agreement; others were subsequently evicted from the occupation, or else offered housing in a peripherally located TRA. Auntie Hannah's next door neighbor Tracey was also excluded from the agreement even though she insisted she had been on the waiting list for seven years now. 'Joanne got a home, but she was never on the list,' Tracey alleged, referring to one of her fellow occupiers. Joanne confirmed to me that she was not initially on the waiting list. 'She became so friendly with Mr. Moodley,' Tracey continued, referring to the DHS representative for Pelikan Park. 'That's how she snuck on the list!' This fit the narrative of exceptional inclusion – clientelism – relayed to me by the DHS officials.

Joanne's tightly organized faction gained inclusion in the development, and by both excluded residents' and DHS officials' own admission, this was a fulfillment of politicians' promises to provide these squatters with houses. At the same time, the emergence of factions was a boon to the City, who were then able to provide whichever faction was best organized – Joanne's in this case – with homes, whittling down the population to the point where repression was a viable option. The remainder of occupiers were offered transitional housing in a TRA.

The case of Zille-Raine Heights demonstrates that increasing one's likelihood of obtaining state-provisioned housing requires the formation of organized residents' groups that demand inclusion. Formally rational distribution reduces residents to passive recipients, or what Auyero (2012) calls 'patients of the state.' In Zille-Raine Heights, those residents who waited patiently remained trapped in the perpetual meanwhile, whereas those who joined Joanne's faction and entered into her clientelist agreement with Mr. Moodley received formal homes in Pelikan Park.

Temporary relocation areas (TRAs)

If clientelism constituted one alternative where repression was not an option, TRAs constitute the other. While they are currently part of the municipality's Emergency Housing

Program (EHP), as detailed in the subsequent section, they have their origins in ad hoc government responses to unforeseen circumstances, including natural disasters and, of course, mass land occupations. For example, the TRA Blikkiesdorp was constructed in response to a fire that decimated the shacks of 3000 households (roughly 12,000 people) in Langa's Joe Slovo informal settlement in 2005. Residents were temporarily housed in an adjacent TRA called Langa Intersite, constructed for those who were displaced. When provisions were made for only a fraction of the displaced residents, a much larger camp called Symphony Way TRA was constructed 20 km eastward in Delft on land leased from the airport. This TRA, popularly known as 'Blikkiesdorp' (Afrikaans for 'tin can town'), is today the most notorious TRA in the country, variably described as a 'concentration camp' (Smith, 2010), a 'human dumping ground' (Huisman, 2012), and a 'tin jungle' (Dolley, 2009). It currently houses roughly 1800 structures (cf. Ranslem, 2015). Other major TRAs on the Cape Flats include Bosasa, Tsunami (just across the road from Blikkiesdorp), Langa Intersite, and Happy Valley. Comparable TRAs proliferated over the first decade of the 21st century on the outskirts of Durban and Johannesburg.

While Blikkiesdorp and other TRAs began as temporary solutions to unanticipated events, they soon became routine state provisioned housing options in cases of occupations. In 2007, local ward councilor Frank Martin[4] distributed letters to backyarders in Delft, the township in which Blikkiesdorp is located, authorizing them to move into a nearby housing development. Shortly after abandoning their backyard shacks and making the move, they were attacked by the ALIU and police, who arrived on the scene with Casspirs and rubber bullets. But repression was an insufficient option, as these residents could not return to their backyard shacks. After being forced out of the new housing, they set up a massive encampment in the middle of Symphony Way, a major thoroughfare, where they remained in shacks for 21 months. The majority faction in this encampment affiliated to a citywide social movement called the Anti-Eviction Campaign, establishing a local branch. Another group of evictees occupied a field adjacent to the road. In late October 2009, the High Court granted another eviction order, and the following month, the majority of the squatters were relocated to Blikkiesdorp. While this coerced relocation was explicitly against the wishes of the occupiers, the crucial point is that their inclusion in Blikkiesdorp, as opposed to their straightforward dispersal, was a direct product of their organized struggles for decent housing. This does not mean that their demands were met, but rather that they catalyzed the emergence of an alternative logic of distribution. In the terms developed in this article, a substantively rational mode of housing distribution appeared in response to organized struggles for immediate inclusion in a formally rational system.

