

# Capitalism, City, Apartheid in the Twenty First Century

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The last 30 years of capitalist development have, especially in what used to be called the advanced capitalist countries, generated paradoxical, if not contradictory trends. The “great crisis” (Galbraith, xi) of 2008 was rooted in an ideological failure. Marching under the banner of free markets, writes John Kenneth Galbraith, the state permitted the globalization of finance; the unrestrained growth of financial derivatives, tax havens, regulatory arbitrage and the carry trades (Galbraith, xii). In short state authorities in the USA, in the UK and elsewhere acted as if the market really was a self-regulating mechanism functioning according to natural laws (see Paul Krugman, 2009). The result was the first full-fledged credit collapse and debt deflation since 1930. At the very moment that governments in the West were treating markets as quasi-natural (quasi-religious) systems, capitalist firms themselves were often moving in a different direction. Luc Boltanski and Eve Chiapello have documented how in France, in particular, from the 1970’s large corporations took on-board the anti-capitalist critique of alienation and bureaucracy that was associated with the events of 1968 to develop new models of management and work-place organisation. The paradox is often not sufficiently noted.

This paper argues that there was another, no less remarkable, shift in capitalism. During the 1970’s, but especially from the 1980’s, the bundle of rights associated with private property mutated in many countries to accommodate historically non-capitalist modes of social organisation.

This paper will unfold in three parts. In the first section it argues that there has been an innovation in the rights of private property, especially in the area of residential property. Starting in the 1960’s, though only really coming into its own in the 1980’s, the rights of private property have been grafted onto a regime of communal ownership. In the condominium (or sectional title estate) individual property rights are exercised in and through a system of collective control and management. During the very period of capitalist ascendancy, in other words, historically non-capitalist forms of sociability were being elaborated from within the very holy ark of capitalism itself, the relation of private property.

Not only has a novel regime of ownership emerged as a legal instrument but from the 1980’s this legal regime has given rise to massive, new social phenomena in the US and increasingly across Asia, Africa and the Middle East. In the second part we will see that the condominium or sectional title estate is transforming the urban landscape, generating novel urban constellations that are frequently imagined and lived as anti-suburbs. In other words, we will see that the growth of townhouses is associated with the decline of the traditional suburb as an urban phenomenon.

In 1971 this hybrid property regime came to South Africa in the form of the Sectional Title Act. In the third part of this essay, we will see that condominiums (or townhouses under sectional title as

they are called in South Africa) have become important sites of uncanny, post-Apartheid community. Using the example of Roodepoort in South Africa, this paper argues that Body Corporates are elaborating domains of post-Apartheid sociality that are largely unrecognisable and even uncomfortable from the dominant, normative tropes of post-Apartheid life: non-racialism, cosmopolitanism, constitutionalism.

In summary, this paper will defend three claims:

- Sectional Title constitutes a shift or development in the legal form of **capitalism**
- It is associated with material changes to the **urban form** and the rise of new urban typologies, neither townships nor suburbs.
- Sectional title regimes have accommodate qualitatively new **post-Apartheid communities**.

### 1. The Capitalist Collective.

There has been considerable attention paid to the macro structure of capitalism over the last several decades, usually under the rubric of ‘globalisation’. A lot of this work has been concerned with the effects of new information technologies, of developments in the world financial system, the emergence of new markets and cheaper sites of production. Typically, Giddens notes that “globalisation is political, technical and cultural, as well as economic. It is ‘new’ and ‘revolutionary’ and is mainly due to the ‘massive increase’ in financial foreign exchange transactions. This has been facilitated by dramatic improvement in communications technology, especially electronic interchange facilitated by personal computers” (Giddens, 2002, p.10).

Apart from these global transformations there have been key changes in the micro organisation of capitalism as well. Luc Boltanski and Eve Chiappello’s superb study of the reorganisation of the capitalist firm from the 1970s describes a ‘new spirit of capitalism’ manifest in the transformation of its operations and mechanisms (Boltanski and Chiappello, 2005, p.168). Driven by crises of production arising from political and social resistance to capitalism itself – class struggle - firms responded by taking on board elements of the anti-capitalist critique associated with the revolts of 1968. Capitalist firms, they write, were “receptive to the critiques of the period that denounced the mechanization of the world (post-industrial society against industrial society) – the destruction of forms of life conducive to the fulfilment of specifically human potential and, in particular, creativity – and stressed the intolerable character of the modes of oppression which [...] had been exploited by capitalist mechanisms for organizing work” (Boltanski and Chiappello, 2005, p.201). The shift to ‘networks’, the emphasis on ‘visionary leadership’, on ‘self-organisation’ and ‘autonomy’ reorganised work in response to this ‘aesthetic’ critique of ‘alienation’. In the 1980s this analysis of the capitalist firm was extended to an argument about bureaucracy *per se*, so that its force and ultimately prescriptions were deemed relevant to the public sector as well. I have begun to explore how this post-bureaucratic fashion came to dominate the policy arena in South Africa after 1994 and its effects on the integrity and performance of government departments individually and collectively.

Less well documented, however, are the changes that have occurred to the content of ‘property rights’ during the period after the Second World War. This deserves attention. Not only do these changes create the legal framework for the emergence of the townhouse phenomenon in the first place, but they constitute a mutation in the private property relationship itself.

In the 1940s in the USA, notes David Hulchanski, one either rented or owned a house and there were few options in between (Hulchanski, 1988, p. 135). Starting in the 1960s *condominium* ownership became possible. We get a sense of the novelty of this arrangement by considering it in historical

terms. The condominium is a form of what Marshall Tracht calls ‘co-ownership’, that is, a legal relationship that makes it possible for two or more people (or legal entities) to have equal rights to the use and enjoyment of a property (Tracht, 2000, p. 62). Historically, co-ownership has been most common in situations of ‘tenancy in common’ governing property relationships between married spouses (community of property) or within families (joint tenancy). Joint tenancy, for example, was a feudal right designed to prevent the division of landed estates amongst numerous heirs. It was abolished in England in 1925. In the US, ‘tenancy by the entirety’ is recognised in 20 jurisdictions and applies between married couples. In situations where a property is owned jointly by a couple, limitations are placed on the ability of either spouse to alienate their portion of the property without the consent of the other. Ownership in ‘indivision’ is the common law version of ‘tenancy by the entirety’. All the legal forms discussed above are designed for situations arising in the family and between spouses. They are all ancient. The condominium, however, is a recent innovation. It extends the logic of such provisions to relations between strangers.

