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**Africa begins to speak – collective action and democracy in
Africa**

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Is political space in Africa narrowing – or opening?

Consumers of Northern media are likely to conclude that it is narrowing – footage of the conflicts in Zimbabwe and Kenya have convinced many that the space for Africans to express themselves politically is closing as elites clamp down on opponents and on citizens' organisations. The title of this panel suggests that this concern is shared by some African intellectuals. This paper argues that reality is precisely the opposite: that these conflicts, as well as other trends, indicate, in reality, an opening rather than a closing of space. The most pervasive African reality of the past few years, it insists, is a growth in the capacity of sections of the citizenry to engage in collective action to hold political power-holders to account. While in some cases, this has prompted a backlash which has created the illusion of closing space, the trend is towards more opportunities to hold power to account.

It is as well to qualify this argument. It is not unreservedly optimistic since it does not claim that vigorous democracy in which citizens will be fully able to hold power to account is now inevitable: it insists only that potential now exists which was not present before. Nor does it argue that current forms of citizen organisation – what it is now customary to call 'civil society'¹ - is sufficient to ensure a say in decisions for grassroots African citizens. On the contrary, it argues that 'civil society' in much of the continent, while it is growing in its ability to act, remains shallow and that it does not, therefore, yet offer grassroots citizens a share in decisions.

These generalisations about African trends do some obvious violence to reality. African states are diverse – analyses which generalise in sweeping fashion about an undifferentiated 'African state' inevitably flatten out important differences; often, their purpose is to stigmatise rather than to explain.² African states, whether or not they are formally democratic, are not homogenous and so analyses which ignore their differences are certain to miss at least as much as they explain. This discussion must be seen in this context: it seeks to identify trends and in doing so, it is forced to generalise and so to ignore the rich and textured analysis of particular states and societies. But, while the paper does not claim to explain developments in every African state, it does assert that the trends it discusses are currently the most salient on the continent.

Before discussing available evidence, however, it is important to spell out the understanding of democracy which underpins this analysis.³

A Framework for Analysis

How do we know that a society has become a democracy – or that it will remain one?

¹ The term 'civil society' is highly contested and this paper does not propose to re-open the civil society debate. For purposes of this paper, we can restrict ourselves to assuming that 'civil society' is that ensemble of citizens' organisations which engage in some ways with government and seek to hold it to account. For this author's writing on civil society see, for example, Steven Friedman 'An Unlikely Utopia: State and Civil Society in South Africa', *Politikon*, December, 1991; 'The State, Civil Society and Social Policy: Setting a Research Agenda' *Politikon*, 30 (1), pp. 3-25, 2003; *Golden Dawn or White Flag?: The State, Civil Society and Social Policy*, Durban, Olive Publications, 2003

² The French school of African studies is particularly prone to this approach. See for example Patrick Chabal and Jean-Pascal Daloz *Africa Works: Disorder as Political Instrument*. Bloomington, Indiana University Press, 1999; Jean-Francois Bayart, *The State in Africa: The Politics of the Belly*. London, Longman, 1993.

³ This paper is a modified version of a chapter in my unpublished work 'Power in Action: Democracy, Collective Action and Social Justice'. The theoretical framework discussed here is elaborated in that work.

The dominant approach through which scholars of comparative democracy try to answer this question is the 'consolidation' paradigm, which tries to understand how and to determine whether democracies 'consolidate'. This is meant to tell us whether 'uncertain' democracies can become 'certain' – by determining both whether they are sure to survive and the extent to which they have graduated from 'partial' to 'full' democracies. But an examination of the 'consolidation' approach shows that it does not enable us to tell a 'certain' democracy from an 'uncertain' one. It is unable to provide sure guides to democracies' survival prospects, while its attempt to sort out the finished product from the aspirant democracy is unhelpful to new democracies because it is vague, teleological and ethnocentric, concerned less with trying to understand new democracies than with testing whether they are progressing towards an idealised version of the 'finished products', the democracies of North America and Western Europe. It is not unfair to boil the 'consolidation' paradigm down to a desire to establish (in the North) when and how 'they' will become 'us' or (in the South) how 'we' will become 'them'.

In reality, democracies cannot be divided into 'consolidated' and 'unconsolidated' variants of the species, into those which have achieved completion and those which are on the way to it. There are always gaps between democratic form and substance, between democracy's promise and its concrete reality. We best understand societies' attempt to deepen democracy and to make it more sustainable if we place them on a continuum along which all are moving further towards – or away from – an always unattainable democratic ideal. Democracy is, in this view, never completed and the search for it is a journey which democrats and democratic societies must always undertake in the sure knowledge that it has no reachable destination.

This point is brought into sharper focus if we consider how democracy differs from other political orders. As a variety of popular texts point out, 'Democracy comes from the Greek words *demos* meaning people and *kratos* meaning authority or power.'⁴ This basic definition clearly separated democracy from alternative modes of rule – in particularly monarchy (rule by an individual) oligarchy (rule by a few) or some notion of meritocracy in which power resides in an elite which is considered inherently better able to govern: David Estlund, following Plato's Republic, has called this last strain of anti-democratic polity 'epistocracy' or 'rule of the knowers'.⁵ Democracy is distinguished from all these alternatives because it is, by definition, a system in which 'the people' – all adult members of a political community – are meant to exercise power. Democracy is, therefore, in essence a system of popular sovereignty,⁶ a regime in which the political community governs itself through the exercise of the equal decision-making rights and powers of each of its members. This reality is recognised both in popular definitions and in scholarly texts: 'The very legitimacy of liberal democracy is based on the idea of popular sovereignty ...'.⁷ A society is not,

⁴ Street Law *Democracy For All*, University of KwaZulu Natal, Durban, 1995

⁵ David Estlund 'Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority' in James Bohman and William Rehg (eds) *Deliberative Democracy: Essays in Reason and Politics*, Cambridge, Mass., London, MIT Press, 1999, p. 183

⁶ Steven Friedman 'The Forgotten Sovereign: citizens, states and foreign policy in the south' in Justin Robertson and Maurice A East (eds) *Diplomacy and Developing Nations: Post-Cold War foreign policy-making structures and processes* Abingdon, Routledge, 2005

⁷ Chantal Mouffe *The Democratic Paradox* London. New York, Verso, 2000 p. 4

therefore, entirely democratic unless each adult citizen enjoys an equal say in decisions, a goal which is unattainable this side of Utopia.

A completed democracy would be unattainable even if it could somehow be shown that a society in which all enjoy an equal say is possible because the impossibility of democratic completion is conceptual, not empirical: ‘ To imagine that pluralist democracy could ever be perfectly instantiated is to transform it into a self-refuting ideal, since the condition of possibility of a pluralist democracy is at the same time the condition of impossibility of its perfect implementation’.⁸ In other words, to insist that a democracy had been perfected would be to assert that the debate over democratic form and practice in that society was now over, a clear abridgment of popular sovereignty since it would exclude some issues from popular scrutiny . Since a democracy is always a society in which rational adults will disagree on the extent to which popular sovereignty is being realised, and in which democratic principle requires a continuing debate on this question, a ‘perfected’ democracy would be one in which an important debate had been closed – and would, therefore, be highly imperfect. The key paradox at the heart of democratic principle is that democracy’s ‘perfection’ would also be its abridgment, making the notion of a ‘completed’ democracy a logical impossibility.

It is worth noting here that the notion of democracy as popular sovereignty is not a Western imposition on Africa or, indeed, anywhere else. It does not dictate the form in which societies should govern themselves, it insists merely that every human being, by virtue of their humanity, is entitled to an equal share in the decisions which affect them – it is thus an assertion of Africans’ right to decide, not a means of subordinating African notions of the good society to those of others. Claude Ake, for example, asserts that ‘the principles of democracy include widespread participation, consent of the governed, and public accountability of those in power-principles that permeated traditional African political systems’.⁹ It is also an understanding of democracy endorsed by African publics. A poll of 18 African countries by Afrobarometer, which surveys public attitudes to democracy in parts of the continent, reported in May 2006 that 74 per cent of respondents agreed that citizens should question their leaders more – only 23 per cent believe that they ought to show more deference to authorities.¹⁰ Fully 82 percent believed that leaders should listen to and represent constituents’ view – only 14 per cent felt that those who lead should be free to ‘follow their own ideas in deciding what is best for the country’.¹¹ The notion of democracy as popular sovereignty is deeply imbedded in popular notions of the system, in Africa as well as other parts of the globe.

