Re-visioning space, justice and belonging in the capital city of Pretoria/Tshwane

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OPSOMMING

’n Herbeskouing van Ruimte, Geregtigheid en Tuiste in Pretoria/Tshwane as Hoofstad

Die hoofoogmerk van hierdie artikel is om tentatief te besin oor die moontlikhede van ‘n herbeskouing van ruimte, geregtigheid en tuiste in Pretoria/Tshwane as hoofstad. Ten einde hierdie oogmerk aan te spreek fokus ek op drie kwessies: eerstens die nodigheid vir ‘n teoretiese omgaan en intervensiie in die proses van herskouing. Die opvatting soos geformuleer deur Henri Lefebvre, naamlik die ‘reg op die stad’ is sentraal tot meeste werk aangaande die stad en onderlê al vier artikels wat volg op hierdie een. Tweedens beskou ek die benaderings van Hannah Arendt en Jacques Ranciere ten einde die reg op die stad te herbedink en derdens betrek ek idees aangaande herbeskouing, herbetowering en die verbeelding. Hierdie artikel asook die vier artikels wat hierop volg is navorsing voortvloeiend uit die “Capital Cities” Institusionele NavorsingsTema van die Universiteit van Pretoria.

Preface

During 2012 researchers in the Faculty of Humanities at the University of Pretoria initiated a project aimed to interrogate and analyse Pretoria/Tshwane as capital city from multiple perspectives. The project was expanded to include capital cities as focus but also to broaden focus and the team to researchers from disciplines like Architecture, City planning, Theology and Law. An underlying aim is the development of an inter-disciplinary project and strengthening inter-disciplinary research. It was launched as an Institutional Research Theme at the University of Pretoria in 2013.

The four contributions following the present one were delivered, amongst others, at the launch conference in October 2013. In March 2014 the same researchers submitted a panel to the South African Cities Conference held at Wits during which the present paper aimed to respond to some of the themes that were raised in the other papers. At both occasions the papers were linked to subtheme four of the Capital Cities project namely “Cities re-visioned. Space, justice and belonging”.

The broad aim of the Capital Cities project as set out in the Business Plan is as follows:

“Given the attention cities have received as places of human habitation and cooperation, but also of exclusion and resistance, the project will focus on capital cities as a specific area of interrogation. ... An overall theme emerges
from the question how places of inclusion and exclusion are constructed as various forms of spatiality are made concrete in the landscape. We refer here to absolute space (the physical landscape, including nature and the built environment), relative space (the perspectivism of a particular location, as well as time-space or movement), and relational space (power relations implied in physical and social landscapes). Space can furthermore be material (real places), represented space (maps, plans, artistic representations), and spaces of representation (how we live space, meanings attached to cities, streets, etc.). … These multifaceted notions of space underscore the need for interdisciplinary approaches to studying and changing capital cities.*

Since its inception the project had four main themes as focus: Cities represented; Cities lived; Cities remapped; and Cities revisioned. As already mentioned above, the papers in this volume emanate from theme four, Cities revisioned. I refer to the description of the theme as set out in the Business Plan:

“This sub-theme explores the multitude of ways in which academics and other social and political communities are revisioning the city – in their everyday lives and their professional practice. It takes as its starting point that the city was created by humans and is continually being recreated by humans – as they participate in, legitimise or try and obstruct structural forces shaping the life and direction of the city. It takes as axiom that there is no difference between academics and people out there, only different bodies of knowledge; we are all co-creators of knowledge”.2

1 Introduction

The main aim of my contribution is to reflect tentatively on the possibilities of a re-visioning of space, justice and belonging in the capital city of Pretoria/Tshwane as set out by the other four papers. In order to address the main aim as stated above I address three different issues: firstly the need for theoretical engagements and interventions in the process of revisioning space, justice and belonging. For the purposes of research on spatial justice in the capital city of Pretoria/Tshwane I highlight the notion of the “right to the city” that stands central to most

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2 Capital City Business plan. Some of the questions raised by the theme are: “What are the implicit moral visions of society and selves implied in various practices within the city as social laboratory? Which metaphors do planners, academics, activists and civil workers deploy in their talk about their city? How is the city envisioned by city planners? How does the vision of such planners coexist with those who live in the city? How have geographies of power, of inclusion and exclusion, shaped the city? How to best engage with the city so it can regenerate itself? What happens when we envisage the city as an ecosystem rather than a constellation of objects?”
engagements with spatiality and that in a sense underpins all four other contributions. Secondly, flowing from the first I address two theoretical approaches in order to rethink the right to the city; and thirdly I engage briefly with ideas on re-visioning, re-enchantment and the imagination.