Starting in Puerto Rico in 1958 and then spreading to the 50 US states by 1968, the condominium is a form of home ownership that makes it possible for an individual to own a housing unit without exclusive ownership of the land on which the structure and its surroundings is built (Hulchanski, 1988, p. 140). At its simplest, the condominium allows the unit owner possession of the “air space” in his or her house, while the real estate is owned in common with the other owners. In effect, what home-buyers own of their unit is very modest, essentially from the middle of the brick inwards. Everything else, including gardens, the driveway, the parking area, the backyard, even the exterior of the house itself, is regarded as common property that is owned and managed by the Body Corporate. It thus combines two regimes of property rights in a hybrid bundle. On the one hand, an individual has unique authority to use, enjoy and alienate the dwelling in question, that is, he or she is an owner of property. On the other hand, he or she shares in the ownership of various common spaces and facilities, that is, he or she is a tenant (in common).

In the residential arena, at least, condominiums or sectional title laws socialise private property. Consider the following hypothetical situation. A home-owner in a traditional suburb is distressed by the way that her neighbour neglects to maintain her property. She is concerned that his neglect will discourage potential buyers to the area and, thereby, bring down the market value of the units there. A home-owner in townhouse complex has a similar worry. The owner of a neighbouring unit is failing adequately to maintain her property. There is, though, a major difference in the rights of these respective home-owners. In the traditional suburb, unless the neighbour breaks the law, including bylaws, the home-owner has no formal recourse. She could perhaps bring moral pressure to bear. This is not the case in the sectional title arrangement. There the owner may appeal to the Body Corporate to intervene to discipline the neighbour in question. In the words, it is not enough that the owner in a townhouse is compliant with the law of the land in the way that he or she disposes and uses this property. In the condominium there is an additional obligation. The owner must use his or her property in a way that is both in accordance with national laws and municipal regulations and compliant with the rules and norms of the collective. This is the first novelty of the condominium, private ownership is subject to collective, social control. This collective control ranges from norms of behaviour in the complex even to the aesthetic form of the house or unit in question.

Secondly, the particularity of this collective deserves further attention. Let us return to the example above. In a traditional suburb there is also a form of collective oversight. It comes, as we mentioned, in the form of laws and by-laws. This is the oversight of the state; a collective, in this instance, of citizens with political rights to define the norms of neighbourliness (via an elected municipal assembly). In the condominium, it is not the state that sets the rules of social conduct. Residents, in

other words, do not set the rules of the condominium or townhouse estate as citizens. They do so as property owners. The collective in the townhouse is not, in words, a political community. It is a community produced by the rules of the condominium itself. Therein lies another element of its originality: the collective originates in the regime of private property itself. We have already noted the novelty of this situation in the area of residential property, but it is worth noting its originality *tout court*.

What are the social forms that, historically, arise from the private property relations? Classes, in the strict sense of social groups whose identity is given by whether they own/ do not own/ or own/control property, various kinds of economic organisations of which the firm and the corporation are the most well-known. There are many social institutions that have a transcendental relation to the property form, including the family and the school (Althusser, Bourdieu). These institutions are, at best, conditions of private property. In the other direction there are collectivities that have emerged to manage the social effects of private property or to resist the institution itself. These include trade-unions and political parties, corporatist organs in their various forms, think-tanks, research foundations and scientific bodies and so on. There is great variety across time and place. None of them is directly generated by the legal form of private property itself, however. In the condominium, however, the collective is issued from the private property relation itself, by design.

If we say that private property gives capitalism its particular signature as a social and economic system, then a development in this category of rights is not insignificant. It is suggestive of a development within capitalism itself. At least in the residential field, a collective form of capitalism has made an appearance. In an earlier period, Marxists might have seen in this movement the green shoots of socialism. This development is so much more surprising in that it has coincided with the collapse of the Soviet Union and the reported failure of the project of collective ownership<sup>1</sup>.

### Major Social Phenomenon

For all its importance, this change in the character of property rights, starting in advanced capitalist countries and spreading rapidly around the world, has barely received attention in academic or political circles. Tracht notes, for example, the “historical patterns of changes in co-ownership appears largely unexplored in the legal and economic literature” (Tracht, *Op Cit.*, p. 65). In the South African context there is no academic literature that this author could find on the topic at all. Yet the emergence of forms of social ownership within the category of private property is not only of legal or taxonomical interest (in the sense of how we distinguish societies and economies). The condominium as a legal instrument has given rise to condominiums as a major social and urban phenomenon as well.

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<sup>1</sup> The shopping mall, that temple of high capitalist consumerism, too has an unexpected socialist provenance. In 1956 Victor Gruen, an Austrian socialist and former student of the modernist designer Peter Behrens who had moved to the US in 1938, invented the shopping mall. He designed Southdale Shopping Mall in the USA, to recreate in America the experience of the European arcade. Gruen enclosed shops and department stores in an airconditioned mall with the intention of realising a utopian experiment in master-planned, mixed-use community, complete with housing, schools, a medical center, even a park and lake. People would come together to shop, drink coffee and socialise in otherwise alienated American suburbs. Coffee shops and other communal places would become, he hoped, animated by people discussing the major ideas of the day (Hardwick, 2004).

The US case is instructive. Let us recall that prior to 1960 there were no complexes or buildings on mainland America owned and managed through the condominium. By 1980 there were 2 252 835 units, that is, 2,5% of houses or flats in America were condominiums. By 1990 the number had almost doubled to 4,7% or 4 847 921 units (US Census Bureau, 1994). In Canada, too, condominium units grew rapidly, from zero in 1965 to more than 170 000 units in 1981, that is, 3,3 % of all units in 16 years (Hulchanski, Op Cit, p. 142). There is very little data for the rest of the world.

In South Africa, this property arrangement first became possible in 1971 (Act 66 of 1971), though sectional title estates only gained momentum after 1986, when the Sectional Title Act of that year cleared up ambiguities in the original legislation. The Act provides for the “division of buildings into sections and common property and for the acquisition of separate ownership in sections coupled with joint ownership in common property” (Act 95 of 1986 Sectional Titles Act). Between 1988 and 2011 in Gauteng Province alone and chiefly in Johannesburg and Pretoria, 32 774 sectional title housing *schemes* were registered. The documents that we have from the Deeds Office do not record how many units have been constructed per complex or collectively. In the absence of a recent census, moreover, we do not have accurate demographic data in this regard. If, however, we work on the basis of a conservative estimate of 20-30 units per development, then we can guesstimate that in Gauteng alone there are approximately a million units under sectional title. If, moreover, we assume that many units are inhabited by young families or young couples or people living alone, in equal proportion, then we can work on an average household demographic of 2 people per unit (2,3 more precisely). As a rough indication, 2 million people in Gauteng or 18% of the population (11 million) live in sectional title arrangements.