This does not mean that democracy is a purely majoritarian system. Because the notion of popular sovereignty insists that *everyone* is entitled to an equal say, members of a political community do not lose that right to participate because their

⁸ Mouffe ‘The Democratic Paradox’, p.16

⁹ Cited in Institute for Democracy in South Africa (Idasa), *Reflections on Democracy*, Pretoria, Idasa, 1997. See also Claude Ake *Democracy and Development in Africa*. Washington D.C, Brookings Institution, 1996.

¹⁰ Afrobarometer Network *Where is Africa Going? Views From Below?: A Compendium of Trends in Public Opinion in 12 African Countries 1999-2006* Compiled by Michael Bratton and Wonbin Cho p.17 Accessed at <http://www.afrobarometer.org/papers/AfropaperNo60-trends.pdf>, p.8

¹¹ Afrobarometer Network *Citizens and the State in Africa: New Results from Afrobarometer Round 3* compiled by Carolyn Logan, Tetsuya Fujiwara and Virginia Parish Afrobarometer Working paper No. 61, May 2006, p.26 Accessed at <http://www.afrobarometer.org/papers/AfropaperNo61.pdf>, p. 16

positions are in the minority. The creation of institutions and rules which circumscribe majority power in order to protect the rights of the minority is, therefore, intrinsic to the notion of democracy as popular sovereignty provided that these protections are intended to preserve the access to decision-making of all members of the political community. In order to exercise sovereignty – both by freely choosing between opposing candidates and by participating in discussion on public policy - citizens need both as free a choice as possible, which entails access to all relevant information, and the right to seek to convince fellow citizens of the wisdom of their preferred policies and candidates. Popular sovereignty therefore requires not only a free choice of government representatives and unfettered participation in public choices but the full exercise of those liberties required to preserve the capacity of all members of the community to participate in decisions.

Understanding democracy as popular sovereignty does not only help us to understand the limits of an approach which distinguishes between ‘complete’ and ‘incomplete’ democracies – it also provides us with the benchmark which enables us to assess whether societies (or, indeed, particular institutions within societies), are moving closer towards or further away from the democratic ideal. By asserting that a society is more or less democratic to the extent that it allows or obstructs the exercise of popular sovereignty, it establishes the principle that, the more citizens participate in decisions, the more democratic is a society.

This understanding of democracy locates collective action by citizens at the core of the democratic project because it is through collective action that citizens both achieve and sustain democracy.¹² Democratic broadening and deepening depend on the degree to which ever greater numbers of citizens enjoy the capacity to act increasingly effectively in concert to hold power-holders to account. Not only does collective action broaden and deepen democracy, it also enables societies to become formal democracies in the first place. In one sense, this is trite. Democracy does not emerge from a vacuum – people have to create it, even if the production is the work only of a small elite, and they do so collectively. The creation of any social institution requires that people act in concert to create it. But more is claimed here. Democracy, it is argued, emerges in response to the collective action of social groups which are denied a share in decisions and who combine to claim a say in what is decided: ‘For a society to become democratic, the power balance in civil society has to shift...Since the major power resource of the many is collective organization, their chance to organize in associations, unions and parties gains crucial significance’.¹³ It emerges when it is seen as the only system of government capable of containing the need for a share in decision-making and for continued collective action by social groups capable of acting in concert to change power relations who believe themselves to be excluded from the exercise of sovereignty. It is sustained when citizens continue to act collectively to hold public power to account and it is deepened and broadened when more and more citizens acquire the capacity to engage in collective action to hold power-holders to account and to force them to respond to their concerns.

The Centrality of Collective Action

¹² The argument is not developed in full here, but in my ‘Power in Action’.

¹³ Evelyne Huber, Dietrich Rueschemeyer and John D Stephens “The Impact of Economic Development on Democracy” *Journal of Economic Perspectives* Summer 1993, Vol. 7 Issue 3, pp. 73/74.

The chief constraint to popular sovereignty in Africa is the ability of the state largely to insulate itself from society's scrutiny and influence – a reality which is produced by citizens' lack of access to the means of collective action.

Besides obviously ensuring that policy reflects the preferences of the government and international actors, not citizenries, this is also a key reason for 'neo-patrimonial' or 'prebendial' forms of government, in which the state becomes a personalised vehicle for rent-seeking elites rather than a means for ^{the realisation of democratic values and aspirations} ¹⁴. Power holders who are insulated from society will, of course, face few domestic pressures to account to citizens for how they use power and its perquisites. And, to the extent that those who govern newly democratic African democracies can continue to insulate themselves, a formal democracy which is neither deep nor broad is the most plausible consequence of the introduction of electoral competition.

There is, however, growing evidence that African citizenries – or, perhaps more accurately, strategically placed groups within them such as urban professionals and business people - are beginning to acquire the means to effective collective action which at least opens the possibility that deeper and broader democracy might emerge from the promise of electoral participation. Indeed, perhaps the most significant current trend in Africa is the challenge to unaccountable leadership by social actors able to mobilise collective action capable of posing a serious challenge to power-holders. While collective action by African citizenries is not in itself new,¹⁵ there is a change in the quality of action: street protests are now supplemented by civil society organisation which is better able to sustain collective efforts aimed at ensuring wider social accountability. In some cases, this is prompting progress towards democratisation even as, in others, it has elicited a sustained attempt by the holders of political power to beat back the tide. While the ensuing conflict is sometimes portrayed as further evidence of African political incapacity, it is, in reality a sign of growing capacity: elites are fighting back because, for the first time, they face a serious threat to their monopoly on power.

Two cases particularly stand out as examples of the way in which attempts by organised social actors to hold governments accountable – perhaps the strongest sign yet that sustainable democratisation is beginning in Africa – are portrayed as a step backwards because they elicit violent resistance from power-holders. In Zimbabwe, a referendum in 2000 rejected constitutional changes proposed by its ruling party, ZANU-PF. The vote occurred in the context of increased popular mobilisation led by civil society organisations and raised the prospect that the governing party might, for the first time in the two decades since independence, lose a general election.¹⁶ The ruling party mobilised violence to maintain its hold on power – and, the opposition insists, manipulated the next general election, in 2002, to remain in power regardless of the electorate's preferences. The result has been a sustained period of violence and increased authoritarianism,¹⁷ which, in 2008, culminated in the sustained use of violence by the authorities to avoid the consequences of an election which the opposition won. In Kenya, in late 2007, the governing party seemed destined to lose

¹⁴ Steven Friedman 'Democracy, Inequality and the Reconstitution of Politics' in Joseph S Tulchin with Amelia Brown (ed.) *Democratic Governance and Social Inequality*, Boulder, Lynne Rienner, 2002

¹⁵ See Bratton and van de Walle 'Democratic Experiments'

¹⁶ John Makumbe 'Zimbabwe's Hijacked Election' *Journal of Democracy* October 2002, Volume 13 No. 4, pp. 87-101

¹⁷ Makumbe 'Zimbabwe's Hijacked Election'

an election to a newly-formed opposition party. Although the presidential election of 2002 was won by a coalition opposed to the authoritarian rule of former president Daniel Arap Moi, the winning candidate, Mwai Kibaki, had served as vice-president during the period of one-party rule and his election did not indicate a decisive break with the past. During his term, a key member of the coalition which had secured his election victory, Raila Odinga, broke with the president to form the Orange Democratic Movement (ODM), which promised a more thorough-going democratisation than had ensued from the 2002 poll. Odinga was leading the presidential vote count comfortably only to find the election awarded to Kibaki in suspicious circumstances. The result was a period of severe violence, which attracted particular attention from mainstream commentators because Kenya had enjoyed stability, at least on the surface, for much of the post-independence period.¹⁸ Subsequently, a power sharing government was formed, Kibaki retaining the presidency but Odinga assuming the office of prime minister.