I start off by focussing on certain dichotomies and themes that are central to some of the interventions in the city of Pretoria/Tshwane as presented in this volume as background. I then turn Henri Lefebvre’s notion of “the right to the city”. I want to tentatively consider the notion of “the right to the city” through two other theoretical interventions, Hannah Arendt’s posing of the most important right as the “right to have rights” and then Jacques Ranciere’s response to Arendt’s notion and his insistence on “staging dissensus”. I conclude by drawing on work done on the legal imagination and particularly the (im)possibility of the imagination to respond to the state of disenchantment by re-visioning and re-enchantment.

2 Re-visioning Mental Health Care, Legal Discourse, Spatial Justice and Urban Renewal

Linda Blokland in her contribution raises the complexities of mental health care nationally. As starting point she refers to section 27 of the Constitution that includes access to mental health care in its provision for health care and legislation on mental health care that resulted from the section 27 protection. However she points out that a national mental health care plan is lacking and that almost no budget is allocated to mental health care. She reflects on how the Itsoseng Community Clinic in Mamelodi has responded to the challenges by introducing alternative forms of therapy such as art projects. This initiative stands in the guise of re-visioning in its response to the limits of the institutional framework and support.

Danie Brand discusses two decisions of South African courts dealing with poverty in Tshwane and points out how the architecture of the judgments mirrors the geography of poverty. This illustrates how the law confirms and reinforces the othering of the poor. He envisions how the courts’ approach could be adapted.

Isolde de Villiers investigates the numerous references to spatial justice in the Tshwane 2055 policy document and unpacks the notion with reference to the work of Henri Lefebvre, Doreen Massey and Andreas Philippopoulos-Mihalopoulos. Against this theoretical background she investigates the aftermath of the Schubartpark decision and argues that the Tshwane 2055 documents simultaneously holds the possibility and impossibility of spatial justice. Central to her revisioning is the recognition of the ongoing tension between urban regeneration and justice and a stronger theoretical engagement with the notion and ideal of spatial justice.
Stephan de Beer in his contribution focuses on the exclusion of local knowledges from processes envisioning a transformed city. He refers to various sites in the city of Tshwane that could provide rich sources and insight into the complexities of the city. As way of re-visionsing he suggests the advancement of a community-based urban praxis to complement more conventional public and private sector led urban renewal processes.

There are a number of central themes and tensions running through all four papers. In all the instantiations from the treatment of mental health care, to legal discourse concerning law and poverty, to how policy documents deal with spatial justice to the knowledge recognised by urban renewal planning one sees a clear tension between an inside/outside, centre/margin. Linked to this is the tension between some form of official narrative, whether the constitution, legislation, legal decision, policy documents and knowledge and narratives coming from elsewhere that are othered at present. In each case there is a certain promise or vision held by for example the Constitution, or Mental Health Act, case law, Tshwane 2055 underpinned by institutional knowledge that could be countered by local knowledge. These tensions are further connected to, on the one hand, a monumental/grand narrative vision and what could be regarded as a memorial/ordinary/everyday re-visionsing on the other. Two strong themes underpinning all the papers are also the notion of an in-between or liminal space that might hold potential for exactly the kinds of re-visionsing involved. Related to this is the theme of relationality – all of the tensions mentioned disclose some kind of in-between space where people, discourse and knowledge can meet by way of a relationship. This of course also speaks to the inter-, or trans-disciplinary nature of the research project as such as creating a space between disciplines to come together in re-visionsing issues pertaining to space, justice and belonging.