The growth of condominiums or sectional title estates is surprising for another reason as well. Their growth is traditionally attributed to their affordability relative to free-hold property. As one South African company of real-estate agents, Remax, explained, the attraction of sectional title arrangements is threefold: security, affordability and a communal lifestyle. I will return later to the idea that townhouse complexes are sites of community. For the moment, let us note their financial advantages. Unlike freehold properties, Remax continues, where owners pay for their own home insurance and for the upkeep of the garden and exterior of their homes, owners of sectional title units pay an inclusive monthly levy. The levy includes the costs of insurance premiums, maintenance of the common property, wages and salaries of cleaners, security and other staff involved in maintaining the common property, as well as any water and electricity required for the common property. The cost of maintaining pools, tennis courts, communal park areas and clubhouses in the development is shared (Remax, 2011). Essentially, sectional title living is a way of exercising private ownership of a property, while sharing the costs of maintenance and of communal infrastructure.

Using the language of economists we can say that individual housing unit prices are kept down because the costs of the land and facilities-in-common are externalised, that is, shared with other owners. If the values of the units in the complex increase, however, the benefits accrue individually. Owners who alienate their unit for more than they paid for it keep the surplus for themselves. From a strictly economic perspective the benefits are self-evident. However, when we consider the social aspects of the condominium or sectional title regime, or, more precisely, the social conditions of this economic relation, its strictly economic advantages become less clear.

From a rational choice perspective the central economic and legal problem arising is this: how can the conflicting preferences and actions of co-owners be coordinated so that some owners do not invest in their own properties in a way that imposes costs on their co-owners and/or underinvest in projects whose benefits are shared with others (Tracht, Op Cit., p. 63)? This is the problem of the commons. In

cases of the condominium or of sectional title, the law provides an instrument to deal with the problem of externality. It imposes a legal obligation on co-owners to make decisions communally; that is, through the Body Corporate (as it is called in South African law). Rules governing the composition of the Body Corporate and defining the norms of social behaviour in complexes, including granting this committee the right to impose social and economic sanctions on owners, are central to sustaining the property relation. The fact that the officers of the Body Corporate must be elected and that they must take decisions democratically is not intended to serve a democratic purpose. It is designed to maximise coordination between owners.

Hulchanski observes that “by its very nature it [a condominium] involves a communal environment requiring each tenant-owner to yield some individual rights for the sake of achieving harmonious management of the common element and of the project as a whole” (Hulchanski, *Op Cit.*, p.140). Or as a South African estate agent put it: “Management, maintenance, co-operative environment, levies and rules all require some level of understanding, acknowledgement and commitment to make a scheme functional and efficient” (Sayed Iqbal Mohamed, 2011). Indeed, writes another, “owning sectional title property can be highly profitable if your body corporate is well managed and maintained. There is a direct relationship between the state of affairs of your body corporate and the property value of your section” (Sectional Title South Africa, 2010). In this sense the townhouse complex requires a literal social contract between owners; not so much to deliver them from the State of Nature but to protect the value of their individual and collective assets. (We might recall that for Rousseau the social contract was always an instrument designed to protect the integrity and value of property, so that property owners were necessarily the privileged beneficiaries of the political community) (Ref).

Within the sectional title complex the market value of residential units is dependent on the quality of the social relations between neighbours. What matters is the ability to make binding collective decisions. When social relations are not harmonious, the value of the property is at stake. The first problem arises when some of the residents in a complex are not owners but tenants; that is, they rent the unit from an owner-tenant. There is a structural conflict between owners and tenants in the best of times. Tenants relate to the property which they rent as a use-value; that is, it is place of shelter and/or as a home. It has no exchange value from their point of view. In contrast, for an owner, a property is a use-value when he or she lives in it, but it is also an exchange-value. The exchange value of a unit is related to its use-value in this way: its price on the market is affected by the manner in which it has been maintained, that is, handled as a use-value. A tenant only has an interest in maintaining the unit or using it well to the extent that it increases his or her pleasure. He or she does not live in it with a view to its actual or future market value.

Under sectional title these inherent problems are exacerbated. One of the remedies that an owner has vis-à-vis a tenant is the termination or non-renewal of the contract between them (even if, depending on the jurisdiction, this remedy is more or less difficult to achieve). Yet in the case of a sectional title regime, the risk of a bad tenant is externalised. In other words, somebody else’s bad tenant may have a negative effect on the prestige, appearance, orderliness, that is value, of the complex as a whole. The only remedy that the Body Corporate has in these cases is via the owner of the unit – tenants have no representation there. If, however, he or she, for whatever reason, including being far away or dependent on the rental income, is loath to act, then the costs of the bad tenant are borne by all.

If this is the normal state of affairs, the riskiness of the condominium arrangement is amplified in the South African context (or for that matter, in any context where there has been widespread social conflict). Hence, some writers have reduced townhouse complexes to ‘security villages’. In Lindsay

Bremner's evocative phrase Johannesburg has become a "city of walls" (Bremner, 2010, p. 203), where the image is at once metaphorical and methodological. In her essays on her Johannesburg the closest we get to these complexes is to the gate. The only residents that we hear of are the security personnel that control access to what is inside. Yet the wall, its electric fences and technologies of surveillance exclude as much as they include. Townhouse complexes, the vast majority of them as we have seen, are also not luxury estates. They must be distinguished by more than wealth or class. Their relationship to the traditional garden suburb is visibly different.

## 2. A new urban geography: Townhouses as non-suburbs

What we have in the townhouse complex is a spatial and especially urban form constituted through a particular regime of *governance*. As such the complex and the landscape that it produces are unlike the traditional suburb. This is why the townhouse or condominium is not a further development of the American Levittown. This phenomenon of post Second World War America consisted of mass housing schemes intended for American servicemen and their families. After the war, the US government made a subsidy available to former military personnel that incentivised private developers. The most famous of these was the company Levitt and Sons. What was distinct about these developments was that houses were built according to a modular formula to reduce their costs. There were usually only 2 or 3 designs from which one could choose. In the 1980s under the auspices of the developer Schachat Cullum, South Africa acquired many Levitt-type suburbs. In Johannesburg, suburbs from Blairgowrie, Bourdeaux to Helderkruijn and Windsor Park were built on this model<sup>2</sup>: modest houses on their own stand that were available in a limited number of design variations.