The Zimbabwean and Kenyan conflicts are routinely portrayed as signs that African polities are incapable of effective self-government – media portrayal often depicts them as but the most recent example of an unremitting post-independence patterns of authoritarianism, violence, corruption and ethnic strife. The fact that they have occurred in two of the continent's states which were seen to offer something of an exception to the pattern – Zimbabwe because it seemed relatively more prosperous and Kenya because it seemed far more stable than many other African countries – seemed to suggest that even the more 'promising' African societies were doomed to repeat the baleful patterns evident elsewhere. In reality, however, they could be explained within a very different paradigm – not as examples of further decay but as evidence of what might happen when citizens tried to break the pattern and authoritarian governments sought to thwart them. As one journalistic account of the Kenyan conflict noted: 'In fact, the underlying cause of the violence is endemic political corruption and flawed governance by Kenya's political elite.'¹⁹

In both cases, the conflict occurred because citizens, or at least those with access to the means to mobilise, were threatening for the first time since independence to break the mould of unaccountable leadership and to elect governments with roots in at least a section of the society. Civil society organisations had played a major role in organising Zimbabwe's opposition²⁰ - in Kenya, the link was not as direct, but the electoral challenge to Kibaki followed a period in which civil society organisation increased significantly: 'Few would dispute that civil society organisations (CSOs) have grown substantially in number and influence over the past decades'.²¹ Tragic as the violence was, it was an attempt, thus far successful, by elites to withstand the democratising pressure of collective action by sections of the citizenry. It was not a symptom of what happens when Africans achieve self-government – it was, rather, a symptom of what could happen if some African societies tried to move decisively towards self-government, which they have always been denied, for the first time. It

¹⁸ Alex Halperin 'Kenya's stability in the balance' *Fortune* 7 January 2008; Thilo Thielke 'Hope Springs Eternal as Tourism Economy Crumbles' *Der Spiegel* February 8, 2008

¹⁹ Simon Roughneen 'Corruption trumps tribalism' *International Herald Tribune* 10 January 2008

²⁰ Lloyd M. Sachikonye 'Whither Zimbabwe? crisis & democratisation' *Review of African Political Economy* Volume 29 Issue 91 March 2002, pp. 13 - 20

²¹ Joyce Mulama 'Kenya: 'Civil Society's Policy-Making Role a Work in Progress' *Inter-Press Service* June 16, 2007 <http://ipsnews.net/news.asp?idnews=33661> See also Willy Mutunga *Constitution- Making from the Middle: Civil Society and Transition Politics in Kenya 1992-1997* Nairobi, SAREAT, 1999

was not a sign of what happens when Africans wield power, but of what they face in some societies when they try to achieve it. That democratising pressures are a consequence of heightened civil society organisation confirms the hypothesis proposed here, that societies become and remain democratic as a result of collective action by their citizenries which seeks to hold power-holders to account. That they have been resisted indicates that the path to democracy when citizens do begin acting collectively is not necessarily smooth or successful since it may be resisted by power-holders.

It is important to understand these developments as the result of a potentially profound change on the continent which may be equipping parts of the African citizenry with the means to collective action which makes it possible to challenge power-holders. While they are certainly not inevitably bound to democratise the societies in which more effective means of collective action are emerging, they are not evidence of irrational chaos. They are, rather, the beginning of a redistribution of access to collective action which may, for the first time, offer some African societies their first opportunity for a degree of popular sovereignty.

Further evidence of this assertion is that democratising pressures are not restricted to Zimbabwe and Kenya. They are found in more than a few African countries – whether they take the form of protests against presidential third terms in Malawi, Zambia and Nigeria or the defeat of a presidential candidate supported by the outgoing authoritarian ruler in Ghana. And, as these examples indicate, they are sometimes far more successful in winning some incremental change towards greater popular control of power holders than the processes in Zimbabwe and Kenya.

The evidence offered here suggests too that formal democracy has indeed brought some change and that states are less insulated from society than they were – citizens have forced heads of government to resign, or to abandon plans for a third presidential term. They have also won limited successes in holding governments to account. And to the extent that they have done this, government has become more accountable, more responsive, and further advanced on the journey towards popular sovereignty. Limited movement towards governments more accountable to the governed, and to polities in which policy is the result of exercises of popular sovereignty is, therefore, being driven by the capacity of citizens to engage in collective action effective enough to hold power-holders to account and ensure their responsiveness. But the evidence also suggests that progress is partial and limited – if African citizens with an interest in democracy's broadening and deepening are now capable of holding governments to account on some issues some of the time, they are far from being able to do so on most issues for most of the time. And, except in rare circumstances, the spectrum of society able to engage in collective action to make itself heard to the holders of power remains narrow. For reasons too complex to be discussed here, Africa's recent history has not bequeathed to the poor access to the means of collective action which would enable grassroots citizens to make democratic government work for them – and so the gap between state and society has only been partly bridged even in those states in which enhanced access to the means of collective action has enabled some interests to narrow the gap between government and society. But, as sections of society have developed the capacity to organise and to act more effectively, so have opportunities begun to emerge for further democratisation.

It has been the incapacity of citizenries in post-independence Africa to engage in collective action capable of holding the state to account which enabled elites to make the state in their image, to ensure that it served their needs rather than those of citizens: it is the capacity to do so in future which will determine whether African states are re-made in a more substantively democratic image. And it is the continuing limits on collective action – its often shallow base which restricts participation to urban professional elites and its historic inability to mobilise enough power to force government to account and respond – which slows progress towards greater democratic quality. The outcome of current pressures for democratisation will be decisively shaped by the degree to which this latter constraint is overcome. As Barrington Moore²² shows, the fact that much mobilisation at present is restricted to elites is not necessarily a constraint to democratisation – on the contrary, it is only these elites which are currently able to mobilise sufficient collective action to offer some prospect of achieving greater accountability and it is probably they alone who enjoy the capacity to begin the democratisation of their societies. If they succeed in winning rules and institutions which ensure that all enjoy the formal right to participation, they will open opportunities for the grassroots to deepen democracy later. Clearly, however, if they are unable to muster the capacity to withstand power-holders' attempt to beat back change, further progress towards democracy will need to await a more propitious time. But, however limited and fragile current progress may be, the trend is clearly towards more, not less, citizen action to hold governing elites to account.

In a celebrated study of post-independence African polities, Mahmood Mamdani argued that, despite the end of colonisation, Africans remained 'subjects' rather than 'citizens' because they remained subjected to the thrall of power holders who dominated rather than served them.²³ While indigenous elites rather than colonisers now ruled, the patterns of power which denied the promise of citizenship remained. The road to deeper and broader democracy in Africa – and, therefore, to states which seek to serve the people and are connected enough to them to be able to do so – depends on the degree to which Africans can become citizens. This, however, demands that the citizens also become subjects – not in Mamdani's sense but in the sense of persons able to assert their subjectivity: active, autonomous, agents capable of actively shaping their societies rather than passive objects of power-holders; subjects who are able to make those who govern their societies objects of their will. To the extent that they are able to do this, they will ensure democracies of greater quality and so build societies in which significant degrees of self-government become a reality. Democratic depth and breadth may also crucially determine formal democracy's survival prospects because democracies in which citizens are not sufficiently in control to hold power holders to account are likely to prove vulnerable to anti-democratic shocks. For a time, rulers may pay formal obeisance to democratic rules to maintain international legitimacy. But, unless citizens are sufficiently able to engage in collective action to ensure that power can only be exercised within the parameters permitted by the citizenry, democracy's longevity will be continually in doubt. Capacity to engage in collective action, therefore, determines not only whether

²² Barrington Moore Junior *The Social Origins of Dictatorship and Democracy: Lord and Peasant in the Making of the Modern World*, Boston, Beacon Press, 1966.

²³ Mahmood Mamdani, *Citizen and Subject: contemporary Africa and the politics of late colonialism* Kampala, Fountain 1995

democracies offer their citizens real progress to popular sovereignty, but perhaps whether they can survive in democratic form at all.