Toward a substantively rational mode of delivery

The retroactive codification of the TRA program is described in the following section and represents the concretization of this second mode of housing distribution. The point is that rather than devised well in advance, substantively rational delivery emerged from the interstices of an unraveling and antinomic system of formal rationality replete with clientelism. The continued growth of informal settlements despite an entrenched, formally rational system of housing provision left the local government searching

for alternative ways of addressing urban informality. Repression was an option where occupations were not represented as organized communities, but instead appeared as collections of individuals. Where residents were better organized, they were sometimes able to pressure housing officials and local politicians for inclusion in formal housing projects. Otherwise, they were offered temporary housing in TRAs while ostensibly awaiting more durable housing provision. As residents increasingly pointed to TRAs and clientelism as evidence of the deficiency of formal rationality, the DHS responded by codifying these exceptions on a national scale. But rather than devised in advance, this codification came ex post facto.

Substantively rational housing delivery: TRAs

A major irony of demands for immediate inclusion on the basis of need is that residents subsequently decry accumulating ad hoc deviations as a threat to their own likelihood of securing housing through formally rational channels. In other words, for those who are not the successful few who obtain formal housing from the state, the proliferating exceptions to formal rationality are perceived as bureaucratic deformation. From the perspective of housing officials, however, these clientelistic deviations do not collectively signal a shift in the logic of delivery. Even when they increase in frequency, officials insist that these exceptions to formally rational delivery remain isolated instances. In their telling, the distribution of formal housing continues to be characterized by a logic of calculation 'without regard for persons' (Weber, 1978: 975). In stark contrast to this perception, a second mode of distribution emerges in direct response to demands for immediate inclusion. This is substantively rational housing delivery.

Once TRAs shift from last resort solutions to routine housing options, they embody substantive rationality. Housing in TRAs is provided in accordance with need, broadly defined. Sometimes this need is rooted in a conception of social justice, e.g., provision of 'alternative accommodation,' whereas at other times it is governed by a logic of political expediency, as in cases of resolving land occupations on private property. As formulated, the TRA model embodies a substantively rational mode of distribution. As implemented, however, this delivery model is logistically infeasible, with limited transitional planning, overcrowding, and haphazard application. A careful investigation of TRAs reveals the inherent tendency of the substantively rational delivery to yield its opposite: permanent provisionality.

While there is little in the way of a nationally coordinated TRA program, TRAs in Cape Town and their counterparts in Durban and Johannesburg have as their regulatory basis the Emergency Housing Program (EHP), progressively developed over the first decade of the 21st century in response to a series of Constitutional Court rulings. Municipalities were required to provide temporary shelter – 'alternative accommodation' – in cases involving 'the immediate needs of those living in intolerable conditions' (Huchzermeyer, 2003: 81). Subsequently municipalities were required to provide alternative housing in cases of eviction, including cases of occupied private property. A more recent Constitutional Court judgment contains a succinct take on the limits of formally rational delivery and the need for a substantively rational remedy. In this decision, the justice who authored the majority opinion explicitly counterposed the 'the City's

inflexible approach' to one in which the government would provide housing 'to those who are vulnerable and most in need' – or in short, formal rationality to substantive rationality:

> The Supreme Court of Appeal held that the policy *inflexibly and therefore irrationally excluded from temporary emergency accommodation those who are evicted by private landowners. ... The differentiation bore no rational connection to the City's legitimate purpose of providing temporary accommodation to those who are vulnerable and most in need*. Further, the City's *inflexible approach* undermined the Occupiers' *right to dignity*, a founding value and right entrenched in section 10 of the Constitution. The Supreme Court of Appeal declared the policy unconstitutional to the extent that it excluded the Occupiers from consideration for temporary emergency housing. (van der Westhuizen, 2011: 39–40; emphasis added)

The EHP was devised in order to comply with this mandate handed down by the Constitutional Court. As one analyst makes clear, the purpose behind the EHP was 'to balance longer term delivery targets with rapid emergency response' (Cirolia, 2014: 399), or in the language used in this article, to balance formally and substantively rational logics of distribution. Beyond narrowly defining emergencies as natural disasters and shack fires, the EHP includes 'current urbanisation trends in the country and the substantial housing backlog facing government' as primary causes of homelessness and destitution (Department of Human Settlements, 2009: 9, 15).