This modular or repetitive architectural form is certainly a key aspect of the townhouse phenomenon. Yet there is a key difference. Levittowns reproduced a traditional municipal relationship. Homeowners related to the municipality as separate individuals in a bilateral relationship with the city, be it as a citizen or as a consumer of services. This is precisely the character of the suburb. It is not simply a spatial phenomenon, but a political relationship between citizens (organised through the family) and the state (represented by the municipality). This is the classically liberal social contract (see Donzelot, 1997). In contrast, the condominium or the sectional title complex instantiates a new kind of social contract. In the first movement there is a collectivisation of individuals and households. In the second movement there are multiple contracts between the collective and sometimes the State (in the form of the municipality), sometimes simply other complexes (see Duca: forthcoming) and a myriad of private companies offering traditionally state services (companies offering policing, developers providing bulk services and road maintenance). This is a landscape that is more uncanny than it is neoliberal. At the moment when the logic of capitalism comes more and more to configure the physical environment and subject social relations to its property regime, it yields not a society of individuals but one organised as communes of a special kind.

Wealthy estates like Featherbrook or Eagle Canyon or Leopard's Creak on the West Rand are attempts to recreate an idealised version of South African suburb of the 1960s. They contain large houses on their own stands, not separated by walls or fences. They are places of idealised domesticity where children are free to roam and explore in safety. In Roodepoort, they are also overwhelming 'white' spaces. In Featherbrook, for example, less than 10% of families are black. In this sense, luxury townhouse estates are enclosed suburbs. This is what Benjamin Christopher Stroud calls the suburban promise – "that home ownership and living close to the land will make you a better person" (Stroud, 2009, p. 6).

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<sup>2</sup> Before them was Glenanil and all those suburbs with Glen in the name: Glenvista, Glendower and so on.

Consider the following discussion with ‘P’. She is a resident of Featherbrook Estate, for a long-time the benchmark of a security-estate. She recalls arriving in Johannesburg from Durban and settling with her husband in Weltevreden Park, an established suburb in the North West of Roodepoort.

“We moved to Weltevreden Park [...] and we had a lovely home, with beautiful six foot walls all the way around it. The usual [security features]: sparks on the wall and alarm system and the whole trip. I was in this house with my daughter who was only 3-4 years old at the time and ‘M’ [her husband] travelled. He was away three nights a week. I was a bit of a baby on my own, so I used to lock myself in the bedroom at night with my child, with my daughter and lock the passage doors and switch the alarms on. Then ‘C’ was born [her second daughter]. I used to have the cam-cords [security cameras] as well in their room”.

‘P’ eventually tells her husband she can no longer live like this. “I am absolutely petrified on my own,” she admits. They eventually buy a house in Featherbrook. Since then, she says, they have “never looked back”. They love Featherbrook estate.

*Featherbrook fulfills the suburban promise that Weltevreden Park did not.* “I think,” she explains, “that from the point of view of raising children, on an estate you can’t compare it to anything. [W]hen I was growing up we used to walk everywhere. We would, after school if we wanted to go the beach, we went to the beach. Or if you wanted to go to movies, you hopped on a bus and you went into town. Children don’t have that freedom [today].

In Featherbrook, however, children “have a little bit of freedom”. “They can get on the bus to go and visit their friends, or they can go for a ride. My daughter likes to run. She goes for a run every afternoon and I don’t have to panic. I don’t have to worry. It’s been absolutely amazing for us” (Interview with ‘P’, 7/06/2011).

Therein lies the paradox of the estate. Its artificiality – walls and electric fences, surveillance cameras and regular armed patrols – is seen to permit a more natural life, one oriented towards the outdoors and where family relations are unmediated by fear. Featherbrook and estates like it are contemporary versions of the traditional suburb.

Ongoing ethnographic research by Liezmarie Johannes and Federica Duca finds that social life is overwhelmingly organised around a gendered division of labour. Men are fathers and breadwinners. They leave the estates in the morning and return in the evenings. Women are mothers and homemakers. They look after the children. Given that domestic work is mostly handled by a housekeeper, women are free to participate in the wide selection of activities available for them on the estate; ranging from cooking classes, to ‘scrap-booking’ to dancing and yoga (Duca, forthcoming). Federica Duca has found, furthermore, that women frequently begin meeting from lunchtime. Drinking (usually white wine) can continue throughout the afternoon.

When Betty Friedan revitalised American feminism in the 1960s, with the publication of the *Feminine Mystique*, she described women living in post-war suburbs; probably Levittowns. Expecting to find fulfilment as wives and mothers they were inexplicably unhappy, burdened with a ‘problem that had no name’ (Friedan, 1997). In American fiction of the period after the Second World War, especially from the 1970s, the suburb is frequently portrayed as “perilous”; its families are breaking apart, children die, girls are abducted, the streets are not safe (Stroud, 2009, p. 145). Suburbs are bleak and



dangerous, reflecting, Stroud suggests, disillusionment with the suburban promise. Yet it is less perilous than it is duplicitous. It promises genuine family but delivers something else<sup>3</sup>.

It is not surprising, therefore, that the counterpoint to the suburb was or used to be the township; at least places where sounds, things and people mixed and intermingled in apparently authentic ways. Descriptions of Sophiatown in the 1950s are exemplary in this regard. It is diverse, from its landscapes (shebeens and slumyards and courtyards), to its cosmopolitan society (workers, rural immigrants, gangsters and liberal whites). It is a place which produces genuine things, from the images of Gerard Sekoto, to marabi music and the tickey-draai, musical genres that were combined to produce the distinctive sound of township jazz (CM Chipkin, 2008, p.204).

This is why it is important to distinguish between the luxury estates and the average townhouse development. The complexes that form the object of this report are frequently lived as *non-suburbs*, as urban spaces that are unlike the suburbs in which many of their residents grew up and from which they have recently come. We will see too that their appeal also lies in not being like the township. This is why if we reduce all walled complexes or closed-off streets simply to the phenomenon of ‘gated community’ or ‘security village’ we simply cannot see that a new urban geography is emerging in front of our eyes<sup>4</sup>.

### 3. Middle Classing in Roodepoort

There is another reason, however, to move beyond the complex gate. Not only are townhouses (under sectional title) phenomena of a concession to collectivism in modern capitalism, not only are they new urban constellations that preview a post-suburban landscape, but in the South African context they are also important sites of post-Apartheid community— even when these forms of community are not easily recognisable from the promise, say, of non-racialism.