There is no reason to believe that this applies only to Africa. The creation, survival and deepening of democracy have always been the consequence of an ability by those social groups with an interest in holding government to account within democratic rules to engage in collective action effective enough to constrain power-holders and ensure that they are forced to recognise limits on their power imposed by those on whose behalf it was meant to be wielded. Initially, those who have been able to engage in collective action have been a relatively small elite – the barons whose pressure on the King produced Magna Carta in thirteenth century Britain or the rising professional and merchant classes who overthrow the Ancien Regime in revolutionary France. This often limited the depth and range of popular sovereignty. But in time, the limited accountability and responsiveness won by these elites was followed by enhanced organisation by labour unions and other popular organisations: the result, in Europe and North America, was deeper democratisation and advances for popular sovereignty. It seems unlikely that this was a regionally or culturally specific phenomenon – it is logical to suppose that democracies become richer and more enduring the more citizens are able to turn their democratic rights into the capacity to hold leaders to their promises and to ensure that they act in response to the will of the popular majority. And the greater the capacity for collective action, the greater the ability to withstand authoritarian pressures when they emerge. In Africa as elsewhere, collective action remains the key to enhanced democratic quality, greater progress towards popular sovereignty and more enduring democracy. And it is the growth in citizen organisation, which has made collective action more possible, which explains the renewed democratising pressures in several African polities – pressures which are opening new potential for citizen action.

Testing Progress

The previous section has sought to show that the apparent narrowing of political space in which African citizens may seek to hold governments to account has been an illusion which masks an opening. At times, this opening has quickly been blocked by elites seeking to insulate themselves from popular sovereignty. But this does not alter the reality that the capacity to challenge, through collective action, elites' exclusive hold on power has grown in Africa and that the possibilities for a citizen share in decisions have become enhanced.

But how significant is this progress? How successful are the attempts by African citizens to claim a share in popular sovereignty? To assess this through the prism of the conceptual framework proposed here, we must ask two broad questions:

- To what extent are the liberties of African citizens, which enable to participate in the exercise of popular sovereignty without overt constraint from public power-holders, respected by their governments?

and

- To what degree do African citizens actually participate in
- public decision-making in their societies?

The first question seeks to assess the degree to which the minimum conditions for the exercise of popular sovereignty are available to Africans, the second asks whether, if these minimum liberties are available, people are able to use them to exercise popular sovereignty in practice.

There are good conceptual reasons for treating the two questions differently. A requirement that governments respect the liberties of citizens is, to use Isaiah Berlin's celebrated formulation, an insistence on 'negative liberty,'²⁴ on freedom from repression and constraint. In contrast to traditional formulations, the approach adopted here does not see these freedoms as means of escaping the reach of government, but as a requirement for participation in it: it therefore views them not simply as negatives, as freedom from constraint, but as potential positives, freedom to act and to decide. But, in a free society, participation remains an option, not a duty, and so the freedoms must be fully available to all, whether or not some choose to use them to participate. Popular sovereignty is, therefore, dependant on everyone enjoying the 'negative liberty', the freedom from constraint, which may enable some to participate even as it simply allows others to get on with their lives. If liberties are respected, a democratic precondition is met, whatever the levels of public participation.

The requirement that citizens actually shape decisions insists on a need for 'positive liberty', the capacity to use rights to influence public policies and government programmes, thus participating in shaping the world. The first, at its most basic level, requires only that governments leave citizens be and does not, therefore, require a continuing engagement between citizens and government. While human rights activists would insist that governments have a duty to work with citizens to safeguard rights, respect for freedom does not *necessarily* entail a continued engagement between government and citizens, just as it does not necessarily mean that the rights will be used to take part in decisions. But participation in government decisions clearly is impossible without a continuing relationship between government and the governed. The key conceptual difference, therefore, is between democratic outcomes which require an active citizenry engaged with government and those which do not.

To argue that democracy, and therefore, by implication, the basic freedoms which must accompany it, is a product of collective action does not necessarily mean that every aspect of the democratic system is perpetually sustained only by continuing collective action in its defence. It means only that democratic systems will not emerge without collective action from groups with an interest in holding political authority to account and that they will not broaden and deepen unless organised citizens engage in continuing action to ensure that government remains accountable and responsive to them. Those aspects of the system which place limits on the use of government power, and which will therefore endure as long as governments choose not to enter areas of public life from which they are constitutionally barred, may operate for long periods without collective action in their defence.

One example may be the creation and maintenance of institutions which can play their assigned role in democratic systems only if they remain independent of political authority and which are not, therefore, expected to reflect majority opinion – although

²⁴ The distinction between negative and positive freedom was proposed by Isaiah Berlin, 1969, 'Two Concepts of Liberty', in Isaiah Berlin, *Four Essays on Liberty*, London, Oxford University Press, 1969. Berlin preferred the negative variety – the approach here sees both as essential ingredients of a democratic society.

they are crucial to the opening of space discussed here because they ensure the protection of citizens' right to organise and to challenge power. The most obvious example is the judiciary: democracy does not require that legal actions be settled by popular vote – on the contrary, it is central to the legal order which underpins democratic systems that legal disputes be adjudicated by officers who are insulated from political processes sufficiently to ensure that decisions are seen to be products of considered judgments by people assigned that task rather than by majority opinion. The academy is another example: academic freedom is based on the notion that intellectual inquiry in a democracy can only play its required social role if research findings and ideas remain independent of prevailing majority opinion.²⁵ While neither these nor any other institution whose independence is pivotal to democracy's survival can be 'above politics', since they rely on human beings who are not politically neutral, they are meant to remain independent of political authority in the sense that they cannot perform their function if they tailor their findings to the requirements of the political authorities – or, indeed, of prevailing political majorities.

Even here collective action is not entirely without influence on whether these institutions' independence is preserved: it could be argued that, over time, these and other institutions which rely on independence from political authority to perform their tasks will only maintain autonomy if a social consensus – or at the very least agreement among a coalition of influential social interests – recognises the social benefit of their independence and therefore chooses to support it²⁶: it is unlikely that independence can be maintained indefinitely in the absence of this support. In this sense, collective action is relevant to the maintenance of independence. Autonomy exercised in a manner which antagonises social interests is likely to trigger collective action aimed at ending the independence, whether this goal is articulated directly or not: the independence of the judicial process may be challenged, as it has been among sections of the South African grassroots, by vigilantism or simply by citizens deciding that they know better than the courts who is guilty and who is not, and acting against those they consider to be culpable.²⁷ If this happens, the institution's capacity to endure will depend on its ability to mobilise collective action in its defence. But this clearly does not mean that judicial independence or academic freedom can only exist for a significant period if there is collective action in their support – they may well be sustained for a period by an absence of action. Sustained collective action is not, therefore, routinely essential to their survival – it is likely to become relevant only in periods in which they are under threat.

Much the same point can be made about the liberties which democracy requires if citizens are to exercise popular sovereignty. While they certainly are a consequence of collective action, and will not endure indefinitely unless citizens are prepared to act collectively to enforce and protect them, liberties do not depend on continuous collective action to sustain them because, like independent institutions, their survival

²⁵ Steven Friedman and Omano Edigheji *Eternal (and Internal) Tensions? Conceptualising Public Accountability in South African Higher Education*. Research Report prepared for the Council on Higher Education Task Team on South African Government Involvement In, and Regulation of, Higher Education, Institutional Autonomy and Academic Freedom (HEIAAF) Pretoria, Council on Higher Education, CHE HEIAAF No. 2, December 2006

²⁶ Friedman and Edigheji, 'Eternal Tensions', p. 27

²⁷ Makubetse Sekhonyane and Antoinette Louw *Violent Justice, Vigilantism and the State's Response*, Pretoria, Institute for Security Studies, ISS Monograph No. 72, 1 April 2002; Bill Dixon and Lisa-Marie Johns *Gangs, Pagad & the State: Vigilantism and Revenge Violence in the Western Cape*, Johannesburg, Centre for the Study of Violence and Reconciliation, CSV Violence and Transition Series, Vol. 2, May 2001; Anthony Minnaar *The New Vigilantism in Post-April 1994 South Africa* Johannesburg, Institute for Human Rights and Criminal Justice Studies, Technikon SA, May 2001

requires only an absence of action by governments (or, at times, by mobilised citizens hostile to them). They could, therefore, be respected, at least for a time, even if citizens do not engage in collective action to pursue their interests or values. This explains why respect for liberties is often achieved in Africa through influences other than citizen action – by pressure from Northern governments or international public opinion, for example. Because an absence of government action which encroaches on freedoms is not dependant on organised participation by citizens, progress is possible even where those citizens with an interest in democracy’s survival lack the means to hold government to account in a sustained fashion (with the obvious *caveat* that, in the absence of sustained citizen action in defence of rights, we might expect liberties to remain fragile – and that some rights will remain largely theoretical for many citizens). Because freedoms may be both established and maintained in response to a range of factors and the influence of a wide assortment of external actors, we would therefore expect respect for them, at least in form, to be possible in societies in which the means of collective action are not available to most citizens with an interest in acting to support democracy. ‘Negative’ liberties are, therefore, more likely than the ‘positive’ liberty of active participation to be established and maintained because less is required to sustain them.

