

What colour is our flag? Red or JZ? - A critique of the SACP approach on the JZ matter

By Mazibuko K. Jara, Deputy National Secretary, Young Communist League

1. INTRODUCTION

A famous social activist changes the words of *The Red Flag* to provide a jocular and yet effective critique of the strategy, tactics and programme of our South African Communist Party: he sings “*The people’s flag is palest pink, it is not as red as some would think. The working class can kiss my ass. To show we are still sincere, we will criticise GEAR once a year*”. If this jocular criticism has some truthful import, what could be the objective basis for it? The criticism calls for some fresh introspection in light of our positioning and role as the Communist Party in the Jacob Zuma (JZ) saga. What explains the Party’s approach and conduct over the JZ matter? Is it a matter of a mere momentary lapse or error of judgment? Or is it a reflection of a deeper strategic and programmatic crisis in our Party? Alternatively, are we using the JZ matter for our own socialist goals? How?

This paper seeks to demonstrate the cumulative weakening of socialist strategy, analysis, organisation and alternatives by three features: our role on the JZ matter, the conceptualisation of our campaigns and our effective absence from ongoing class struggles in South Africa today. Hopefully, the paper contributes to the opening of space for us as a Communist Party to honestly and objectively confront our weaknesses, draw appropriate lessons and rectify our mistakes. The issues raised in the paper also indirectly raise key questions about our day-to-day tactics as the Communist Party. What calculations and considerations inform our day-to-day tactics? How do they relate to how we struggle to achieve our short- and long-term objectives?

What is the paper’s understanding of Party strategy on the JZ saga? Firstly, the Party has shown some lukewarm defence of bourgeois democratic rights and institutions whilst also attacking them as part of the political defence of JZ. Secondly, we have also raised issues about the isolation of a left and working class agenda in the ANC. Thirdly, we seem to have uncritically linked up with various questionable business interests in the pro-JZ movement. Fourthly, all this happens when we have not effectively addressed and built effective communist activism around ongoing worker and community struggles. Linked to this is the current weakness of our own campaigns to attack the structural causes of working class marginalisation. Finally, a major problem remains our continued failure to provide critical socialist analysis and positions on the arms deal.

2. BOURGEOIS DEMOCRATIC RIGHTS AND INSTITUTIONS

The legal side of the Party approach correctly argues that JZ, as all of us are entitled to, must have a fair trial, albeit, under the current largely untransformed justice system. Indeed this right is one of the key features of bourgeois liberal democracy which we, as communists, must defend as a matter of principle. As South African communists we must be for the rule of law, equality before the law, due process and fairness. This means that the Party must publicly speak out and defend JZ's claim of this right not because he is a person of any "stature". In contrast, talking in terms such as "someone of JZ's stature", as we have, problematically implies that some are more equal than others. This approach undermines the principle of equality before the law and promotes the cult of personality by elevating leaders above the masses of ordinary people.

As a matter of principle, JZ has been charged and he must face a court of law (as different from a court of justice) in which he must have a fair trial irrespective of who he is. This is a straightforward democratic standpoint which, however, is different from mounting a political defence. Indeed, the Party must insist that bourgeois democratic institutions must operate within the law and must not be used for any political agenda by any interests or factions in government and the ANC. They must also not be demagogically questioned by unprincipled populism. Our questioning of bourgeois democratic institutions has not been principle but about bolstering the claim of a political conspiracy against and justification of the consequent political defence of JZ

As communists we must not undermine the importance of bourgeois democratic institutions in the class struggle. If we say "down with the Scorpions", we may attract essentially those questioning the rule of law for their own personal, selfish and reactionary reasons. These may attract convicted felons like Tony Yengeni, tax evaders, corrupt state officials under investigation, unscrupulous business operators, a government minister using bureaucratic power to defend incorrect decisions and so on.

We have to ask the question of who loses most when there is no rule of law under capitalism: look at a Congo without the rule of law, look at who suffers most in countries without even a parliament. After all, the creation of a democratic and constitutional dispensation in South Africa has made political stability possible where apartheid and other atrocities can be brought to book. It is under the rule of law in South Africa that poor people can take their own government to court in order to assert their right to housing or point to its failures.

To paraphrase Lenin's formulation in *State and Revolution*, a bourgeois

democratic framework, unlike fascism or no rule of law, provides the best conditions under capitalism under which the working class can hope to struggle for its short- and long-term interests. The interest of the Communist Party in critically defending bourgeois democratic rights and institutions is not to meekly accept their capitalist content but about the creation of fair conditions & minimum material existence for the working class first and foremost. But such conditions will always be undermined as long as society remains capitalist and anti-systemic measures are not taken, as an outcome of popular struggles, to transform these institutions. In this regard, the Party must take responsibility for the slow progress in achieving a pro-poor and anti-systemic transformation of the justice system which is part of the post-apartheid capitalist state we have in South Africa.

As communists we must critique the bourgeois liberal justice system from the standpoint of thorough-going structural transformation of society. This approach is different from throw-away remarks against this or that reactionary judge for short-term political gain particularly when progressive forces have done very little to actually put a revolutionary working class imprint in the justice system post-1994.

Even under socialism, the democratic aspects of the very bourgeois democratic institutions will be critical to maintain healthy tensions, checks and balances of the political and economic system. But the socialist project must seek to enhance these democratic aspects and overcome their objective limitation by a capitalist order. The executive must have separate powers from parliament, the judiciary and other state institutions. Ordinary people need to be able to check and balance the actions of the executive. Parliament must effectively and substantively hold the executive accountable. Effective working class democracy must be extended right into the judiciary too. Taking useful lessons from the errors of Stalinism and bureaucratized national democratic projects (Zimbabwe being key), as communists in South Africa we need to think hard and creatively about the importance of building pluralities and multiplicities of spaces for the building socialism. There are many other aspects that we need to debate in this regard.