Roodepoort forms the Western edge of the Witwatersrand, a distinctive east-west series of hills and linear ridges with shallow valleys and rolling country to the north. Clive Chipkin, notes that the names of Boer farms, often mispronounced by English-speakers, provided a vivid sense of *locale*, many with watercourse or river eye suffixes: *spruit*, *fontein*; some with *koppie*, *kloof* or *krans* to designate high ground. *Roodepoort*: the gap or portal through the red rock face.

The Main Reef Series, the main line of sedimentary gold is south of the ridges, nicely parallel in an easterly direction. Here gold mines and compounds with their industrial and labour adjuncts were linked historically by the Main Reef Road – the major communication route for gold production and the creator of urban nodes east and west of Johannesburg.

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<sup>3</sup>I suspect that this sentiment goes a long way to explaining why the suburb is barely treated in the South African literature. In *Johannesburg: The Elusive Metropolis*, a collection of essays on the city that was first published as a special edition of the journal *Public Culture*, the topic scores a brief mention in an essay on literatures of the city. In *Blank: Architecture, Apartheid and After*, the book associated with the very successful exhibition on South African architecture, there is no discussion of the suburb as an urban form at all. There is no mention, for example that ‘House Martienssen’, built by the architect for himself in 1942 and one of the first major statements of modern movement architecture in South Africa is situated in Greenside, an area in the northern suburbs of Johannesburg. Yet surely the relationship of the house to the suburb is one of its key tensions?

<sup>4</sup>We might call them *quarters*, derived from the French ‘quartier’, to distinguish them from suburbs but also to allude to their more communal organisation.

Following closely the northern edge of the Witwatersrand, the suburbs of Wilgeheuwel and Ruimsig are portions of what was originally the farm Wilgespruit. Until recently they largely consisted of small agricultural estates, nurseries and horticultural plantations.

Over the last decade, especially since 2003, tens of thousands of townhouse units have been built on this land, forming a dense residential wedge between Johannesburg's two main, western axial routes, Hendrik Potgieter Boulevard and Beyers Naude Avenue in the north.

Milky Way was one of the first large-scale townhouse developments in the Roodepoort area. Built and financed by Genesis Projects in 2003, the cluster development consists of 31 complexes comprising 957 units. They average 30 units per complex, ranging between 9 units and 50. The director of Genesis is a young man, Charl Fitzgerald, who was formerly an estate agent operating in the Wilgeheuwel and Honeydew areas. His fortune was made on the basis of an acute insight; that there was a large market of young South Africans with little or no savings yet with formal employment. Moreover, they were seeking to leave the suburbs and townships they were born or grew-up in, in favour of new, more *modern* settlements. Genesis took advantage of the lax conditions for originating bonds in South Africa to offer units at attractive prices and, best of all, with the option of not having to put down a deposit (Interview with Charl Fitzgerald, 17/08/2010).

The aerial photograph below (Figure 1) shows the scale of development in the area between 2000 and 2006. There is a key aspect of these developments: private developers installed much of the urban infrastructure, from roads, to storm water systems and the electrical network. Most of the streets around and between complexes were built and named by the original developer (Genesis Projects) and their current legal status is unclear. They are unmarked and the Johannesburg Road Agency does not service them. If Milky Way becomes a Home Owners Association in terms of the law, then these streets will be designated private thoroughfares.

In the 2006 image below (Figure 2) there are site excavations on either side of Nic Diederichs Avenue, where it meets with Hendrik Potgieter Boulevard. Today there are a number of 'warehouse' shops there, mostly dedicated to home improvements and home decoration: Penny Pinchers, Timber City, Bathroom Bizarre, @Home, the Lighting Warehouse, Mr. Price Home, UFO Furniture. The competition is fierce, yet the market is large. Timber City, a hardware supermarket chain, sells everything from timber roof tresses to three-inch nails. The shop on the corner of Hendrik Potgieter Boulevard and Nic Diederichs Avenue is one of the largest in the country (Interview with Mr Mare, 28/03/2011). It supplements an older Timber City store in Roodepoort. A new Penny Pinchers/Timber City combination store has been built along Hendrik Potgieter Boulevard, a few kilometers from the one near Milky Way.