By contrast, the realisation of ‘positive liberty’ – or the capacity to participate in the exercise of popular sovereignty by influencing law and policy - is inconceivable without an engaged and active citizenry in regular interaction with elected government. If, as this analysis will try to show, sustained collective action to hold political authorities to account is rare and unevenly spread in virtually all African polities, we should expect to find that the ‘positive’ liberty of effective and widespread citizen influence on the decisions of political authorities remains sporadic at best even in societies which continue to preserve basic liberties. In sum, if the analysis proposed here is accurate, we should expect to find that respect for liberties is more widespread in new African democracies (and, by implication, in all other democracies) than the effective exercise of popular sovereignty. And, because the maintenance of liberties is dependant on a range of factors, rather than access to collective action alone, we would also expect respect for these freedoms to be more uneven, both within societies and between them, than participation in decisions.

An examination of Africa’s democracies seems to support this analysis. The potential for liberties to be expanded has been increased by a change in the global climate of opinion: since the end of the Cold War, Northern donor governments, no longer concerned to recruit allies in the conflict against communism regardless of the domestic practices of their governing elites, have been more inclined to stress formal democracy - often clothed in the ‘good governance’ rubric – as a significant factor in decisions on aid and other forms of approval. While this trend was eroded to a degree by the approach of the United States and some of its allies after the events of September 11, 2001, when support for the ‘War on Terror’ became a more important criterion for support than internal democracy, and may become less relevant if China’s willingness to invest in and trade with African countries regardless of their attitudes to democracy²⁸ begins to offer a sustainable alternative to African governments which might enable them to ignore pressure to democratise, formal endorsement of democracy by donor nations remains an influence on the strategies of

²⁸ For an account of China’s role see Christopher Alden *China in Africa* London, Zed, 2007

African governments. This, with the influence of collective action by a more organised citizenry, enabled one international human rights monitor to declare in a 2003 report that: 'The outlook for human rights in Africa at the close of 2002 was more hopeful than it had been for several years'.²⁹

One sign is a change of approach by multi-lateral institutions. For much of the post-independence period, continental forums such as the Organisation of African Unity (OAU), strictly adhered to the principle of non-interference in the domestic affairs of member states.³⁰ This meant, of course, that they showed no interest in member governments' attitude to their citizens' liberties. Both the OAU's successor, the African Union (AU), and some regional multi-lateral forums on the continent have, at least in principle, abandoned this tenet and have sought to establish some norms to which member states are meant to adhere. While an explicit commitment to democracy is absent from its official documents, the AU does support in principle the notion that African governments ought to protect their citizens' freedoms.

Thus the Constitutive Act of the AU, adopted in mid- 2000, empowered it to 'intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes, genocide and crimes against humanity.'³¹ In 2002, the Union also adopted the New Plan for Africa's Development (Nepad) which includes a Declaration on Democracy, Political, Economic and Corporate Governance committing African governments to: 'The rule of law, the equality of all citizens before the law and the liberty of the individual, individual and collective freedoms, including the right to form political parties and trade unions...'³² Nepad also introduced an African Peer Review Mechanism which encourages states to submit to a review of their compliance with these norms by other African states –civil society organisations in the country under review are expected to participate to ensure that governments are reviewed by their societies as well as their peers.³³ One regional multilateral forum, the Southern African Development Community (SADC), has adopted a clearer rhetorical commitment to democracy. Its communiqués thus stress its role in promoting 'democracy, good governance and respect for human rights'.³⁴ The Peer Review is voluntary and there is little evidence yet of active attempts by multilateral forums to protect Africans' freedoms against the continent's governments. SADC's enthusiasm for democracy has not, for example, prompted it to seek to exclude Zimbabwe from membership or to place significant pressure on its elite to respect majority opinion, (although there were indications in 2008 that some SADC government were beginning to take a more assertive stance in opposition to

²⁹ Human Rights Watch *World Report 2003* <http://www.hrw.org/wr2k3/africa.html>

³⁰ Funmi Olonisakin 'Conflict Management in Africa: The Role of the OAU and Sub-regional Organisations' in Jakkie Cilliers and Annika Hilding-Norberg (eds) *Building Stability in Africa: Challenges for the New Millennium Pretoria, Institute for Security Studies, ISS Monograph No 46 February 2000*

³¹ *Constitutive Act of the African Union* Article 4h

³² The New Partnership for Africa's Development Declaration on Democracy, Political, Economic and Corporate Governance Section 7

³³ 38th Ordinary Session of the Assembly of Heads of State and Government of the OAU: *African Peer Review Mechanism* 8 July, 2002 Durban, South Africa

³⁴ See for example: 'On the political situation, the Summit expressed satisfaction that the SADC region generally continues to enjoy political stability and to deepen the culture of democracy, good governance and respect for human rights. This is reflected, among others, in the holding of general elections ...' *SADC Heads of State and Government Summit Communiqué* Windhoek, Namibia: August 2000. Accessed at <http://209.85.129.104/search?q=cache:4CAb1LZeI-UJ:www.iss.co.za/>

violations of popular sovereignty in that country.³⁵) But, for all its limitations, the new climate does constrain governments which seek to violate their citizens' freedoms more than at any other time in the continent's history – and the albeit limited willingness to withhold support from Zimbabwe's elite suggest that this pattern is solidifying. This provides incentives for states to maintain civil liberties, in form if not always in practice.

The expectation that implementation of liberties would be uneven is also supported by the evidence. Data compiled by human rights monitors show that compliance varies within and between societies - so much so that, if there are any broad trends to be drawn, the monitors seem reluctant to draw them. There are, of course, African polities in which we can quickly conclude that few, if any, freedoms are recognised – those which are clearly not democratic by the criteria proposed here and those where conflict has ensured that the state is incapable or unwilling to protect the freedoms of its citizens – such as Somalia or the Darfur region of Sudan. In the rest, respect for freedoms varies considerably – as it does, of course, in many 'established' democracies. Thus Mauritius, which has been holding fully competitive elections for decades and is probably closest to a 'model' African democracy, is accused of some abuses of liberty (as, to place this in international context, are the United Kingdom and United States).³⁶ There are, however, also clear advances in countries whose democratic depth and breadth is generally poor. This confirms that the development of democracy within formally democratic African polities is uneven and that we will, therefore, find that some practices in states which seem to have advanced reasonably far down the road to effective popular sovereignty remain constraints to its full exercise, while some whose democratisation has been modest at best will nevertheless offer citizens significant liberties, at least in principle. Data on civil liberties in Africa provides, therefore, further support for the view that dividing democracies into 'finished' and 'unfinished' products prevents an accurate understanding of their dynamics— here because all democracies show significant internal unevenness, ensuring that significant democratic deficits exist in broader and deeper democracies, just as some narrow and shallow examples might contain islands of substantial democratic progress.

While sustained and thorough research would draw out clearer trends, the material available on human rights compliance in Africa (and its lack) provides ample evidence that the establishment of formal democracy is no guarantee that all the civil liberties which a democratic order requires will be respected. But it shows too that, contrary to claims that the emergence of democratic regimes in Africa has changed nothing – or, indeed, that participatory space has narrowed - formal democracy has indeed brought with it more political freedom, opening possibilities to citizens which were not previously available.