Below I tentatively turn to a notion central to not only the subtheme on Cities re-visionsed but the Capital cities project as such, namely Henri Lefebvre’s conceptualisation of “the right to the city”. As underscored also by De Villiers in her article, I recall the argument of Philippopoulos-Mihalopoulos that the notion of spatial justice is quite often under-theorised and use this as framework also to address specifically the right to the city.

3 The Right to the City

Space does not allow me to provide an in depth discussion or even a thorough overview of the broad field of geography, spatial theory, law and spatiality, spatial justice and how the right to the city has been taken up in various ways in search for social justice. A starting point might be Edward Soja’s focus on what he calls “the remarkable convergence of ideas” between Foucault and Lefebvre in their insistence that there are three rather than two fundamental or ontological qualities of human
existence: the social/societal, the temporal/historical and the spatial/geographical. As Soja states this three way enquiry or analysis is a “vital starting point” for reflecting on a “critical perspective” and a “spatial consciousness”.

The notion of spatial justice has made a radical break with traditional legal concepts of justice, also John Rawls’ liberal formulation of distributive justice. The concept of the right to the city as formulated by Marxist thinker Henri Lefebvre is central to if not synonymous with spatial justice. The right to the city claims an “active presence in all that takes place in urban life under capitalism.”

“The right to the city, complemented by the right to difference and the right to information, should modify, concretize and make more practical the rights of the citizen as an urban dweller (citadin) and user of multiple services. It would affirm, on the one hand, the right of users to make known their ideas on the space and time of their activities in the urban area; it would also cover the right to the use of the center, a privileged place, instead of being dispersed and stuck into ghettos.”

Lefebvre and Foucault in the late 1960’s and 1970’s raised a concern about how spatial thinking in their view tended to be “straightjacketed into a tight dualism that limited its critical capacity.” A majority of spatial thinkers focused on a “materialist concept of space, characterised by concrete, mappable, and empirically defined geographies, or ‘things in space’.” Writing resulting from this focus amounted to descriptive or highly empirical accounts. A minority of scholars were more interested in “thoughts about space”, how materialized space is conceptualised, imagined, or represented in various ways. Lefebvre’s well known distinction between perceived space (the focus on materiality) and conceived space (the focus on ideas) relates to this dualism. He suggested a different way that could combine the two approaches mentioned and include also an understanding of lived space. According to Lefebvre “[l]ived space like our lived time is never completely knowable … Beneath all surface appearances, there is always something mysterious, undercover, undiscoverable.” Foucault, in a lecture published after his death in 1984 entitled: “Of other spaces”, described his understanding of a third or different way of looking at space, “hetero-topology”. By focussing on “heterotopias” arising from the intersection of space,
knowledge and power Foucault opened up new ways of thinking about space.\footnote{Soja 103.}

Andreas Phillippopoulos-Mihalopoulos, in a critical engagement with current literature on law and geography and arguing for a theoretical notion of spatial justice, invokes Foucault’s lecture and his formulation of “the relations of proximity between points”.\footnote{Phillippopoulos-Mihalopoulos “Law’s spatial turn: Geography, justice and a certain fear of space” 2010 Law, Culture and the Humanities 187.} I find this phrase suggestive also for attempts taken up in this volume to relate a notion of spatial justice with a revisioning of the city. Phillippopoulos-Mihalopoulos is concerned about what he perceives as a lack of theoretical engagement with spatiality in law’s engagement with space. He sees three patterns: Firstly law and space is put together in a “narrow, legalistic way as jurisdiction”.\footnote{Idem 190.} Secondly space is constructed as a process – in contrast to the former, space here is “fluid, dynamic, ever-changing” but maybe over-idealized as a “panacea for social justice”.\footnote{Idem 191.} A third pattern is one of adding space and stirring. He draws on Lefebvre to counter this pattern: “space is not a thing among other things, nor a product among other products: rather, it subsumes things produced and encompasses their interrelationships in their coexistence and simultaneity – their (relative) order and/or (relative) disorder”.\footnote{Ibid.} He recalls also Massey’s description of space as a “product of interrelations and embedded practices, a sphere of multiple possibilities, a ground of chance and undecidability, and as such always becoming, always open to the future”.\footnote{Idem 194; Massey For Space (2005).} Space is of particular significance for law: “space embodies the violence of being lost, of being uncertain about one’s direction, orientation, decision, judgement, crisis”.\footnote{Ibid.} Law’s engagement with space could and should result in a “law that keeps on questioning itself … Spatiality is an ethical position. … space is a demand for a radical conception of justice, a spatial justice”.\footnote{Ibid 194-196.} He describes the radical call for spatial justice as: “the demand for a plural, emplaced oneness, the firm position of the body in space and the consequent thematization of the world, including the disorientation, the multiplicity of directions, the simultaneity of movement”.\footnote{Phillippopoulos-Mihalopoulos 199.}