In other words, this paper's approach to bourgeois democratic institutions recognises that the form and content of institutions of class rule may be historically derived from post-colonial national democratic or liberal bourgeois traditions under the capitalist mode of production. The paper then uses the logic of the Party programme to conclude that it is possible, as part of broader class struggles, to build socialist institutions on the 'interstices of capitalist institutions'. Given the current balance of class forces in SA, perhaps there may be more to institutions than their bourgeois conventional form. This is to say that because our democratic breakthrough predicated on the so-called "reciprocal siege" of aligned blocks of class forces (though continuously shifting) therefore the content or the essence of social institutions does not have to be automatically bourgeois, even though ideologically the latter has an upper hand to

date. If that were the case, then there would be no need for a theoretical and practical attention to the concept of a developmental state for example. In our society, these institutions in and of themselves are not inherently and unchallengeably anti-working class. Thus, the classical Marxist idea that the superstructure reflects the base may not apply automatically and crudely in the contexts of peripheral societies where the democratic project has historically been defined by working class and even socialist forces. These arguments about how to approach bourgeois democratic institutions are only an outline of preliminary thoughts around the meaning and content of socialist democracy.

In the immediate period, there is another grave matter: what if JZ is indeed guilty? Has he taken our leadership into confidence about the nature of his relationship with Shaik and others if there is indeed such a relationship? By engaging in the tactics we currently apply, are building up a basis and case to label the judge racist and reactionary if JZ is found guilty?

3. JZ AND THE POLITICAL STRUGGLE IN THE ANC

According to the Party and COSATU, JZ, like left and working class forces in the broad liberation movement, is subject to a deliberate political agenda which seeks to marginalise left and working class forces in order to promote the interests of a small elite capitalist faction within the ANC. Indeed, the left and working class forces would be naïve not to understand the basis and programme of such a class project. However, it is questionable whether a political defence of JZ represents the best strategy and tactics through which to conduct a political and class struggle against such a project. The isolation and marginalisation of a left working class agenda in the ANC is not for the courts to decide: it must be subject to ideological and political contestations that the Party must lead within and outside the ANC. That today JZ may quote communist texts must not ever blind the Communist Party from a proper class analysis of the class project he represents.

Can JZ really be regarded as part of left and working class forces in the ANC? JZ's own role in the isolation and marginalisation of a working class programme in the ANC requires scrutiny. Can JZ really provide breathing space for a left project as it is sometimes argued and implied? How will JZ open the space for the left? How has he opened space for left up to now? Does the socialist project require prominent individuals to provide space? Is this not displaying a lack of faith in the latent capacity of the Party and the masses and the role of the class struggle? Indeed, individuals play an important role in revolutions. But then, what was JZ's role in rightwards shift of the ANC? The case for the political defence of JZ must still be made from a coherent and strategic communist standpoint. Up to now, such a convincing case has not been made. Even when such a case is made convincing it must be linked to a political programme. What political programme does JZ stand for? What political programme are we seeking to push and win by supporting JZ?

Talking about breathing space in the ANC confines the Party's strategic thrust to the ANC terrain

only and effectively binds us to other strategic terrains and fronts of struggle. This thrust means that Party strategy is contingent on ANC processes and can potentially negate Party independence. By unwittingly hedging our socialist objectives to the fate of JZ, the Party can unconsciously attach and link the Party to a project perhaps similar and even worse, in some respects, to the dominant one currently in control of ANC and state machinery we are critiquing.

As a public figure, JZ has taken what can be described as controversial and conservative standpoints on gender equality (polygamy, virginity testing and sexuality), economic policy, ethnicity and pandering to the interests of the traditional and undemocratic elite in rural areas. It is not clear what role he has played in government and as an ANC leader during key moments of working class struggle on economic policy. He may have called for alliance forums to discuss differences but is this representative of a principled and consistent political champion of a left working class agenda? His lifestyle also raises largely forgotten and ignored questions about the lifestyle of leaders and the subsequent social distance with our mass base. Is he indeed linked politically, commercially and personally to Shaik and other problematic business interests? If these links exist, what should poor and working people make of such links? What is his understanding of the role of theory and intellectuals in the struggle given his reported attacks on intellectuals?

The above paragraph has controversial formulations which may be read to mean that JZ has pandered to backward tendencies and institutions. The controversial nature of the formulations opens the whole paper to an attack and possible dismissal as a whole. Such a response is typical of the dominant siege mentality in the pro-JZ movement where every criticism of JZ is given a formulaic response - "conspiracy to destroy Mshd ozi" and the like. It is the purpose of this paper to understand the basis for such an un-Marxist approach to critical engagement.

For the Party, the most important characteristic of JZ is that he is a former communist who lost confidence in socialism. He left the Party at a time of ideological crisis as part of an ANC leadership which questioned the relevance of socialist strategy, analysis and organisation. This must not be used as a grudge against him but it is an important fact of history which may or may not define his own political trajectory. Others in this group which left the Party have been instrumental in the marginalisation of working class interests in the ANC. What role did JZ play in this regard? This is not a personal attack on individuals but is a necessary part of honest communist analysis of the ANC and the state it leads. As a bloc, they have represented a largely conservative, unprincipled, anti-working class, anti-democratic bloc, narrow and primitive accumulation interests. This political project has exposed the ANC to various capitalist fractions such that it is no longer a joke to talk about a Brett Kebble left, an Invume caucus, a Safika tendency, and so on. As a result, it is not conspiratorial to imagine these factions seeking to finance and promote various succession scenarios and leadership collectives right across and at all

levels of the alliance and the state. Active match-fixing is taking place in broad daylight! It is not clear what position JZ takes in this game/in relation to this project. To reaffirm, what is clear is that capitalists have vested interests in this match-fixing and will invest money to ensure particular outcomes. How is our contribution as communists to the JZ campaign helping to expose this strategically, objectively and truthfully as opposed to conspiratorial analysis? The normal argument is that the political forces attacking JZ are these capitalists referred to here. It flows from this analysis that JZ therefore is anti-capitalist and pro-working class. This paper does not agree with this formulation. We need a more deeper and strategic analysis of the ANC, the state, the role and interests of the the capitalist class in the ANC and the JZ project itself.