## WILGEHEUWEL AND SURROUNDS: 2000 - 2006

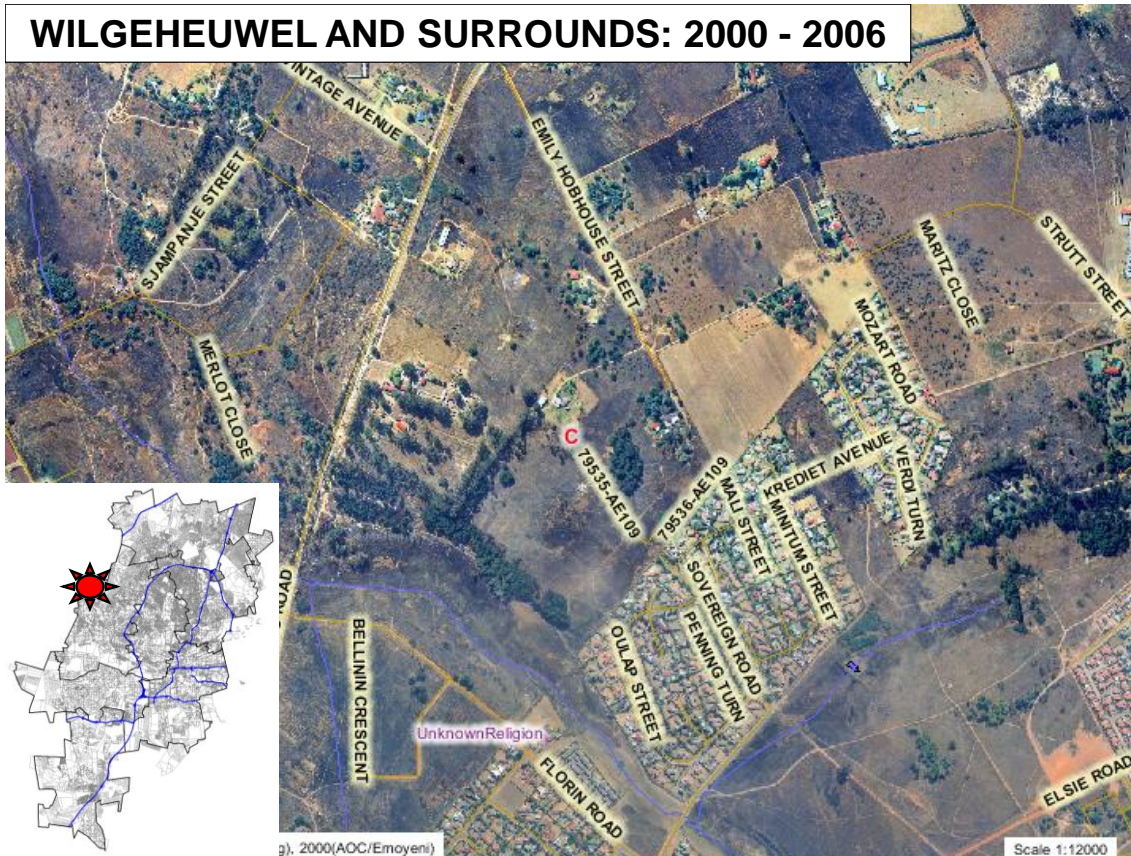


Figure 1: An aerial photo, courtesy of the City of Johannesburg, of the area around the intersection of Hendrik Potgieter Boulevard and Nic Diederichs Avenue in 2000.

Castra<sup>5</sup> is one of 31 complexes that make up the Milky Way constellation. It has 29 units that sell for between R550 000 and R650 000. They vary in size but even the 2 bedroomed units are less than 100m<sup>2</sup>. Roughly half the units are occupied by tenants (15) and the rest by owner-occupiers (14). The complex is also socially diverse. In June 2011, almost 50% of units were inhabited by Black families and this number has continued to grow. There was a wide mix of languages spoken, including English, Afrikaans, Zulu, Tswana, Hausa, Portugese and Ndebele. It was mixed in term of nationality and also in terms of South African regions. Some residents came from far afield, including large coastal cities and small in-land towns. There were nuclear families and many women living alone or with friends. There were couples living openly as gays. Some households included practicing Muslims, Christians and Hindus.

It was striking that residents in Castra have very little contact with each other. When asked by the interviewer if she interacts with her neighbours, Mrs Khumalo first laughs and then replies “no”: “In Castra everybody keeps to themselves [...] There are boundaries you know, it’s their living space, don’t go and intervene [in] people’s places” (Interview with Mrs Khumalo, 23/6/2009).

All respondent made similar observations about the lack of social life in the complexes. Neo, the wife of a well-known DJ commented: “Another thing I’ve noticed is that the more we stay in areas like Castra, the less we socialise. It’s not the same as in Kwa-Thema, where you will know the person staying three streets away from you. It is very different here. You come home and you box yourself in.

<sup>5</sup> The name of the complex has been changed to protect the identities of the inhabitants of the complex. Castra, like the complex’s real name, refers to a star in the Capricorn constellation.

There is no socialising. Yes, you greet your neighbour every now and then [...] I have been here for two years but I know absolutely nothing about my neighbour or his family” (Interview with Neo, 12/7/2009).

Gavin and Lauren, a Coloured couple from Port Elizabeth also contrasted the deeply convivial world of their childhoods to their current living environment: “We grew up in Port Elizabeth [...] and the culture was so different when we moved to Joburg. I mean we did not have high walls, electric fences and all that. [...] In Port Elizabeth you make friends so easily, even when you meet on the road people are a lot more open. Here, they are aloof, they connect on a superficial level, not on a deeper level they are very distrusting [of] each other” (Interview with Gavin and Lauren, 4/7/2009).

Navarshni, a young Indian woman, represents the extreme of this social isolation. She starts by contrasting Castra to an idyllic elsewhere, this time Durban from where she has moved recently. She speaks without full stops. “It’s very different because I’m from Durban. There you’ll always be meeting people all the time and here the only person that I talk to is my neighbour”. “I live alone, so I’m always scared. I’m paranoid. I check my door and windows ten times before I go to bed. And when I read the paper I freak me out when I hear about the things that happen around here” (Interview with Navarshni, 8/8/2009). The fact that she lives so close to others, however, is no comfort to her.

“There is no sense of being so close to other people that you feel more secure. If you shout out people would not hear. I had an incident a couple of months ago. It was about one o’clock in the morning and my alarm went off. My neighbour wasn’t around that weekend. I refused to get out of my room. I was trembling” (Interview with Vashni, 8/8/2009). Eventually Navarshni called the head of the body corporate, Madame E, who advised her to call her armed response company.

If residents of Castra report high levels of anonymity between themselves, they all report regular encounters with the head of the Body Corporate, Madame E. Madame E constitutes the exclusive point of communal interaction in the estate. The context is frequently disciplinary.

Like other complexes, Castra has a set of rules and regulations devised by the Body Corporate. One of the key tasks of Madame E is to police life in the complex accordingly. It is a role she takes very seriously. Residents are fined for making too much noise – the fine is added directly to their levy. They are penalised for not closing the electric gate immediately after entering. They are fined for any infringements of the communal spaces, including for not maintaining their ‘private’ gardens.

Madame E explained: “If somebody complains about your noise level, I will step in. Okay, I will go to you and I will say I had a complaint. Cut down your music, control your guests. Please. I’m not going to come down here again. If I come here again I’m going to switch off your lights, half an hour later, if it’s worse, I just switch your lights off” (Interview with Madame E, 22/7/2009).

Every resident we interviewed had a story about this uncompromising regulatory environment. Gavin and Lauren, for example, remembered being fined R500 for allowing their guests to follow them into the estate without first shutting and then re-opening the gate. “I don’t know how she does it but she finds out”. Lauren continued: “you can’t fix your car in the complex, you can’t make so much noise. Like animals, *ag* it was Chevonne’s rabbit[her daughter’s]. We couldn’t have a rabbit. They don’t allow animals” (Interview with Gavin and Lauren, 4/7/2009).

Navarshni recalls her first day in the estate: “The estate agent gave me a remote control and I came in the complex and the gate wouldn’t open when I had to go out [...] So I parked my car on the side because I didn’t know anything about the rules. I saw this lady and she said ‘what are you doing? If

you park your car there you'll get a R500 fine for this'. I said I want to go out but the remote is not working. [...] She said I don't know how you are going to get out because residents of Castra know that [...] nobody is allowed to let you out" (Interview with Navarshni, 29/7/2010).

Apart from fining residents for transgressions of the regulations, Madame E also 'names and shames' them in newsletters. Lauren explains: "She would put it in a letter that so and so was fined because of this and this or with the noise or [someone] didn't wait for the people to close the gate [...]" (Gavin and Lauren, 4/7/2009).