David Harvey, one of the key theorists in the field notes that even though human rights have become centralised in our time this has not altered the “hegemonic liberal and neoliberal market logics or the dominant modes of legality and state action”.\footnote{Harvey “The Right to the City” 2008 Sept Oct New Left Review 23.} He states that this is of course because of the fact that the right to property and profit are
regarded as stronger than any other right. In this context he turns to the
city as “another type of human right”. He formulates it as
follows:

“The question of what kind of city we want cannot be divorced from that of
what kind of social ties, relationship to nature, life styles, technologies and
aesthetic values we desire. The right to the city is far more than the individual
liberty to access urban resources: it is a right to change ourselves by changing
the city. It is moreover, a common rather than an individual right since this
transformation inevitably depends upon the exercise of a collective power to
reshape the processes of urbanization. The freedom to make and remake our
cities ourselves is, I want to argue, one of the most precious yet most
neglected of our human rights”.23

Harvey draws on Lefebvre’s formulation of the right to the city in the
context of the 68 uprising in Paris. He agrees with Lefebvre’s insistence
that the revolution “has to be urban, in the broadest sense of the term,
or nothing at all”.24 For Harvey the adoption of the right to the city as
“working slogan and political ideal” could be a way in which multiple
struggles against capital, dispossession and class could be unified.

By drawing on two theoretical views on rights I want to continue the
concern with a theoretical engagement with spatial justice and the right
to the city. Below I consider Hannah Arendt’s response to the turn to
rights in her time by stating that the only right that matters is the right to
have rights after which I draw on Jacques Rancière’s response to Arendt
and his view on enactment.

4 The Right to have Rights/Enacting the Rights
of the Subject

Hannah Arendt’s view that the only right that matters is the right to have
rights should be read in view of the distinction she drew between three
human conditions – labour, work and political action – and between the
private and public sphere.25 In her 1951 work, The origins of
totalitarianism, she laments the collapse of the nation-state in Europe
during the two world wars. For Arendt statelessness meant not only the
lack of citizenship but the loss of rights – the loss of citizenship rights for
Arendt translated into the loss of human rights as such. She explains as
follows:

“The calamity of the rightless is not that they are deprived of life, liberty and
the pursuit of happiness, or of equality before the law and freedom of opinion
– formulas which were designed to solve problems within given communities
– but that they no longer belong to any community whatsoever. Their plight is

23 Idem 23.
24 Idem 40.
not that they are not equal before the law, but that no law exists for them; not that they are oppressed but that nobody wants even to oppress them”.26

She continues to argue that what is lost is “something more fundamental than freedom and justice”:

“They are deprived, not of the right to freedom, but of the right to action; not of the right to think whatever they please, but of the right to opinion ... We became aware of the existence of a right to have rights (and that means to live in a framework where one is judged by one’s actions and opinions) and a right to belong to some kind of organized community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situation”27

For Arendt, “rights” is thus an illusion if it is not linked to citizenship. Human rights came apart in the context of statelessness, with the loss of political community. As is clear from her quotes above the state of statelessness brings one outside of humanity. This underscores a paradox of human rights: when you are without rights, at your most vulnerable, one should be able to draw on rights, but paradoxically they disappear at the moment you need them most. In this understanding of rights Arendt rejects the notion of natural rights; that rights exist prior to political community, but argue that rather they are a product of political community. She relies on the Aristotelian distinction between zoe and bios, the former being mere biological life and the latter public/political life.28 For Arendt one can become fully human only in the realm of the public, in a political community. Accordingly the one primordial right, the most important right is the right to have rights.