The dominant political project in the ANC has also actively sought to dislodge socialist and working class forces in the ANC. It has delegitimised opponents and critics with the labels of “ultra-left”, “counter-revolutionaries”, “apartheid spy”, “distant intellectuals” and “paper leaders”. Communist leaders have been subject to isolation, attacks and disciplinary procedures. This is what the 2002 ANC Briefing Notes, the attacks on working class struggles and other political interventions were about. This project thrives on raising conspiracy theories to infinity. By its nature such a political project has no pretence to respect bourgeois democratic institutions or democratic practice. This holds horrific possibilities of comrades being framed with brazen impunity. If stakes were to be higher, the serious abuse of state institutions for political agendas is not unimaginable. In such conditions, an ANC and government presidency is literally burdened with millions of debts. What does this mean? Will we have a lame duck president beholden to all the debts or a ruthless Bonapartist driving a clear class project? Will the various capitalist fractions and interests tolerate a lame duck president? Will they tolerate a pro-working class president? Will they seek to use the presidency and the rest of the state to drive their accumulation interests?

In other words, questions have to be asked therefore of the conduct of government ministers, including JZ, in developing relations with sections of business. This is not to judge JZ before his trial but to raise principled and troubling questions without any fear or favour. We must struggle for openness and transparency in political conduct. We must ask questions and get answers about the funding and business activities of all political leaders, the ANC and all political parties.

Has the JZ saga opened space for the left?

Some comrades are beginning to argue that working class anger over JZ has deepened the crisis of the neo-liberal project in the ANC and government. This may be the case but it says a lot about our ineffectiveness as a principled

political factor in the alliance. There is a genuine sense of proletarian anger and resentment against, not personal marginalisation, but objective processes of capitalist alienation and economic marginalisation. This anger has found expression in the 100% JZ slogans and campaign. There is genuine and heart-warming popular support for JZ. Poor and working people identify with JZ partly because of his roots, background, charisma, feel and the fact that he did make huge sacrifices together with many many leaders of the anti apartheid struggle led by the ANC. Structurally, in JZ poor and working people are finding an outlet of feeling and struggle their economic alienation and marginalisation. But the genuine proletarian anger has also been fuelled by our own role in the mobilisation particularly in the KZN province. The extent to which this mobilisation has gone has excluded in the activist and mass consciousness the real possibility that JZ may be found guilty. Hopefully, he is not. Some Party and YCL comrades are even providing 100% uncritical support by saying "I will be with JZ till the end" thus betraying the need for critical analysis at all times. In other words, our own mobilisation has opened up the real danger that the KZN province in particular may be open to a deep political and social crisis if JZ is found guilty. For our political structures this may mean complete demobilisation and demoralisation. Such an effect on our political structures will be a significant weakening we cannot dare afford in the KZN province in particular.

But, perhaps predictably, this proletarian anger and support for JZ has not been critical of JZ's class position and interests. It has also shown the dangers of appeals to ethnic identity, mass blindness and faith in individual charisma and cult of personality. As the Party, we are not providing strategic and ideological leadership harnessing this anger into a generalised strategic offensive against capitalist interests, forces and policies. It is difficult to see how the Party's conduct over JZ advances and harnesses working class struggles.

If our objective is to transform and democratise the ANC then we must not fudge issues through the JZ matter. If there are problems in the alliance and working class interests are being pushed back by other interests, why was the Party prepared to push the alliance to the brink on the JZ matter and not on economic policy for example? Was this part of an effort to influence ANC until the Cuban option becomes possible as we do not (hopefully yet) seek to liquidate other class forces? Or was it an attempt to use the JZ matter to determine succession in the ANC using the Party debate on whether it should contest elections in its own right as a pressure point?

We must consistently take and fight for principled positions even in opposition to the ANC. Latching onto the 100% JZ movement, we stray away from our strategic role. Our Party's leadership collective is challenged to clarify to our activist and mass base how it elaborates and chooses our day-to-day tactical

options in respect of the ANC and other key political questions. In strategic terms, we must also confront the weaknesses of our strategy insofar as it confines our strategic thrust and role to the ANC alone possibly at the expense of other terrains and fronts of struggle.

4. THROWING AWAY ACCUMULATED POLITICAL CAPITAL AND STRATEGIC ROLE

One of the key functions of the Party centre is to democratically unite the Party behind principled socialist analysis and action on all key political and economic questions. Is the Party centre holding? The strategic confusion over JZ and the current public posture and role of the Party can potentially lead to massive polarisation and weakening of its leadership at all levels and confusion of its activist and mass base.

Massive resources and energy are spent by an insufficiently strong Party in the mass campaign in support of JZ whenever he appears in court & other public for a, and through fundraising for the Friends of JZ Trust. If there is a case for the political defence of JZ, is this the best way to go about it? This has the effect of displacing other more principled and strategic programmes and struggles. This may sound obvious but a Communist Party caught in the internecine strife over JZ is not a Communist Party which will effectively mobilise the mass of the workers and the poor to challenge and defeat capitalism in South Africa. Knowing this, capitalist banks, agrarian capital and custodians of neo-liberal economic policies in government must be sitting quite pretty and comfortable. A Communist Party so involved in the JZ defence campaign cannot possibly implement its own programme.

For a significant period now, the Communist Party had begun to provide a moral pole of reference for workers, poor people, sections of the intelligentsia, the middle class and even some sections of capital uncertain about the future. Critical ingredients in the mix which explain this growth have been our principled refusal to demagogically play the “race card”, our theoretical seriousness (“intellectualism” a la JZ), our encouragement of open debate, our critique of neo-liberal economic policies and our increasingly confident assertion of our own class and ideological identity through, mass campaigns and programmes. This was built through a lot of internal work and political struggle to strengthen our vision, strategy, resources and capacity. Amongst other things, this organisational renewal has led to increased activism, a positive public profile, and the moderately successful campaigns on land, banks and access to basic services which have not yet mounted a serious challenge to South African capitalism. All these developments still have their own problems and weaknesses but overall they have been positive.

But now our conduct on the JZ saga has already significantly reversed the

potential of all these achievements. The JZ saga is denigrating the organisational and political capital we have accumulated. How much time and effort has been lost dealing with the JZ saga in all Communist Party structures? What signals are we sending to the public about our positions on corruption, the rule of law and public confidence in state institutions? Can we effectively and strategically engage with a range of forces on key political and economic questions having been tainted by the JZ saga? Do we still have strategic leverage over other class forces? How do we explain and understand being in the same camp as primitive accumulation interests? How do we justify getting into bed with such a coalition of irrational and self-interested forces? We have also tended to be emotive, and not motive, forces. How do we explain our public positions and involvement in what can be argued to be an internal ANC matter in which we obviously have an interest? How should the Party conduct itself in internal ANC matters which are of strategic interest to the working class? What is the level of strategic confusion in our activist and mass base on all these issues?