DJ T also referred to the "very strict rules". "Look, the lady *waka mo* (on this side), the one that's staying behind us, she's the chairperson, and she is very strict with the rules. She tends to think that she owns the place. [...] I'm sure she is in [her] sixties or late fifties. And we come from a different time you know. And with my background, white people don't make the best impression. So when things start I will always say, hey *wena* (you), *ska bua lenna okare*, you know, 1973 (don't talk to me as if it's 1973) (Interview with DJ T, 12/6/2009).

It is far from obvious, however, that Madame E's enforcement of the regulations is motivated by racism. "Well," says Lauren, "people think somehow she's a racist because of the way she handles things in a situation.[...] She's not racist. I know she treats everybody like that" (Gavin and Lauren, 4/7/2009).

In 2008 a young, Afrikaans-speaking male, at his wits end with the disciplinary regime in Castra, played an April fool's joke on the head of the Body Corporate. At some cost and with much effort, he prepared posters, all in red, which he displayed on the entrance gate to the estate. The first was of a hapless man hanging from the gallows. The second bore an image of a skull and cross bones, with the text 'Warning: Whingers get shot!' underneath. The third poster was a mock official 'Notice'. It read: "Welcome to Castra, You are entering a cemetery, offenders [of the rules] will be made to hug the electric fence for an hour".

The rigid, even oppressive insistence on communal by-laws and regulations, while apparently petty, is informed by a geopolitical sensibility. Madame E frequently refers to the *multinational* character of Castra. Discussing Nigerians, for example, she explained: "The actual thing is that they are a different nation" (Interview with Madame E, 3/9/2009). When asked if there are other 'nations' in the estate, she replied: "Uh, there are so many [...] I've got Sotho, I've got Zulu, I've got Muslim, Italians, Portuguese, *er* (pauses) ... staunch Afrikaans, very staunch Afrikaans. Obviously, and then I've got no.16 which is actually (she pauses) a Nigerian" (Madame E, 3/9/2009).

In this traditional, taxonomy, each nation evidences fixed 'national' traits. Nigerians deal drugs. "When you got a Nigerian living in your complex," she explains, "you can scare yourself out of your skin because [the] things they get up to is absolutely pathetic. They will actually do drugs right in front of your doorstep". Madame E's stereotypes are uncompromising. The tenants in the unit in question said they were from Malawi. Madame E would have none of it, insisting they were Nigerians.

Madame E is also inclined to invoke the term 'black' to discuss common 'black' behaviours, manifest, irrespective of particular 'national' identity. "Actually," she explained, there was "quite a funny incident. We were doing the garden up at the top there and he [a black man] came in with such speed that I just had time to jump out of the road. [...] Okay he stopped before he could open the door, I opened the door, I grabbed him, I slapped him [...]. It was hilarious, I will tell you something now, ever since that day I could be anywhere in the street, he will greet me, he will respect me because I

stood up to him. *That's where as a white woman, white people you don't show that you are scared of them, even if you are shaking you don't.*" (Madame E , 3/9/2009).

She discussed Afrikaans-speaking residents in equally stereotypical fashion. "Listen," she says to the interviewer, "staunch Afrikaans is Afrikaans okay. Just like a little *boertjie* can be, when I say to you I am Afrikaans I am Afrikaans and I will not speak your language, I will not do anything else" (Madame E, 22/7/2009). Madame E's national and racial stereotyping serves other purposes than discrimination or segregation. From her perspective, what makes 'respectful' relations possible under conditions of social diversity, is the law; that everyone is subject to the same regime of by-laws and regulations. In this regard, she is uncompromising. This is nothing less than a version of the social contract, not so much between individuals, as between nations. Castra is a United Nations of residents.

In Castra, however, the social contract is not a mythical, foundational act of political union. It is sustained on an hourly/daily basis through the predictable, even and transparent enforcement of the regulations. In other words, it is possible because the Body Corporate has sovereign power and is prepared to exercise it, either through the law (fines) or through violence (a 'good *klap*'), if need be. Hence, the function of Madame E's racial/national taxonomy is instrumental, rather than political. It helps her devise strategies, as a woman, as a white person, to enforce the common law. There is an acute irony in this. Authority, undergirded by a performance of being White, is invoked as a strategy to integrate the complex or subject its residents to a common regime of civility.

The strict disciplinary regime and the lack of social interaction might make Castra sound like an unhappy place to live. Yet, interviewees uniformly expressed ambivalence about the Body Corporate. On the one hand it is annoying. On the other, it provides a peaceful and safe living environment. In DJ T's terms it helps people "learn their boundaries".

Even when some respondents compare Castra with their convivial place of origin, the distinction is not between *community* and *alienation* or between *warmth* and *coldness*. The strict, regulatory environment makes the estate a peaceful, quite, relatively safe place to live. What Castra makes possible is privacy. In other words, the comparison is between community and *privacy*.

"I love the rules," Navarshni tells us, "because I like the peace and quiet and the neatness of the place" (Navarshni, 29/7/2009). DJ T said similar things: "One thing I really liked about [Castra] was that you have your own yard that is not that attached to somebody else. In Ferndale we had a guy above us. Eish, this guy was noisy. [...] After experiencing that guy, we appreciate that [Castra] is so peaceful and there is no-one around" (DJ T, 12/6/2009).

Busisiwe has been explaining to the interviewer that she misses Soweto. "Castra is very restricted". "I feel like I need a place where my kids will be able to play and actually enjoy the play and ride their bikes and, you know, feel like they're at home, so now they're restricted, my son just sits and watches TV" (Mrs Khumalo, 23/6/2009). Then she interrupts herself. "I can never go back to Soweto," she says. "It's fine that I have a home day, but I can never go back and live there" (Ibid, 23/6/2009). "I think because I'm getting used to the peace, I'm getting used to the quiet, I'm getting used to the cleanliness, I'm getting used to having my own space and privacy" (Ibid, 23/6/2009).

In Soweto "everybody knows everybody's business. [When] you buy a new car, everybody knows. It's like you bought a new car and other kids that you grew [up with] don't have cars and they've got three kids and you only have one kid and because you have a car you think you are educated, you are better than others, and so on and so forth and this one is not talking to you, and this one [...] says this". "In Soweto when you go to the shop, they know what you going to have tonight, she is buying that



and that, that is what they're having tonight [...] and when you don't go to the shops, they say you don't go to the shops because she works in Sandton and this and that [...]". At least, "here I know, I get home, I get into the house, it's my own space and safe" (Interview with Mrs Radebe, 23/6/2009).