Whereas formally rational delivery requires individuals to register for a place on the waiting list, the substantively rational model is capable of incorporating both individuals and populations. As the example of the Joe Slovo shack fire demonstrates, one of the major functions of TRAs is as a space of containment for affected populations. Given the voluntary nature of these relocations and the growing stigma attached to Blikkiesdorp in particular, typically only fractions of populations accept the corrugated zinc structures. In other cases, individuals and households are moved on a case-by-case basis. Unlike the waiting list, TRA housing does not require possession of an identification card or even South African citizenship. So-called 'non-qualifiers' for programs like RDP housing delivery or social housing are incorporated as individuals into the EHP, with TRAs serving as a semi-permanent form of housing delivery, despite the purportedly 'temporary' nature of these structures.

Effective state intervention, couched in terms of a legally codified conception of social justice, takes precedence over the uniformity of regulation that prevails under formal rationality. 'Comprehensive coverage' and 'speedier delivery of housing' are elevated in the TRA model above the carefully regulated distribution of housing under formal rationality (Cirolia, 2014: 401–402). The realization of a substantive value – the provision of 'alternative accommodation' – takes precedence over the calculability of its means of delivery.

Indeed, these two aspects are viewed in zero-sum relation. As Cirolia concludes, 'This contest [of overlapping imperatives and rights], which sits beyond the limited domain of housing, combined with the vague language and parameters of the programme, has led to haphazard and indiscriminate implementation' (2014: 408). Excessively substantively rational distribution, devoid of any formally rational underpinnings, guarantees irrationalities with regard to the logistics of delivery. In addition to a lack of transparency in

terms of the ordering of recipients, the DHS is consistently overwhelmed by demand in the context of post-apartheid urbanization.

In the case of Cape Town's TRAs, residents were supposed to be housed in TRAs for roughly six months while alternative accommodation was constructed. Yet more than seven years after the creation of Blikkiesdorp, and well over a dozen years after the creation of Happy Valley TRA, there is no apparent plan for upgrading or relocating TRA residents. At Blikkiesdorp in particular, the recent turn toward ad hoc relocations has resulted in gang members from rival territories being placed in close proximity. While these camps were initially defined as a placeholder in exceptional cases, TRAs have come to function as state-run, peripherally located refugee camps plagued by extreme interpersonal violence. When I interviewed Johan Gerber (7 February 2012), Cape Town DHS's Head of Engineering Services for Informal Settlements, he told me that TRAs will soon no longer be known as TRAs, but instead as 'IDAs': incremental development areas. The City will use the EHP to develop each IDA, but they will later upgrade to a 'formal township' (his phrase). This is the plan for Happy Valley, the oldest existing TRA in Cape Town. The City built it on the TRA model, but people need to be temporarily relocated now so that the City can establish a township there, bringing more people onto the site and installing permanent services. In other words, a TRA is planned for the TRA.

While militant housing rights organizations were initially very active in Blikkiesdorp, most notably the remnants of the Anti-Eviction Campaign, these factions have largely dissipated. A few competing non-governmental organizations (NGOs) exist, but nearly without exception these are organized by single individuals or tiny factions and have little in the way of representative heft. In general, the fractured nature of the community at Blikkiesdorp makes organizing quite challenging, as rival pre-existing place-based identities, gang affiliations, and skepticism of newcomers militate against the formation of a unified representative body. Likewise, years of failed attempts to engage the municipality, political parties, and large NGOs have left residents viewing the DHS not as an alleviating force in the face of a post-apartheid housing crisis, but instead as a primary *cause* of this crisis.

This abandonment of any hope of TRAs as a form of transitional housing and the concomitant realization that these semi-formal neighborhoods are effectively permanent have led to the evaporation of any representative politics in favor of a politics of desperation. Far from an organized riposte or attempt at engagement, this emergent form of politics constitutes an attempt to withdraw from the gaze of the state altogether. It signals utter despondency in the face of a failed delivery model and a wholesale rejection of organized politics.

Homeless residents who were moved to Blikkiesdorp 'say they were better off living under a bridge than they are in the temporary relocation area' (Mama, 2012). I frequently heard reports of residents either threatening to burn down their own TRA housing in desperation, or in one case, actually following through. Others would threaten to set any subsequently constructed units alight. One man I interviewed (27 October 2013) about his family's rejection of the Blikkiesdorp option in favor of a backyard shack told me that one of the reasons underlying the rejection was current residents' hostility to newcomers:

> These people in Blikkiesdorp knew that we were people from Mitchell's Plain. And they were asking, are you from Mitchell's Plain? You're gonna see *kak* ['shit'] when you come here, and all these kind of threats. And we said we can't, we don't want. And since that day we decided no Blikkiesdorp.