Interestingly, at the same time as the JZ saga was reaching a crescendo, the country witnessed a new flaring up of local community protests against poor service delivery, a general strike against unemployment, bolder worker struggles for a living wage, and growing solidarity and collaboration between various left forces. Where have we been and what was our role in all these important working class struggles and developments? Despite having an official campaign of basic services to all, there is no evidence of Communist Party activism in local community protests. Instead, the Communist Party was publicly quoted expressing quite uninformed concern against the Western Cape Coalition Against and Unemployment at the expense of contributing effectively to building and leading a “popular movement for transformation” as per our programmes at least since 1995. To an extent, the JZ saga has left the Party little time and space to play its strategic role in these struggles and developments.

The case of the YCL is sad, to say the least. The YCL should be known across South Africa for its campaigns and activities on free education, access to HIV/AIDS treatment for young people, violence against young women and so on, and not for its reckless and apolitical statements on the JZ matter. Through its recklessness, the YCL has also undermined the possibility of any left strategy in seeking to influence the outcomes of the 2007 ANC Conference. The YCL focus, energy and activism, considering that it is only two years in its re-establishment, should be in profiling its political programme, strategically positioning itself within youth politics, developing and consolidating existing structures and establishing new ones.

Corruption and the class struggle

It is not to over-exaggerate the case to state that corruption is one of the most

serious and important front of the class struggle in South Africa today. The point is not merely to moralise about corruption from a distance but to provide a consistent class analysis of corruption. We need to expose the strategic incapacity of an aspirant bureaucratic bourgeoisie and the already existing reality of such class interests having captured the state and the ANC through patronage, corruption and anti-working class policies. This principled approach to corruption is different from opportunistic, politically based and factional prosecution of corruption.

Firstly, a particular kind of ANC is a key vehicle politically for new and old capital to accumulate. And thus various Business Day editorials consistently calling on President Thabo Mbeki to reason and compromise with all fractions of capital in the ANC. Sections of established capital may want a weakening of the ANC as a coherent force. This may allow capital to have much more external influence over the ANC and government which may be limited by a coherent ANC. Even the DA sees this. Various strategies have been deployed: co-option through BEE for example, promises of investment dependent on the ANC delivering a particular policy package, corruption and so on.

Typical of emergent fractions of capital, many of them cannot be productive and develop organically. There is no land to dispossess, no virgin mines to claim – the entire structure of the economy is owned by established white capital with links to global capital from over hundred years of capitalist development. Because of this reality, the state is therefore a key avenue for primitive accumulation opening up possibilities for the control and abuse of political office. Key in its accumulation strategy are blue-chip state-led projects such as Mozal, the arms deal and transport concessions. In essence, we are witnessing a process of parasitic crony capitalism fusing political/state office with accumulation interests opening space for corruption, narrow BEE, opportunism and patronage.

Given the small size of the cake over which there is competition, it is not surprising that intra-capitalist rivalry can be intense and lead to corruption and serious marginalisation of some fractions. In this competition, some lose out: anecdotal evidence suggests that Kebble, Shaik and others have lost out to other fractions. At a particular stage in this intra-capitalist positioning, there may arise a situation when there will be no tolerance of strong working class forces. What will the Party do when a more brutal and structural fight breaks out between various fractions of capital in the ANC? In such circumstances, the bourgeois fractions may realise however deep their divisions they can still reconcile in order to deal with working class interests which threaten their collective interests.

Throughout the JZ saga this year, this communist analysis of corruption has

been blunted by the posture the Party has taken on the matter. This lowering of the guard unwittingly reinforces the hand of parasitic capitalism as if public accountability and democratic principles are for sale. The biggest loser in corruption is the working class, because it is their jobs and developmental interests that are always on the line. Given this analysis, our conduct effectively amounts to fronting for a defeated capitalist fraction instead of exploiting these intra-capitalist fractions in advancing working class struggles.

For the isolated fractions of capital, the pro-JZ movement is a bargaining chip. Those with the most to benefit from this movement are those petty bourgeois opportunists who lost out in ANC and government positions, others who know their illegal activities may attract attention from the legal system, and other disgruntled elements. Indeed, working class forces may strike up temporary alliances with fractions of capital against bigger or foreign capital. In such conditions, one of the most critical communist tasks is an unflinching critical analysis of, and engagement against the agenda of such a vacillating fraction of capital. In such conditions, the Communist Party should not allow its class analysis of the basis and conduct of these fractions of capital to be blunted by populism as it has been the case up to now. There is something wrong when the left in the alliance finds itself uncritically on the same side as emerging capitalist Don Mkhwanazi, corrupt businessman Schabir Shaik, and an ANC Youth League suckled on the largesse of the late Brett Kebble. What can possibly unite us with these elements? Some of these elements are also known for pushing the line that fighting corruption requires a political process: a euphemism for diffusing and deflecting a principled struggle against corruption which is far from what a communist approach should be.

The arms deal and imperialism

The JZ saga has also revealed the paucity of the Party's analysis of the arms deal including whether the arms deal is in the best interests of the revolution. Key principles for the Party in this regard would have included public participation, the role of parliament, questions about what determines budget priorities, the gambling of the country's development trajectory to arms dealers, questions about control of the armed forces as a security apparatus of a capitalist state, the interests of imperialism in arms deals and the corrupt nature of all arms deals in the world. Had the Party done this kind of analysis when the arms deal was being negotiated, we would have been better positioned to have a principled and programmatic framework in response to all recent developments on the arms deal including the JZ saga. A communist analysis of the arms deal cannot be avoided any longer.

5. GOING FORWARD: KEEP THE RED FLAG FLYING HIGH

Enough diagnosis. What are the options and key issues in the way forward for

us as the Communist Party?