Participation: Government by Some People?

Evidence on the exercise of popular sovereignty, of 'positive liberty', is less positive – and more uniform. It is drawn from two research exercises – one, conducted by the author with a team of colleagues, was a study of civil society participation in framing

³⁵ See for example Bame Piet 'Khama Asks SADC to act on Zimbabwe' *Mmegi Online* 10 April 2008 <http://www.mmegi.bw/index.php?sid=1&aid=1&dir=2008/April/Thursday10>

³⁶ See for example Amnesty International *Report 2006* <http://web.amnesty.org/report2006/index-eng>

policy on poverty reduction in nine Southern African states, all but one of which are formal democracies, the other a study of participatory governance in South Africa. It is to this evidence that we now turn.

The first study examined the relationship between official anti-poverty policy and participation in decision-making by independent citizen groups in nine countries which belong to the SADC.³⁷ With one exception (Swaziland), all are formal democracies. (Or, more accurately, all but one was at the time of the study since Zimbabwe was included. While it was just possible to accept its formal democratic status then, this possibility was later eliminated by the sustained use of violence to suppress attempts to hold government to account).

Poverty is a key social issue in all and some participated in drafting Poverty Reduction Strategy Papers (PRSPs) in collaboration with the World Bank and International Monetary Fund, an exercise which is meant to rely on civil society participation to identify the society's poverty reduction priorities. Given the salience of the issue – arguably the most important facing all the societies - and the priority attached to it by international and domestic interests, anti-poverty policy seems an ideal test of the extent to which citizens are able to shape policy. The study, however, found that, despite the extension of formal democratic rights, citizen influence on policy remains very weak.

The Poverty of Participation

In sum, anti-poverty policy processes and outcomes suggested a weak and tenuous link between citizen participation in deliberation and concrete decisions.

Anti-poverty policy documents in the nine countries were usually vague and general, reflecting current international fashions rather than a textured appreciation of local realities. While it is, of course, possible that local interests agree with currently dominant international opinion, the lack of references to country-specific realities suggested a process in which domestic perspectives made little or no impact. And implementation of the agreed programme was in all cases weak.

This was hardly surprising because policy, the research showed, was not the outcome of a free interchange of ideas, of competition for public support or of bargaining and compromise between social interests: the interaction between governments and international institutions was the key source of influence and, to the extent that society participated at all, it was in a ritualised process incapable of yielding a democratic outcome. We will return to this point but, since opinions in society are never uniform, and since the making of policy is therefore an inevitable clash of interests and values, the will of the majority must be established in an open process in which conflicting views can contend for support, in which either a majority coalition is assembled which will ensure that its preferences are implemented or a compromise between contending positions will be reached through free engagement between them. None of this is possible in a formalised consultation process in which parties sit around a table for a brief period and the 'view of society' is then distilled by compiling a report of

³⁷ Centre for Policy Studies *Analytical overview of the political economy of the civil society sector in Southern Africa with regard to the poverty reduction agenda*, Johannesburg, Centre for Policy Studies, 2002

the discussions. Nor can the will of grassroots citizens be determined in a forum to which they have no access because they lack the means to organise. These weaknesses ensured that engagement on poverty priorities did not endure beyond the consultation period mandated by the relevant international organisation. That even the rather generalised and vague commitments which these processes yielded have not been translated into policy is surely the result of an absence of sufficient sustained pressure from organised citizens' groups to hold politicians and officials to their stated commitments. Of course, there may be little enthusiasm in society for holding politicians and officials to a set of decisions which the relevant interests had no role in shaping. But, since those citizens' organisations seem to be ignoring the PRSP outcomes rather than mobilising in opposition to them, it seems reasonable to conclude that those groups with an interest in the implementation of a workable poverty reduction strategy do not enjoy access to the collective action which may propel the implementation of anti-poverty programmes to the top of government priorities. The processes' failure to reflect citizens' preferences is, therefore, a consequence of the inability of key social groups with an interest in change to engage in sustained collective action capable of holding decision-makers to account.

This diagnosis is supported by the study's finding that successful advocacy on issues relevant to poverty reduction was a rarity in the societies studied. The finding must, in fairness, be placed in perspective: there were cases of successful advocacy and, as we might expect, these were evident in those countries whose respect for civil liberties were more pronounced – Botswana, Malawi, and South Africa rather than Zimbabwe or, of course, Swaziland. But examples of cases in which governments had altered a policy or law because the voice of citizens seeking to influence action against poverty urged them to do so were rare enough to ensure that each case excited comment.

Advocacy, whether expressed in learned policy papers, heated public debate, or indeed petitions or street demonstrations, is the stuff of democratic decision-making: it is the key means by which citizens seek to influence others to support their position and to ensure that their government responds to them. If governments are not, to a significant degree, making policy and implementing it in response to citizen preferences expressed through advocacy, it is difficult to see how policy could be seen as an expression of the will of most citizens, understood as the stated preferences of those who have been able to assemble a majority in their support in contest with competing expressions of will. And it seems reasonable to conclude that, in the countries under discussion, responses to poverty remain weak, half-hearted and often severely out of touch with available knowledge on grassroots wants and needs because citizens with an interest in programmes to fight poverty lack the means to make themselves heard through collective action effective enough to ensure that governments take them seriously.

And, while there was some engagement between government and citizens' groups outside the PRSP processes, governments did not, in the main, see citizens' organisations as inevitable, let alone desirable, participants in the policy process. In most of the states, restrictions of various sorts were placed on organisations established independently by citizens and governments tended to be wary of including them in decision-making: '... there is good reason to question whether any of the societies of the region have reached a stage of democratic development in which a vigorous and highly critical civil society is regarded by government as at worst an

unpleasant fact of life rather than a threat', the study concluded.³⁸ If we assume that governments are likely to be able to ignore the need to deal with citizens' organisations until important sections of the citizenry manage to make themselves heard, then it is reasonable to conclude that this attitude persists because citizens have been unable to mobilise sufficient collective action to convince governments that it is prudent to deal with them.

This failure to mobilise sufficient citizen action to influence government decisions is not the result of some congenital deficiency or, to use a popular formulation among development aid practitioners, a lack of capacity for mobilisation among citizens' groups. Indeed, one reason for governments' wariness is that, while the removal of governing parties through the ballot box remains rare in the countries which were studied - Malawi and Zambia were the only examples - in both of these cases, mobilised citizens played a leading role in effecting the change; in Zimbabwe, the attempt has not succeeded but not through want of trying. Citizens' organisations have also mobilised to campaign against attempts by presidents to remain in office beyond the term limits specified in constitutions (Malawi is again a crucial case). This demonstrates the centrality of collective action in holding governments to account. But, while citizens' groups in the countries studied had acquired enough ability to act effectively to exercise a veto over some unresponsive governments in exceptional circumstances, they were not yet able to ensure government responsiveness in a sustained way. They could, at times, block that which governments wished to do because, in times of 'national emergency', they were able to act in concert with other interests who shared their concern to prevent the government acting in particular ways. But they could not exert enough influence on routine decision-making to ensure that governments adopted their policy proposals. They could at times act effectively to prevent power-holders imposing themselves on the people indefinitely but were not yet strong enough to actualise positive freedom by ensuring that government decisions reflected majority opinion.

This weakness stems, in significant part, from inadequate access by grassroots citizens to the resources required for effective collective action – the study found that, while action by citizens' organisations in most of the societies was independent and sometimes vigorous, they lacked an organised base at the grassroots.³⁹ The problem is not that these societies have organised associations reluctant to challenge governments: it is, rather, that citizens' groups concerned to engage with public policy issues lack a firm base among the grassroots citizenry. Thus, while organisations are clearly capable of collective action, their base in society is far too shallow to concentrate the minds of policy-makers in a way which would prompt them to take seriously citizen opinion. While citizens' groups who are reasonably close to governments, or which share interests with them, or are needed by them (such as businesses) may be able to achieve substantial influence with collective action which lacks a deep base among the citizenry, those which enjoy none of these advantages usually need to show that they are able to mobilise a substantial part of the citizenry in their support if they want to influence decisions: without that, they may well be doomed to be ignored or to be listened to politely when donor requirement insists on this – and then to be ignored.