Interestingly he subsequently described this hostility as politically motivated, in line with what I have described as a politics of desperation. Similar to the politics one encounters in land occupations facing eviction, residents have given up any hope that TRA construction actually constitutes a viable path to delivery. If in land occupations, residents will frequently burn municipally provisioned toilets, voter registration booths, and other visible signs of the state, in the case of Blikkiesdorp, people's homes themselves become representations of a failed delivery apparatus.

The redefinition of 'emergency housing' as a form of socio-spatial exclusion produces a politics diametrically opposed to the substantively rational delivery model. Open displays of desperation are a perceived means of withdrawing from the delivery model altogether. What frequently began as willing collaboration in the name of eventually securing state-provisioned housing has transformed into the perception that the delivery model is itself to blame for relegation to peripherally located TRAs. Even where something approximating a politics of representation is apparent in the initial stages of relocation to TRAs, the formalization and permanence of the provisional mode of delivery leads to the dissipation of neighborhood organizations in favor of atomized rebellion.

Conclusion

Popular contestation over housing distribution in Cape Town results from a lack of state capacity, or what I have called the precarious welfare state. Given both limited resources and overwhelming post-apartheid demand, formally rational distribution cannot possibly supply sufficient housing in the face of such rapid and sustained urbanization. More generally, we might expect to run up against the limits of formally rational delivery in cases where distribution remains site-specific. Whereas cash disbursement can proceed without regard for place and is divisible among a growing pool of recipients, housing delivery and service provision require spatial planning and prioritization. This means that while my argument about the transformation of distributional logics applies to housing and likely to service provision in post-apartheid cities – what I have called the qualitative dimension of the precarious welfare state – it does not apply to cash grants, or the quantitative dimension. Since I have argued that this transformation is an effect of social struggles, we should expect to see the emergence of substantively rational technologies of delivery in cities in which popular contestation is relatively high.

This is a crucial point: popular contestation does not only *result* from the mode of distribution, but it can also *transform* this logic. In other words, the precarious welfare state is not simply an outcome of struggles that resolves them with some degree of finality, but it is also the site of ongoing disputations that shape its very content. As I have argued here, changes in the welfare state are not only about its quantitative nature – more or less

social spending – but also about its qualitative content. While Chatterjee (2004, 2011) provides a more developed account of the postcolonial welfare state that actively incorporates social struggles, he limits his analysis to a description of an existing distributive regime. Struggles in his telling are about hailing a delivery apparatus, about comporting oneself as part of a community or population deserving of state-provisioned goods. While this is certainly an advance over an individualistic, rights-based approach, Chatterjee does not tell us how these struggles may actually transform the nature of post-colonial welfare states themselves.

This struggle to be recognized by the delivery apparatus is a struggle in Chatterjee's account precisely because of the scarcity endemic to the precarious welfare state. Given that sudden post-apartheid urbanization overwhelmed the limited number of homes to be distributed, we must consider not only how residents are recognized by the state, but how they struggle against other informal settlements to represent themselves as the most deserving of state-provisioned housing. Inherent in the precarious welfare state then is a competitive dimension: scarcity breeds competition among informal settlements. Settlements that are able to collectively represent themselves to the municipal government as organized communities are more likely to become exceptions to the rule of formal rationality, securing housing on an ad hoc basis. The competitive dimension of these struggles over recognition produces a hierarchy of needs. This stands in direct contrast to the formal rationality of the waiting list, in which all residents are assumed to have identical needs. This reordering of needs on a case-by-case basis instead of an impartial, impersonal one is no less than the transformation of the precarious welfare state, from a formally to a substantively rational system of distribution.