Firstly, serious and objective introspection must take place on the whole JZ saga: what was our aim in conducting ourselves in the manner we did over JZ? Still keeping with the strategic approach of working in the ANC and the alliance we must strategise and act now to ensure that, as far as possible, left forces can strategically and positively influence the ANC 2007 Conference in respect of policy issues, the state of the ANC and the leadership collective which emerges from this Conference. We must do the same on government policy including a review of the arms deal. This requires the Party to confront the arms deal once and for all. However, the validity of the alliance approach is belied by the objective impact of political and economic processes, and the subjective isolation of left and working class forces from key decisions and processes. Thanks to an ANC government and its policies, South Africa is now a relatively stable capitalist country where private property rights and profit maximisation are guaranteed and sacrosanct.

Party introspection also requires serious consideration of whether there is a case for the political defence of JZ. There must be space opened up for democratic debate in all structures and at all levels. Such an opportunity can be used to deepen our strategic unity, analysis and programmatic thrust. If needs be, we must be prepared to publicly, yet strategically, retreat and reorient our strategy on the JZ matter and related intra-alliance discussions and processes. In this context, the Communist Party must pay serious attention and give practical content to its own socialist moral renewal through actively, consistently and strategically attacking the cult of personality, centralisation of power, the intolerance of difference, corruption, the ever-growing social distance between the leaders and the people, and anti-poor policies.

Thirdly, the Communist Party has to consolidate its own campaigns in order that they are informed and shaped by an analysis of the structural causes of poverty, unemployment and alienation. This means that our conceptualisation and execution of our campaigns must not be reformist but must be directed at these structural causes. This consolidation must be linked to building links and scope to work with worker structures, local communities and social movements. The full logic of this means that the Party should be consistently in the heart of COSATU-led worker struggles, community struggles and all progressive social movements. Local struggles have the potential to be turned into organs of working class power facilitating bottom-up and grassroots-oriented direct democracy by availing to the working class spaces, platforms and avenues, and strategies, through which they can challenge the establishment of the dominant class, place demands on power and contest its hegemony. This is a fundamental material condition for the Party's strategic objective of winning hegemony, influence and power across society. All these

approaches are critical in reasserting left influence in the ANC so long as this is linked to active political work to build other political options and possibilities outside the ANC and the alliance. In doing all this, the Party must seek to link current struggles to the long-term goal of defeating capitalism and building a socialist alternative in South Africa. This must also be used to rebuild the political capital our approach on the JZ saga seems to have thrown away.

Finally, the Communist Party has an opportunity to use its political and organisational preparations for its 12th Congress due in 2007 to revisit all key issues of strategy, programme and tactics including the debate on what must be done to increase the voice, power, resources and influences of poor and working people over all aspects of South African society including the contestation of elections by a working class socialist party, hopefully the SACP. This requires continuously and positively asserting our independence and who we should be. We should be a fairly well-organised Communist Party in a post-apartheid capitalist country where there is still massive public affinity for socialism. We must build a compact, portable and dynamic Communist Party ready for any eventuality in the struggle. This is the only way that we can effectively rebut the criticism of our strategy, tactics and programme, and still reclaim the proud traditions of the *Red Flag*: *"The people's flag is deepest red... though cowards flinch and traitors sneer, we'll keep the red flag flying here... we must not change its colour now ... to bear it onward till we fall... this song shall be our parting hymn"*.

Red is the Colour of our Flag—in Defence of the Rule of Law.

Mazibuko Jara (herein after referred to as MJ) wrote a 'confidential' paper titled 'What colour is our flag? Red or JZ? A critique of the SACP approach on the JZ matter', which eventually leaked to the media. The paper raises a number of critical conjectural, theoretical, strategic and tactical issues facing the working class, and the SACP in particular. The issues raised are not new. They have been discussed informally and formally within and outside the SACP and YCL structures, in which MJ actively participated as a listener. Unfortunately MJ gives a report back that significantly distorts the positions of the SACP and the YCL. After contemplating whether it was worth responding to MJ's paper which is characterized by lack of originality, I then felt it is proper to respond not only to set the record straight for proper historical recording of the SACP and YCL positions, but also to respond to the slander, innuendos, lies and distortions entailed in the paper which is already in the public domain.

MJ makes a plea for a discussion of what has been dubbed the 'JZ matter or saga', as if there is no such a space and discussion within the SACP. MJ advises the SACP not to undermine 'the importance of bourgeoisie institutions' and must respect the 'rule of law'. Thereafter, the SACP is effectively advised to stay away from the defence of 'innocent until proven guilty principle' and rather focus on its campaigns before it loses its 'political capital'.

The YCL is treated with disdain and some petty-bourgeoisie arrogance. We are told that 'the case of the YCL is sad, to say the least.... Through its recklessness, the YCL has also undermined the possibility of any left strategy in seeking to influence the outcomes of the 2007 ANC conference'. There is no substantiation on how the YCL has been 'reckless'.

As one reads the paper, it is not clear whether MJ is implicitly arguing against JZ becoming the ANC President, or supports the principle of innocent until proven guilty, but not as it relates to JZ because he is a 'former communist', 'traditionalist' and anti-intellectual. A delineation of issues is not a mechanical way of analysis or a mere hair splitting exercise. A defence of the principle of innocent until proven guilty and whether this applies only to communists is distinct from the ANC presidential campaign, which is the role responsibility of the ANC membership. But in MJ's paper both are conflated and the ANC presidential campaign is also attributed to the SACP and the YCL. For this reason, one will not only re-state the YCL's positions and the manner in which I understand the adopted SACP's positions on the matter even before the 2005 Augmented Central Committee, but also challenge certain conceptual flaws in MJ's paper. Of course, an internal and external critical examination of the SACP and YCL positions must be welcomed for this will enrich our insights and perspectives. But this should not be based on lies and distortions of our positions as MJ successfully does.

Working class spontaneity, the intra-class struggles within the historically oppressed and the JZ saga. The current crisis, personified in JZ, is a cumulative experience of the last ten years, which must be located within class struggle and class formation underway, and how the post- (neo)-colonial state is used to deal with the working class, revolutionary dissent, different fractions of capital, leadership that may be sympathetic (real or perceived) to the working class, and how the state cherry-picks on corruption or selectively deals with

corruption, including the arms deal. In this process of class struggle and formation, there are intra-class and inter-class contradictions, which produce particular forms of alliance, spontaneity, consciousness and organization that we may (dis)like.