In bringing this to bear, to the right to the city, I aim to broaden and deepen our theoretical engagement with the right and integral to it the issue of spatial justice. One obvious matter is the precarious position many refugees occupy in many cities, also the city of Tshwane concerning access to housing, social services, education amongst others. However, Arendt’s description of statelessness of people who are unhomed has been expanded to include also those people, albeit “citizens” in name who have no right to action, opinion and more. Arendt has been criticised for her critique on the rise of the social, which denotes the importance of socio-economic conditions in favour of political action and speech.29 The extent of her view on the social and also those of her critics are beyond the scope of this contribution. However, her understanding of the right to have rights as the most important right and to be part of a political community as central to having rights is central to her view on the social which brings me to Jacques Ranciere’s response to Arendt and his view on “enactment”.

26 Arendt The Origins of Totalitarianism (1951) 295-296.
27 Idem 296-297.
Ranciere responds to Arendt’s distinction between the realm of the political and the realm of private life by arguing that this very distinction opened the possibility of depoliticisation.30 With reference to the work of Agamben he contends that “the radical suspension of politics in the exception of bare life is the ultimate consequence of Arendt’s archipolitical position, of her attempt to preserve the political from the contamination of private, social, apolitical life.31 The desire to keep politics pure, results in its disappearance, and creates what Ranciere calls an “ontological trap.”32 In order to get out of this trap he argues we should rephrase the question on the “rights of man” and in particular the question on the subject of politics. Following Arendt, according to Ranciere, the “rights of man” are either the rights of the citizen, meaning “the rights of those that have rights, which amounts to a tautology” or they are the rights of the stateless, those who have no rights which amount to a void.33 Ranciere puts forward a third way: “the Rights of Man are the rights of those who have not the rights that they have and have the rights that they have not”.34 He unpacks this as follows: we should approach rights in two steps. Firstly as written rights, as “inscriptions of the community as free and equal … as configuration of the given”.35 Secondly they are “the rights of those who make something of that inscription”, this means more than making “use” of the right, it means to build a case to enact whatever is promised by the inscription of the right. For Ranciere Arendt wrongly limits the sphere of politics and argues that the question of politics is exactly about the decisions of what politics entail: “The point is, precisely, where do you draw the line separating one life from another? Politics is about that border. It is the activity that brings it back into the question”.36 Ranciere invokes the example of Olympia de Gourges, a French woman in the time of the French Revolution who stated that “if women are entitled to go to the scaffold, they are entitled to go to the assembly”.37 Of course at that time women had no political rights, they were not regarded as equal citizens and they had no access to the public realm, being limited to the private. However, the fact that they could be sentenced to death meant that they were not totally excluded from politics, totally reduced to bare life. “If, under the guillotine, they were as equal so to speak, “as men”, they had the right to the whole of equality, including equal participation to political life.”38 Ranciere notes that this kind of understanding could not have been “endorsed” or “heard” but it could have been “enacted” by way of voicing a “dissensus”. “A dissensus is not a conflict of interests, opinions

30 Ranciere “Who is the subject of the rights of man” (2004) 103 South Atlantic Quarterly 299.
32 Idem 302.
33 Ibid.
34 Ibid.
36 Ibid.
37 Ibid.
38 Ibid 303-304.
or values; it is a division put in the ‘common sense’: a dispute about what is given, about the frame within which we see something as a given”. 39

What could this mean for our engagement with the city of Pretoria/ Tshwane, for an assertion of the right to the city? The aim of this paper is not to answer this question but by raising the question to underscore the politics of the reflections on the various instantiations, mental health in Mamelodi, access to housing in the city of Pretoria and community projects on social welfare. What underlies all of this is a dissensus, in other words a challenge to an enforced consensus which according to Ranciere amounts to “a reduction of democracy to the way of life of a society, to its ethos – meaning by this word both the abode of a group and its lifestyle”. 40 The right to the city could then amount to the enactment of dissensus, the staging of dissensus: “putting two worlds in one and the same world”. 41