The search for privacy, here, is not just a personal preference. These testimonies of home as a haven from the world of family and kin are remarkably consistent across all residents of the complexes. They speak to a growing tension in the domestic and social realm. Kate Philips' work on structural unemployment in South Africa shows convincingly that formal economy wages are functioning as a social wage. With such high rates of unemployment, nearly every household has at least one unemployed member. Under such conditions those with a regular income face constant financial demands from members of their immediate and extended family for support (Philip, 2008). This is the situation that many of the Roodepoort households are trying to manage. On the one hand, young households are middle-classing, that is, trying to live a middle class standard of living, with all the material and lifestyle choices that this implies. On the other, they are embedded in networks of solidarity that tie them into responsibilities to parents and siblings, grandparents, uncles, aunts and cousins and distant family. Their ambivalence to the townhouse environment speaks to this tension. On the one hand they miss the conviviality of township life. On the other hand, the location of the Roodepoort complexes gives to households a buffer from the financial and other claims of extended family, neighbours and community. It allows them to conserve some of their income for savings and for consumption. The townhouse complexes are thus key elements in the process of becoming middle class. They help to situate these respondents in a long, trans-national history of middle-class emergence (Jurgen, p. 787).

Castra does not simply offer privacy, however. The character of the estate as a highly regulated environment (quiet, neat, safe) conforms to a standard of what some interviewees defined as 'respectable'. Respectability is a term used to perform two types of differentiation. In the first place it allows young, newly married couples to indicate that they have matured into responsible adulthood. In this sense, living in Castra is a generational term. In the second instance it is a term of that designates class membership: that the respondent has left or is not part of the (noisy, chaotic) working class.

Stacey recalls: You have to sign the rules before you are allowed in here. And on the door they stipulate what you are allowed to do and what you aren't allowed to do. So it's basic things like the noise level, your garden. You're not allowed to put Wendy-houses or anything like that" (Interview with Stacey, 6/7/2009). A Wendy-house is a wooden, pre-fabricated structure that is sometimes attached to the main building, usually as an additional storeroom<sup>6</sup>. They are common in some estates. In Castra they are strictly forbidden. "I think that something that worries Madame E about Wendy-houses," Gavin explains, "is that it will be outside and people will be putting their staff outside" (Gavin, 4/7/2009). He too favours this arrangement. He likes the fact that Castra is respectable (Ibid, 4/7/2009).

That the rules are sometimes onerous should not obscure what they permit. As long as the Body Corporate is sovereign, potential disputes and conflicts between residents are mediated through a

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<sup>6</sup> Wendy Houses have their own history, beginning as dolls' houses in Edwardian England for aristocratic families. Lutyens created a full, large dolls house for Queen Mary (wife of King George V), complete with furniture in minute detail, all to scale. Even the doors opened and closed. Rich families called in carpenters to build small but habitable miniature houses in their gardens – called Wendy houses after Peter Pan and Wendy. Somewhere in the 1960s, 1970s a local, South African firm started making prefabricated Dolls' Houses that became storerooms for garden equipment and overflow goods. These degenerated into pre-made stores. They still retained the name Wendy House, from the 'age of respectability'.

legitimate authority via an impersonal set of rules and regulations. Residents are able to negotiate diverse and complex histories of family, of community, of race, of gender in their own space and in an environment that enables them not to have to fall upon each other.

## Conclusion

A common social world is emerging in Roodepoort that has paradoxical features. On the one hand white and black South Africans (terms used here as shorthand for those who formerly had and those who did not have full South African citizenship) are entering a *common world*. On the other hand, racial and ethnic solidarities have not weakened. Entry into a common world is not associated with new patterns of sociability that transcend race or ethnicity.

Racial and ethnic heterogeneity in the Roodepoort complexes, as important as it is, does not adequately capture the significance of this emerging *common world*. Apartheid was not only a system of racial (and class domination). It was also a system of government and regulation, one that splintered the administration of peoples and things according to hundreds of parallel and overlapping agencies and departments. Even if there were some isolated, mixed social spaces (Hillbrow, Yeoville), there were no mixed institutions of social citizenship. It is this reality that is evoked in political metaphors like Thabo Mbeki's image of "two nations" and before that, in theoretical expressions like the "articulation of modes of production" (Wolpe, 1974) or more generally in images of the "bifurcated" state (Mamdani, 1996).

Relative to this recent past, a common world represents a place where former citizens and former subjects share, not simply a common geography, but a space where they are equally subject to a *regime of rules*. This is what I mean a common world.

Unlike apartheid law, which often lacked the character of law (see Fuller, 1958), or large, shifting zones of post-Apartheid life where law is arbitrary or unevenly applied (zones of exception that function under the logic of the exemption, the favour, the bribe) the body corporate creates spaces of legality. In the complex, residents are subject (and subject themselves) to a regime of rules and regulations that have both coherence and logic. They are regulations to the extent that they are publicly announced, that they do not contradict themselves and that they do not require 'forays of terror' to exercise. Even if some Body Corporates implement these rules in an arbitrary way, the rules themselves have what Fuller called a certain "internal morality" (Fuller, 1958, p. 645). On Fuller's terms, they work towards the achievement of social order (even when social order serves a more primary function, to preserve the property relation). This is precisely what apartheid law could not achieve and post-Apartheid law frequently fails to achieve. The implementation of apartheid laws worked against the possibility of good social order – their very exercise required bare violence against black South Africans (humiliation, forced removals, censorship, detention without trial, execution, war).

This study has found post-apartheid modernity in an unlikely place. Township complexes in Roodepoort, organised as condominiums or in terms of the Sectional Title Act, are sites of common place legality or the legality of what I have called *ordinary life*. Townhouse complexes elaborate social order in the day-to-day transactions of their residents. They are thus post-apartheid locations in an ordinary sense.

What has rendered these spaces invisible to academic and official notice is that they have been constituted in unexpected places (Roodepoort!) and through unexpected instruments. They are products of an innovation in capitalist property relations and not that of the Constitution or that of



government policies and actions. Post-apartheid modernity has been elaborated in Roodepoort through the further development of capitalism. Spaces of order have been constituted through a regime of (private) property. For those who looked forward to a post-apartheid society tending towards non-racialism or socialism or participatory democracy or, at least, subject to the morality of the Constitution these are surely awkward terrains. They are post-apartheid terrains nonetheless.

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