Funding

Notes

1. Hicken describes clientelism as 'characterized by the combination of particularistic targeting and contingency based exchange' (2011: 289). For more on the contingent nature of patron–client relations, see Robinson and Verdier (2013). See also Auyero (2000) for a rich ethnographic account of political clientelism in an Argentine shantytown.
2. Under apartheid, 'African' did not include all residents of Africa, let alone autochthonous residents, but was instead limited to speakers of Bantu languages. Where phenotype was ambiguous, officials would carry out the pencil test: if a pencil would remain lodged in an individual's hair, she/he was designated 'African,' but if it fell to the floor, she/he was not.
3. 'Colored' refers to a distinct ethno-racial category in South Africa, the majority population in the Western Cape in general and Cape Town in particular. While partially a creation of the apartheid state, it has today come into common use, though not without a bit of awkwardness. Some people prefer to use 'so-called Colored,' though for the purposes of writing, this is tedious. In any case, the term refers to descendants of a number of distinct groups that miscegenated beginning in the late 17th century. Most notably, this includes the indigenous population of the Western Cape (the Khoikhoi and the San), Malagasy and Batavian slaves imported by the Dutch, white settler colonists, and Xhosas. Often the term is thought by foreigners to

mean of mixed black and white descent, but in reality, the group retains a distinct cultural identity and might be comparable to a category like 'Latino' in the American context.

4.   Martin is affiliated to the Democratic Alliance (DA), the ruling party in Cape Town and the Western Cape, but a minority party nationally. The housing development in question was a flagship project of the African National Congress (ANC), the ruling party at the national level. This quarrel over housing provision was also a squabble between the DA (at the municipal and provincial levels) and ANC (at the national level) over the clientelistic distribution of housing.

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Author biography

Zachary Levenson is a PhD candidate in Sociology at the University of California, Berkeley. He is currently completing a dissertation entitled *The post-apartheid state: The politics of housing in South Africa*. His work brings insights from political sociology to bear upon postcolonial urban questions.

Résumé

Dans cet article, nous montrons comment des luttes populaires pour l'accès aux logements sociaux sont en train de conduire à une transformation de l'État-providence. Dans l'Afrique du Sud post-apartheid, ce sont les administrations municipales qui attribuent un logement gratuit aux bénéficiaires inscrits sur des listes d'attente. Mais étant donné que cette attribution *formellement* rationnelle ne parvient pas à suivre le rythme d'une demande croissante, les habitants commencent à organiser des occupations collectives de terrains, ce à quoi les municipalités concernées répondent soit par la répression - en faisant toutefois des exceptions sur des bases clientélistes - soit en offrant un logement provisoire dans des « zones de relogement temporaire » (*temporary relocation areas*). La multiplication de ces zones - mesure directe prise pour répondre aux occupations de terrains - est le signe qu'une nouvelle modalité d'attribution des logements est en train de s'instaurer en parallèle avec l'ancienne modalité : une modalité d'attribution *substantiellement* rationnelle. Cette analyse prend en compte des travaux récents consacrés à l'essor d'un nouveau type d'État-providence dans les pays du Sud, en montrant que les dépenses sociales ne devraient pas être évaluées en termes uniquement quantitatifs. Grâce à un travail ethnographique sur le terrain mené pendant 15 mois dans la ville du Cap, nous attirons au contraire l'attention sur l'émergence de logiques de distribution innovantes au plan qualitatif.

Mots-clés

Afrique du Sud post-apartheid, État-providence, habitat informel, logement, occupations de terrains

Resumen

En este artículo se demuestra cómo las luchas populares por la distribución de viviendas conducen a la transformación del Estado de bienestar. En la Sudáfrica del post apartheid, los gobiernos municipales distribuyen viviendas de forma gratuita a los beneficiarios inscritos en listas de espera. Pero a medida que la distribución formalmente racional no puede seguir el ritmo de la creciente demanda, los residentes comienzan a organizar ocupaciones masivas de terrenos. Los municipios responden a estas luchas por el terreno ya sea organizando la represión, haciendo excepciones clientelistas, o proporcionando viviendas de transición en áreas de reubicación temporal. El crecimiento de las áreas de reubicación temporal – una respuesta directa a las ocupaciones de terrenos – es un indicador del establecimiento de una nueva forma de distribución de la vivienda junto con la antigua: la entrega sustantivamente racional. Este argumento entronca con trabajos recientes sobre el surgimiento de nuevos Estados de bienestar en el Sur global, demostrando las limitaciones de entender el gasto social en términos estrictamente cuantitativos. Este artículo, en cambio, analiza la aparición de lógicas de distribución cualitativamente diferentes, a partir de 15 meses de trabajo de campo etnográfico en Ciudad del Cabo.

Palabras clave

Estado de bienestar, informalidad urbana, ocupaciones de terrenos, Sudáfrica del post-apartheid, vivienda