5 Re-visioning/Re-enchantment

As mentioned above, the five present articles are all linked to Research Theme Four of the Capital Cities research project, namely Cities re-visioned. At the heart of this theme is also a reflection of what such a revisioning should and could entail? In the previous section I attempted to underscore the importance of a thorough and in depth theoretical reflection for such a revisioning. In addition to the importance of theoretical engagements for the aim of revisioning is also the possible role of the imagination and an openness for the role of ideal. In the face of issues of poverty, social injustice, sexual and other violence many responses instinctively turn to mere instrumental/functional solutions to the detriment of the role of ideal. Marianne Constable following Nietzsche laments the loss of the search for justice by the shift to positivist and social-legal enquiry. 42 This is a great danger also for responding to numerous social concerns in the city. Instead of us being struck by the city’s vulnerability it is researched, described, measured, weighed and calculated by empirical method. Mark Antaki considers to what extent the legal imagination could successfully respond to Max Weber’s description of disenchantment as the fate of modernity. 43 For Weber at the root of this disenchantment is rationalization, and the idea that “one can, in principle, master all things by calculation”. 44 As part of our re-visioning of the city we should consider to what extent could the

39 Ibid.
40 Idem 306.
41 Ibid.
imagination respond to this state of disenchantment? What role could the imagination play in the search for justice, for a possible re-enchantment? However Antaki warns that most, if not all imaginary attempts, might fail for being too firmly rooted in the rationality and functionalism of modernity.  

Antaki considers four types of legal imagination, namely the theoretical imagination; the progressive imagination; the transformative imagination and the nostalgic imagination. He argues that many aesthetic turns, the turn to the imagination included, are part and parcel of disenchantment. For him the nostalgic imagination comes closest to the possibility of acquiring some distance from the endless rationalization of modernity because it is not a project that requires mastery, but rather asks “us to let go, and to cultivate the capacity to be struck, to be arrested, to be struck in wonder”. Antaki turns to the work of Simon Critchley who identifies “disappointment - and not wonder - as the primordial human attunement”. He explains that Critchley, although not letting go of a transformative imagination, accepts it as an imagination that understands its own limits and (im)possibility. He cites Critchley on Wallace Stevens:

“Steven’s undoubted romantic naïveté resides in his offer of a resistance to reality through the violence of the imagination. This offer is minimal. It is not the offer of a new place, new habitat, or Ur-Heimat. Nor is it the promise of a utopia, a new Panisocracy on the banks of the Susquehanna River, or the promise of a New America … It is rather the offer of a new way of inhabiting this place …”.

The vision that we find here is not transformative in the sense that it puts forward a blueprint or even framework for a “new place”. However as Antaki states, “reality is still to be resisted, transfigured”. In Critchley’s words: “we have to expect less from the imagination and accustom ourselves to more minimal transfigurations of reality”. His response to nihilism and disenchantment is in the vein of “delineating” rather than “overcoming”. The reason for this is because the attempt to overcome, to transform, or to change almost inevitably originates from the same place as the disenchantment or nihilism. This does not mean that we shouldn’t reflect on the possibility that things could be different.

46 Idem 15.
48 Idem 17.
49 Ibid.
50 Ibid.
51 Ibid.
6 Conclusion

What bearing could the above have for a research theme focused on re-visioning the city, in particular in terms of space, justice and belonging? In this short piece my aim was threefold: firstly to echo other calls for the importance of a theoretical engagement with the theme of spatiality and spatial justice; following from there I secondly raised two theoretical reflections that could open valuable questions on the notion of the right to the city, Arendt’s intervention by naming “the right to have rights” as the most important right and Ranciere’s response to Arendt and his call for “enactment”. Thirdly I considered, following Antaki, the possibility of a re-visioning that doesn’t aim to master and to transform by mimicking the misdirection of the disenchantment that it aims to challenge. We should indeed insist that things could be different. I would like to draw on Ranciere for this insistence, in other words by staging a dissensus and by enactment we could invigorate the imagination that things could be different. This doesn’t entail an immediate recognition in an institutionalised sense but it could challenge the status quo, in Ranciere’s terms an enforced consensus by putting two worlds together. Re-visioning the city by way of enacting the right to the city might open up various paths to explore whether in the field of mental health, socio-economic discourse, the Tshwane 2055 plan or in the notion of a community-based urban praxis as set out in the four papers that follow.