The structural capitalist crisis, which predates 1994, aggravated by GEAR has produced different working class spontaneous and organizational responses. Contemporary social movements are as a result of the current capitalist structural crisis. Some of these movements were originally formed with the participation of the SACP and COSATU (e.g. APF). Within the congress movement, this has also led to the independent popular actions of the economic and political organs of the working class (e.g. SACP, COSATU) through public and mass-driven protests, albeit not organically connected to the contemporary social movements although the SACP has recently forged some alliances with some of the working class organisations on the financial, land and agrarian fronts. It is some of these struggles that led to the briefing notes that labeled the SACP and COSATU ultra-left. In these struggles that have produced certain working class spontaneous actions that MJ and others like and dislike.

The crisis was also accompanied by international and local white monopoly capital's attempts to build a black bourgeoisie to serve as a buffer between the working class and the white monopoly capital. The process of the formation of the black bourgeoisie (miniscule as it is) in the post-1994 period, has been accompanied by intra-class struggles within this class and forging of new alliances, sometimes through co-option of the ANC leadership, by local and international capital. Some of the sections of emerging black bourgeoisie (miniscule as they are) are more connected to international and local capital than others. For this reason, both local and international capitals have their own preferred political leaders to lead the capitalist state in order to guarantee conditions for capital accumulation. The combination of the structural crisis and class struggle between the working class and the bourgeoisie, and the intra-class amongst the black bourgeoisie as well as the inter-class struggle between black and white bourgeoisies manifested itself in the so-called JZ saga. This has also expressed itself through the working class spontaneity and capital intra-warfare.

The analysis that the JZ saga is as a result of the intra-class contradictions within the emerging bourgeoisie and the fact that the state is a key site of capital accumulation, has been made in informal and formal structures of the YCL (e.g. 2005 National policy conference). This intra-class contradictions or competition has losers and winners like in any capitalist mode of production in which there is always a tendency of concentration and centralization of capital (including power) arising out of this competition. The only thing that MJ omits in his report on the intra-competition of the bourgeoisie which finds expression in the ANC and the state, is what happens to those who get defeated and pauperized as a result of this competition and what should be the tactical response of the Party which is still in alliance with the ANC.

The 'rule of law', inconsistencies and what we have said

The YCL and the SACP defended JZ on the basis of the principle of innocent until proven guilty. As the YCL and SACP, we did not do so because he (JZ) is a civilising modernist or a traditionalist or a sangoma, as our 'rational' civilising modernist MJ argues. We did not defend the Deputy President because he is left or right as MJ and co. have alleged. We did not defend JZ because he is Zulu as

ethicists have argued. We defended the principle of innocent until proven guilty, which is in line with the Constitution and a basis for the 'rule of law'. We have never minced words in defence of this principle, which cannot be divorced or separated from politics as MJ does, because the principle is inherently political and cannot be depoliticised. Some people located in different of society, have contravened this principle by treating him unfairly, including finding him guilty before appearing in a 'fair' court of law. In actual fact, some sections of the media and the state, particularly the NPA, have contravened the law, yet no one, including MJ and co., have called for respect of the 'rule of law'. We are correctly asked by MJ to defend these democratic rights which are not inherently bourgeoisie, but have been appropriated to suit the bourgeoisie interests. But when we defend JZ on the same basis we are told that we are 'demagogically questioning' the rule of law.

The issue on whether comrade Deputy President has made an error of judgment in the manner in which he related with Shabir Shaik, described as a 'generally corrupt relationship', or the latest rape allegation, is neither here nor there because these must still be tested and proven in a 'fair court'. This has been appropriated by some within and outside the movement to bolster their own political agenda.

Where does this agenda come from? The ANC NEC has already given us some pointers. If the agenda to deal with the ANC Deputy President is or may have been conducted by undefined forces outside the movement as suggested by the 18-20 November 2005 ANC NEC Statement, then it would seem that this agenda is consciously or unconsciously supported by some inside the liberation movement, albeit for different and common reasons. If it is inside, then it would seem that it is supported by outside forces. This does not mean we should conduct a witch-hunt or draw a red herring because not everything that goes wrong within the liberation movement can be attributed to outside forces. There are comrades in our ranks who do not agree with us not because they are in alliance with the outside forces. In other words we should not dismiss all revolutionary criticisms levelled against us as counter-revolution and as always inspired by imperialism and its local agents.

It is worth noting that there is something common in almost all the messages against our YCL position and the ANC Deputy President, yet distinct with different nuances and methods. A majority of them like MJ, have hypocritically invoked the respect for the rule of law as and when we defend JZ on the very basis principle of the 'rule of law', which is innocent until proven guilty. Some have selectively used the state institutions to pursue this political agenda, resulting in major inconsistencies in the manner in which the state conducts itself, including its application of the 'rule of law', thus confirming our view that the dominant factor behind what appears to be a 'corruption trial' is a political agenda.

During the Hefer Commission which was investigating spy allegations against the former NPA Director, it was alleged that he (Ngcuka) made racist remarks and smeared the Deputy President in the off-recording media briefings and his office leaked information smearing the ANC Deputy President. This was further confirmed by the head of the commission who said: "However, I find Mr Maharaj's evidence most disturbing. As I have already said, it is beyond doubt that leaks did occur. I have also indicated that it is highly likely that the guilty party was within Mr Ngcuka's office and we have it from Mr Ngcuka himself that he or she could not be traced. Such a state of affairs cannot be tolerated". It

has been many months since this happened; yet no one has bothered to follow up in investigating the racist remarks alleged to have been made by the former NPA head and the media leaks originating from the same office. Despite these findings, no one was fired. But Billy Masethla, the suspended DG of Intelligence and his colleagues were suspended within a week after it was alleged that they investigated Saki Macozoma. MJ and co. is this not creating an environment in which others are more important and untouchable? Once touched all shall be fired!