³⁸ Centre for Policy Studies Analytical overview', p. 39

³⁹ Centre for Policy Studies Analytical overview', p.15

Significantly, the study found that, outside South Africa and Botswana, the institutions which invariably led attempts to hold governments to account for their responses to poverty were the ‘mainstream’ churches, the major international denominations of Christianity rather than the indigenous vehicles often found on the continent. These churches have also often, in the recent past, been the most significant counterweight to authoritarianism in Southern Africa. The reasons for this are, perhaps, obvious but of some importance for the argument presented here. Churches enjoy access to resources independently of governments through their international linkages. They are also underpinned by an organisational infrastructure which enables them to sustain interventions. They therefore enjoy an almost automatic capacity to become vehicles for collective action. They are also partly protected against reprisal by the high degree of legitimacy which religion enjoys on the continent: clergy who challenge authority tend often to benefit from a degree of immunity from state action which, while not absolute, is substantial compared to that of most, if not all, other institutions in civil society. This also gives the church a degree of access, a capacity to be heard by power holders. Equally unsurprising on reflection may be the fact that the church’s role was reduced (although certainly did not disappear) in the two countries in which citizens’ groups did enjoy the greatest degree of access to organisation and potential influence. This, of course, means that the ‘mainstream’ churches’ prominence is inversely related to the degree of access to organisation and influence which citizens’ groups enjoy – if other avenues to collective action are blocked or less effective, then the churches’ natural advantages enable them to fill the gap.

What the church brings, therefore, is a set of resources – financial, organisational and moral – which enable collective action. It is this which enables it to articulate an independent vision, to seek to hold governments to account and to provide at least some citizens with the means to express themselves to the authorities and to seek to ensure that power-holders respond to demands. Where other means of collective action appear to offer this prospect, the church’s role is diminished (although not entirely absent since it continues to play a role in post-apartheid South Africa). But, where lack of organisational and financial resources and limited access to government decisions prevent most citizens from engaging in effective collective action, the church fills the gap.

Weaknesses in society’s capacity to hold governments accountable may, on the surface, seem to serve the interests of governments since it insulates them from effective citizen influence except on a relatively small range of issues on which a broad coalition can be mobilised. This would seem to offer power-holders greater latitude to act as they please. But they also, as suggested earlier, hold implications for government effectiveness. Thus Goran Hyden noted decades ago that many African states ‘(sit) suspended in “mid-air” over society and (are) not an integral mechanism of the day-to-day productive activities of society’.⁴⁰ Insulation from social pressures can also mean a failure to penetrate society – this was certainly true of the states which Hyden analysed. While the lack of collective action from social actors relieves governments of the need to account or respond to society it also means that they are unable to build the relationships with social actors which would allow them to secure

⁴⁰ Göran Hydén, *No Shortcuts to Progress: African Development Management in Perspective* Heinemann, London, 1983, p. 7.

the effective implementation of government programmes, since these invariably require co-operation from key interests in the citizenry. As long as government remains above society, it can prevent social actors from influencing its decision-making but is far less able to get them to do that which it requires from them. It is, therefore, far better able to prevent action than to facilitate it – to control rather than to lead. And even control can be tenuous where links between government and society are weak. Where governments are concerned only to extract resources from the public coffers and to remain in office in order to enjoy the attendant status and privilege, the arrangement is entirely functional to them and this has clearly applied to many African governing elites. But, where they seek to govern society, the distance between government and the citizenry prompted by citizens' inability to act collectively in ways which would force governments to engage with them also ensures that government programmes are unlikely to be implemented.

The states which Hyden described were not then formally democratic and it might have been assumed that democracy's advent would close the gap between state and society, not only ensuring more responsive but also more effective, government. But formal democracy has not necessarily achieved this. Thus the notion of the 'capstone state' has been proposed to describe governments which are still, despite democratic elections, 'sitting over society' and which have 'strong blocking but weak enabling powers'.⁴¹ Citizens of these societies may have acquired the ability at times to prevent autocrats from remaining in office, but they are still largely unable to ensure that elected governments respond to their concerns. And because government has not developed the links to the citizenry which would enable it to implement programmes, it too remains far better able to prevent action than to enable it. The result is weak policy-making and implementation capacity - so weak that, at times, as Thandika Mkandawire and Charles Soludo note, it entails 'the complete surrender of national policies to the ever-changing ideas of international experts'.⁴²

This broad judgment – that elected African governments remain far more insulated from the control of their citizens than even fairly minimal democratic requirements mean them to be and that this not only keeps citizens away from the state but also distances the state from citizens – is obviously being challenged by the wider diffusion of the capacity to act collectively discussed above. And, in some areas of public life, citizens do appear to play a greater role – in some new African democracies, public discussion of corruption, for example, seems to have become more noticeable (even as government action to suppress scrutiny continues).⁴³ Whether this has ensured greater government probity is unclear. But, if some progress towards greater accountability and responsiveness is evident even in those states where citizens' groups are not visibly campaigning for a government which accounts to them, calling into question analyses which suggest that 'neo-patrimonialism' remains undisturbed by formal democracy, the evidence presented here suggests that the gap between state and society in African democracies remains large enough to

⁴¹ John Hall *Power and Liberties: The Causes and Consequences of the Rise of the West*, London, Penguin Books, 1998 cited in

Staffan I Lindberg 'Forms of States, Governance and Regimes: Reconceptualizing the Prospects for Democratic Consolidation in Africa' *International Political Science Review* Vol 22, No 2, 2000, pp. 173-199

⁴² Thandika Mkandawire and Charles Soludo *Our Continent, Our Future*. Council for the Development of Social Science Research in Africa, Africa World Press, Inc., Asmara and IDRC, Ottawa, 1999, p. 133

⁴³ Africa Focus Kenya: Corruption Fight Stalling *Africa Focus Bulletin* Feb 11, 2005
<http://www.africafocus.org/docs05/ken0502.php>

severely limit the extent to which governments can be pressed to respond to their citizenries.

As the definition of the ‘capstone state’ suggests, this has implications for states as well as citizens. Where states do seek to enable action in society rather than simply to block citizen challenges, the weakness of collective action has several consequences which impair their ability to do so. First, without effective collective action by citizens, states are unable to identify citizens’ needs or to understand the likely effect of interventions: this will ensure policy which fails to identify what citizens want and may misread their likely response. Second, this gap will also affect governments’ ability to implement their policies – policy implementation also requires choices and, if citizens do not signal their implementation priorities, governments will not place at the top of the agenda that which citizens most regard as pressing. Third, the co-operation between governments and citizens which is crucial to initiating change in society cannot occur when citizens lack the collective action required to cement a relationship with government which enables them to hold it to account rather than to join it as a junior partner in implementing its programmes. Since we have noted that more affluent groups do indeed enjoy access to the resources needed to act collectively, these constraints do not necessarily apply to their interaction with governments: it is, rather, the poor who are likely to be excluded and, in consequence, government action against poverty which is likely to be weakened.

An analysis of anti-poverty action by the post-apartheid South African government confirms these prognoses. Research indicates that policy priorities are often inappropriate because they misread grassroots needs and desires – even where formal processes are created to negotiate policy. One illustration is provided by housing policy. During the early 1990s, this provided something of a model for negotiated policy-making between all social interests. The policy adopted by the post-apartheid government was a product of one of a dozen social and economic forums established during the political negotiation period which produced a democratic constitution. Its participants included a wide range of interest groups, including several who were seen as representative of the poor, and one of its focuses was a lengthy negotiation between them and organised business on ways to ensure that mortgage finance reached the poor – none of the participants questioned the assumption behind this, that mortgage finance was a resource which poor people desired.⁴⁴ Research, however, suggests that several years were spent seeking ways of offering the poor something they did not want. Far from seeking mortgages, poor people who participated in nation-wide focus group interviews insisted that they associated this form of housing finance with evictions and therefore were anxious to avoid mortgage commitments.⁴⁵ At issue here, of course, is not whether mortgages are an appropriate form of housing finance, but that organised social actors party to negotiations were not representative enough of the grassroots poor to know that they were negotiating a ‘benefit’ which the recipients did not want.