The Public Protector also found that the rights of the ANC Deputy President were violated in many ways. Later the former Minister of Justice, Maduna and Ngcuka insulted the findings, and no one, including MJ called for the respect of the rule of law. But when the YCL criticized Squires for finding the Deputy President guilty in absentia, we are told that we do not respect the 'rule of law'. There is nothing wrong in criticizing any outcome of a court of law or anything on, beneath or above the earth because there is nothing sacrosanct and infallible. There is everything wrong if other people have a right to criticize and others do not – if they do they are castigated and crucified for their views, as it has been the case with the YCL when we criticized Squires's court judgment regarding JZ. When others criticize, they invite labels such as unprincipled populism' from MJ and co.

By and large, MJ and company have never spoken against the abuse of state institutions directed at the ANC Deputy President. Why is MJ and co. not questioning these double standards as the defenders of the 'rule of law'? How MJ and co. justifies these inconsistencies? There is no answer in MJ's paper. The only answer we get from the paper is that JZ is guilty even before he is proven guilty because it is alleged that he supports virginity test etc. Surely these are practices that reproduce gender oppression. Should this principle be applied selectively to those who are real or perceived traditionalists? Is this conflating the task of 'educating' society about these issues and the principle of innocent until proven guilty, a correct way of dealing with these oppressive practices?

MJ argues that 'it is questionable whether the defense of JZ represents a best strategy and tactics through which to conduct a political and class struggle against such a project'. Yes, if this class project abuses state power and finds people guilty before proven innocent, then this is one of the best tactics to deal with it. The basic contradictions under capitalism are between labour and capital, and secondary contradictions within capital are important as well. And if it means that we should form alliances with class forces that do not objectively have the same class interests with us in defense of this principle so be it, and simultaneously conduct a principled ideological struggle and maintain working class independence as has been the case. Independence of the SACP does not mean no to forming alliances. According to MJ we should not defend this principle because we will attract those 'convicted, tax evaders, corrupt officials under investigations...' We must deal with opportunism, but not abandon the principle.

By failing to speak out against this, MJ and co. (un) consciously strengthens and 'fronts' for a particular fraction of capital in the historically oppressed. He does not condemn its abuse of state power and the contravention of the 'rule of law'. Instead he appeals to communists to uncritically support the 'rule of law' and indirectly strengthen the fraction of capital that uses state power to settle political issues within the liberation movement.

MJ, law fetishism and reification

MJ asks 'who loses most when there is no rule of law under capitalism...' In answering this question, MJ reveals his reified and fetish conception of the law. He does not see law as a reflection of power relations in society. We are advised and cautioned that if the rule of law collapses then the working class will suffer. We are told that whenever there is a collapse of the rule of law the left forces suffer as if when the Tsarist or Apartheid rule of law collapsed, the working class suffered. We are referred to Congo and told that the collapse of the rule of law led to the suffering of the working class, as if the law just mysteriously collapsed outside the social class struggles and level of class organization and mobilization. The issue is: laws within each social formation reflect class power relations between classes. If the balance of forces significantly changes in favour of the bourgeoisie, the working class suffers, and the law will reflect the balance of power in society. The crises in the DRC or in any situation where the working class suffers reflect balance of forces between classes. It is not about the presence or absence of the rule of law as MJ and co. would like us to believe. Such superficial analysis puts the cart before the horse by making the presence or absence of the law the cause of the suffering of the working class, and the balance of class power the effects. Presence and absence of particular regimes of laws reflect balance of class power.

MJ sees the law and courts as neutral spaces like a market in which all consumers have a right to choose commodities. The issue of power relations is thrown out of the window in MJ's analysis. Under Apartheid there was a rule of law which said black and white, men and women are not equal. Therefore anyone who defied the law was prosecuted. Under liberal capitalism, which is relatively better than Fascist rule of law, all of us are equal before the law, but on condition that you have money to defend your case. Justice is commodified. MJ as usual, commits a category mistake by confusing appearance (e.g. formal equality) and reality. We need to critique formal equality and formal legal rights because they are compatible with capitalism and have been successfully used to protect the system. As opposed to giving these rights a canonized liberal orthodox status as MJ does, we must radicalize these rights for social emancipation.

According to MJ, the 'errors of Stalinism' of bureaucratisation were as a result of the absence separation of powers between 'parliament, judiciary and other state institutions'. This is just a shallow liberal account of the degeneration of the Bolshevik proletarian revolution. Yes, the degeneration of the revolution was a consequence of two related processes. On the one hand, there was a rise of bureaucracy within the party and the state and the decline of the proletarian democracy. These were the effects of the main cause which was the backwardness and underdevelopment of the Russian society exacerbated by the civil war which found expression in scarcity for material resources. As a result, the bureaucracy emerged as an instrument of control above the masses. Contrary to a reformist Kautskyian argument that the degeneration of the revolution was inherent in the Bolshevik strategy because it did not allow capitalism to further develop, this was due to the failure of the socialist revolution in the west, thus resulting in the isolation of the revolution which took a bureaucratic turn.

Presidential campaign as a dominant issue in the JZ saga

As earlier pointed out, it would be politically naïve to argue that there is no

political agenda behind the manner in which JZ has been treated. Zuma's relationship with Shaik is being appropriated by a particular fraction of capital to pursue this agenda. The key issue is about the presidential succession in the ANC and JZ is not a preferred candidate by this fraction. Even if the presidential candidate is not JZ, would MJ and co. agree that the state should be used to settle presidential succession debate in the ANC as it is the case right now, including finding someone guilty before proven innocent?

The dominant issue is about presidential succession in the ANC. Large sections of media have also taken positions on the ANC presidential succession debate and found the Deputy President guilty on the basis of their preferred choices. The Mail and Guardian editorial once said 'Zuma is not a leader of South Africa in the 21st century. He should not be allowed to take us back to an earlier and darker stage'. In order to make sure that the Deputy President does not become the next ANC president, the media and MJ deemed it fit to violate the 'rule of law' and subject him to the highest kangaroo court and found him guilty because they want someone who will take us to the civilized and enlighten modern world. This means even if the courts find JZ innocent in all the charges, he has been declared unsuitable for presidential candidature because according to MJ, and JZ is a 'former communist' and traditionalist". Of course MJ and any South African citizen have a right to comment on anything, including the issue of the ANC Deputy President, but the comments must be without personal smear.