More generally, government implementation priorities tend to reflect the concerns of affluent and well-connected groups rather than the grassroots poor with a consequently weakening of both the quantity and quality of action against poverty:

⁴⁴ Mary Tomlinson *Mortgage Bondage?: Financial institutions and low-cost housing delivery*, Johannesburg, Centre for Policy Studies, 1997

⁴⁵ Mary Tomlinson, *From Rejection to Resignation: Beneficiaries’ Views on the Government’s Housing Subsidy Scheme*, Johannesburg, Centre for Policy Studies, 1996

thus, while social grants are the most effective current instrument for poverty alleviation in South Africa,⁴⁶ there was, initially, little public discussion in the period immediately after democracy was achieved in 1994 of the degree to which grant payments are both efficient and tailored to the needs of beneficiaries. Latterly, the government department responsible for grants has vastly improved their distribution, ensuring that they reach millions of people who were previously entitled to them in principle rather than practice. But this was the consequence not of public debate but of a decision taken by the relevant minister and his advisors.⁴⁷ Despite their increasing centrality in the life of the poor, public debate on grants and their effects is often dominated by misconceptions, such as the claim that many teenage women fall pregnant in order to access grants.⁴⁸ Popular mythology about social security payments and their impact on the poor is hardly restricted to South Africa. But the key issue here is that the effectiveness of a social policy instrument which profoundly affects the economic prospects of the grassroots poor is routinely under-estimated because they are not part of the policy debate – while they participate in elections, they lack voice between them. The effect is to limit the government's ability to meet its own policy goals. Finally, tax collection experience suggests that, while the authorities are extraordinarily adept at collecting revenue from the formal economy, there have been no similar successes in its informal equivalent. Since evidence from the South African context suggests that tax collection is a result of a relationship between government and citizens rather than purely administrative capacity,⁴⁹ this suggests that the forms of citizen-government interaction required for effective collaboration in raising revenue is lacking.

These South African examples are particularly significant because its post-1994 government has made public participation in development decisions a cornerstone of law and policy – albeit through formal forums rather than more open-ended processes in which the citizenry might be able to engage freely with power-holders.⁵⁰ South Africa's current government has been pursuing a more active anti-poverty programme than most, if not all, other African countries.⁵¹ It also has access to far more research on grassroots needs than any other African country (it is, of course, this research which is the source for the argument proposed here) It seems safe to assume that, if anti-poverty policy is limited in its effectiveness because it fails to meet the needs of the poor in the country most concerned both about (formal) participation and poverty reduction, then the pattern will be more pronounced in many if not most other African societies. South Africa also has substantially more resources than other African countries – in 2007, its Minister of Finance announced a budget surplus. While other African countries might cite financial constraints to explain their limited success in

⁴⁶ See for example Servaas Van der Berg. *Poverty, fiscal incidence and social outcomes*. Paper commissioned by the gtz (German Agency for Technical Cooperation) on behalf of the Policy Co-ordination and Advisory Unit in the Presidency for the ten year review of government policy. Stellenbosch, November, 2002

⁴⁷ See for example Zola Skweyiya *Social Cluster media briefing by Dr Zola Skweyiya, Minister of Social Development*, Union Buildings, Pretoria 20 November 2006 <http://www.info.gov.za/speeches/2006/06112015451003.htm>

⁴⁸ Monde Makiwane and Eric Udjo *Is the child support grant associated with an Increase in Teenage Fertility in South Africa? Evidence from national surveys and administrative data* Final Report, Pretoria Human Sciences Research Council, December 2006

⁴⁹ Steven Friedman *Sending them a Message: Culture, Tax Collection and Governance in South Africa* Johannesburg, Centre for Policy Studies Policy Issues and Actors 2003

⁵⁰ Steven Friedman *Participatory governance and citizen action in post-apartheid South Africa* Geneva, International Institute of Labour Studies, 2006, Discussion Paper /164/2006

⁵¹ Some two-third of the budget is devoted to social spending and, according to the Minister of Finance, 57% of its spending is allocated to the poorest 40%, under 9% to the wealthiest 20%. Trevor A Manuel *Budget Speech* 23 February 2000 (www.finance.gov.za)

poverty reduction, this is not a tenable explanation in South Africa. And, while commentators invariably blame the technical incapacity of government officials, the evidence assembled here suggests that the gap between citizen preferences and government plans is the most plausible explanation for much of the relative ineffectiveness of anti-poverty programmes. The inability of grassroots citizens to impact on government through collective action is also, therefore, a substantial constraint on government's ability to fulfil its policy goals.

The Limits of Civil Society

The preceding analysis cautions against too optimistic a view of the degree to which African citizens are now able to claim a share in the decisions which affect them. But it does not support the view that the space for action by and in civil society is narrowing. On the contrary, it suggests that the problem is less the absence of space for civil society but, in many instances, civil society's inability to use the space available.

Mamdani, of course, famously argued that civil society remained a realm which history had placed outside the grasp of most Africans.⁵² And, while the conditions he then described have changed in part, they are still pervasive enough to ensure that civil society, despite the substantial growth of citizens' organisations in Africa over the past few years, remains largely the preserve of a shallow stratum of society in which, inevitably, urban business, professionals and intellectuals predominate. The effect is not, as some authoritarians sometimes like to insist, to present the voice of the few as that of the many but to ensure that, despite the gains described here, most people at the grassroots continue to lack the access to collective action which would enable them to hold political power-holders to account and force them to respond to their concerns. It is this which explains why governments remain insulated to a significant degree from pressures which would force citizens into the decision-making process. And it explains particularly why policy on poverty is so removed from the concerns of the poor – the stratum of society who are largely excluded from civil society because they do not engage in collective action in a way which would enable them to be heard by power-holders.

As Mamdani showed, this failure by civil society to deepen its roots sufficiently to provide means of collective action for the poor has structural roots and is not purely a consequence either of conscious choices by civil society groups (to concentrate on urban elites rather than the rural poor, for example) or of poor strategy or tactics which somehow prevent civil society organisations from extending their roots into society and ensuring that collective action becomes the preserve of the many. But to argue that a phenomenon is a consequence of structural factors is not necessarily to insist that it is irreversible – if that were the case, power balances in society would never change. And so the deepening to the grassroots of citizen organisation in those African polities where the better educated and resourced have acquired enough collective muscle to enable them to organise effectively in civil society is not precluded by the burden of history which has obstructed it thus far.

⁵² Mamdani 'Citizen and Subject'

To put the issue more bluntly, the legacy of history does not prevent civil society organisations in Africa from engaging in a sustained attempt to deepen their reach. It does not prevent the non-governmental organisations and other citizens' groups which have emerged from seeking to organise the poor and the marginalised on whose behalf some seek to speak. Nor does it prevent those who seek a broader and deeper democracy from placing support for and protection of the collective action of the grassroots at the centre of their strategy. Whether deeper and broader citizen participation will prompt even more vigorous backlashes from power-holders or will accelerate the growth of popular sovereignty will no doubt differ between societies: there is never a guarantee that collective action will produce greater popular sovereignty since it is always likely to prompt at least some resistance from elites. But, as long as citizen organisation able to hold elites to account is restricted to a fairly narrow and shallow civil society, the capacity of African citizens to hold governments to account will be limited and a say in the decisions which shape people's lives will remain restricted to a select few.

In sum, civil society in Africa continues to face significant constraints but these are less powerful than they have ever been. And so, if space remains restricted, it is more plentiful than ever before. In some states, the battle to enhance this space continues in the face of fierce resistance from public power-holders. In others, the space to advance has been created and, if this seems to have little impact on the lives of the many, the reason lies not in the closure of space but in the limited capacity of civil society organisations to deepen and broaden their scope to include people at the grassroots – further broadening and deepening the scope to act as they do so.