We repeat: the agenda is about presidential succession in the ANC. We think this is due to the fact that currently it is only the ANC as a 'political party' which has a potential to be holding the state power for some time, therefore different classes, including the comprador and international bourgeoisie have an interest in who leads the ANC so that the leadership will play a role in securing their own class interests by taking sides in the class struggle underway. The SACP has also pointed out that part of the reason for this pre-occupation with the presidential succession debate is due to presindetalism, which is central in driving what is now incorrectly called the 1996 class project, which indeed, has marginalized the working class. Imperialists always try to find junior partners (comprador bourgeoisie) within nation states to pursue their agenda. In the context of South Africa in which the ruling class shares the same boundary with the former colonized and current exploited, it (ruling class) is also interested in who should become the country's president to guarantee conditions for capital accumulation as De Beers, who owns almost 80% of the world's diamond trade and with 50% of these diamonds acquired from South Africa, Botswana and Namibia, once said that politicians come and go, but 'a diamond is forever'. So they are interested in who will administer the capitalist state in their own class interests. Part of the strategy of the South African ruling class is to co-opt the leadership of the Alliance into the structures of capital accumulation, not as an act of charity or philanthropy but it is to ensure that they guarantee their interests, including 'marketing' their own presidential candidate.

MJ, like certain sections of our society, twist fact and tell lies that comrade Jacob Zuma is the ANC Presidential candidate of the SACP, COSATU and the YCL. These organizations have publicly and consistently said that they do not have the right to nominate or elect ANC leadership. ANC leadership issues are a matter of the ANC members, and they will only nominate or elect leadership as members of the ANC. It is only the ANCYL that has pronounced on the presidential candidate which is within its constitutional right as an integral part of the ANC. The fact that the SACP and YCL do not have the right to vote does not stop us from analyzing the implications of presidential candidates, in the

same way we do during the US general elections. The SACP must do so in a non-factionalist manner especially because we are in alliance with the ANC, and what happens within the ANC has implications on the Alliance.

Ideological blackmailing and conceptual confusion

There has also been an ideological black mailing on anyone who questions the outcome of courts and the 'rule of law'. We are told anyone who does so is engaging in 'unprincipled populism' (as if populism was ever principled) and that anything that is supported by the people is populism. But when we the national or local general elections due to the support we get from the people - we are told that the people have spoken! But when they act against certain class interests, including supporting the Deputy President on the basis of a principle, they are populist, uneducated and 'irrational' and 'self-interested', to use MJ's words. In as much as we need to critically examine what people say, we should also avoid elitist vanguardism - the idea that it is only the elite that has the truth, the people are empty vessels, and must be filled with the truth from the elite.

We are told that the SACP has squandered 'political capital' because we defended the principle of innocent until proven guilty. Concepts are important in ideological struggles. Concepts are ideological tools that enabled us to explain and enhance our understanding of the world, thus changing it. Concepts can conceal or illuminate the world. Concepts are analytical, descriptive and can inhibit or catalyse political action. MJ as usual mimics the petty bourgeoisie's usage of concepts. He uses the concept of 'political capital', like human capital, intellectual capital to refer to the so-called non-economic factors (e.g. social networks, trust, knowledge, political power) that bourgeoisie economism fails to explain in its economic analysis. Marx refers to capital as a social relation of production, which takes different forms (money, commodity, financial etc) to exploit labour. Capital is inherently political because the process to reproduce capital is political since there cannot be capital accumulation without control of labor given the inherent antagonistic between labour and capital. The specific form in which unpaid surplus is pumped out of the direct producers determines the manner in which the ruled and rulers relate and that is what is called power-relations. Now, how can the SACP possess capital? Does this imply the SACP is capitalist?

Let's put aside MJ's conceptual confusion and deal with the lies that he tells about the SACP and the YCL. We are told that since the JZ matter started the Party ceased to be the Party of campaigns. In 2005 there have been a number of campaigns that the SACP together with other organizations have implemented, albeit in an uneven manner across provinces (see 2005 Annual Report).

I have never heard anyone within the YCL or in the SACP taking a messiah approach on the JZ saga- that is, suggesting that Zuma as a person will provide a space for left and possibly deliver socialism. This is just MJ's hallucination. The democratic spaces and reforms are a product of mass struggles but of course individuals play a role in the social process of reproduction and transformation. JZ may not be that individual as MJ would argue, but MJ essentialises JZ as if he is a static human object that is not subject to change like any other human being. It is like JZ has genes that made him an unchangeable human object.

MJ's lies are also based on fallacious logic. We are told that since JZ is supported

by COSATU and the SACP and is attacked by capitalists, therefore JZ is a communist, by extension the ANCYL is a communist organization. This does not follow. The fact that Muslims will be attacked by G. Bush and communists come to their defence on the basis of a principle does not mean those Muslims are Communists or vice versa.

MJ's Way Forward

MJ suggests that the SACP should retreat from supporting the principle of innocent until proven guilty. This conclusion can only be reached by someone located in the sky, detached from activities on the ground and is only informed by abstract theorisation. Unfortunately MJ's intervention is devoid of any serious theoretical and conceptual engagement and does not assist in dealing with the so-called SACP's 'cumulative weakening of socialist analysis'. The SACP has taken an approach of a person who has to combine theory and practice, and who has to see both 'the single tree and the whole forest and plan for activities whose results cannot predict with precision' as Mzala would put it.

MJ counterposes the campaigns of the Party against the defence of the principle of innocent until proven guilty. The SACP must continue to root itself amongst and within the working class through campaigns. But it is wrong to draw a dichotomy between the defence of the principle and these campaigns. The SACP should combine all these spontaneous actions and the defence of a principle until proven guilty as it applies to anyone including JZ. There is no doubt that there has been unevenness in the implementation of the SACP programmes across the provinces, districts and branches. But it is wrong to generalize that the SACP is not implementing its programme. MJ should also assist in the implementation of the party and YCL campaigns as oppose to spending 'massive resources and energy' flying from one province to the other presenting his document. That's the Bottomline, cos the YCL said so!