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#MustFall–TheEvent

Rights, student activism and the transformation of South African universities

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Everything will depend on the way in which the possibility proposed by the event is grasped, elaborated, incorporated and set out in the world – Alain Badiou

INTRODUCTION

In this chapter, we read the 2015-2016 #MustFall movement as an "event"[1] in Badiou's sense of the word. Employing Badiou's (2005, 2013) interpretive scheme, we suggest that the #MustFall movement fractured the appearance of regularity of the South African higher education landscape to such an extent that it can be considered the kind of 'event' that Badiou defines as "something that brings to light a possibility that was invisible or even unthinkable. [It] is, in a certain way, merely a proposition. It proposes something to us" (Badiou, 2013:9-10). Reflecting on a long-term research project on 'transformative student citizenship' that started in 2011, we argue that the #MustFall movement's contemporary emergence and forms of political action that disrupted the functioning of the social order can be perceived as a demand

1 Badiou uses "the Event", "the event" and the "event" interchangeably. We refer to #MustFall–TheEvent in direct reference to the student protests of 2015-2016. In other instances, we refer to the 'event', except when part of direct quotations.

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for 'retreating' rights. We suggest that the 'event' breaks with established power's control over what should or should not be considered possible. While established power institutes and sustains this distinction through the use of state apparatus and capital, the 'event' extracts the possible from the impossible: "the 'event', for its part, will transform what has been declared impossible into a possibility" (Badiou, 2013:11). Though much work needs to be done within the realm of what is pragmatically possible, the case for a free, 'decolonised' higher education system has most certainly been snatched from the realm of the impossible. We tentatively explore what possibilities are proposed by #MustFall–TheEvent.

For this chapter, #MustFall–TheEvent will designate the protests prior, during and after the 2015-2016 student 'uprising'. This 'uprising' nearly brought the country to a standstill and temporarily disrupted the appearance of social stability. Mainly peaceful, productive and unsettling, the protests were also accompanied by violence, damage to property, intimidation and bullying across a wide spectrum, and political opportunism and proprietary inclinations of all sorts. Our analysis here does not make any judgements in these regards, nor will it attempt to provide an explanatory historical interpretation. These matters are well-traversed in a large number of opinion pieces as well as substantial studies such as *Free Fall: Why South African Universities are in a Race against Time* (Ray, 2016) and *Fees Must Fall: Student Revolt, Decolonisation and Governance in South Africa* (Booysen, 2016). Instead, we make a modest attempt at formulating the possibilities that have been opened up by #MustFall–TheEvent. To do so, we briefly provide a context for positioning student politics and protests within broader societal processes. We then proceed to read the #MustFall movements as a Badioun 'event', followed by an exploration of #MustFall–TheEvent as an instance for 'retreating' rights. In conclusion, we contemplate the implications of our analysis for the discourse on social justice.

STUDENT POLITICS AND PROTEST IN CONTEXT

Student protests have been an integral part of global university life for many decades, with a renewed wave of demonstrations starting in the 1990s (Brooks, 2016) that resonated in most parts of the world. South Africa has a long history of student protests that predates the transition to democracy in

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the early 1990s (Davids & Waghid, 2016). In post-1994 South Africa, protests occurred sporadically, mostly at historically disadvantaged universities (SAHO [South African History Online], 2016)[2] as part of a racially structured higher education system inherited from apartheid.[3] These protests mostly focused on financial exclusion and the plight of poor students in the system. Financial exclusion remained one of the major organising themes of student protests when the initial #RhodesMustFall (#RMF) movement started in March 2015 at the University of Cape Town (UCT). For the #RMF movement (2015), financial exclusion was always folded into the protest as part of the broader 'decolonisation' project to "end institutionalised racism and patriarchy at the University of Cape Town". Part of the opening paragraph of the statement of 25 March 2015 reads as follows:

> We are an independent collective of students, workers and staff who have come together to end institutionalised racism and patriarchy at UCT. This movement was sparked by Chumani Maxwele's radical protest against the statue of Cecil John Rhodes on Monday 9 March 2015. This has brought to the surface the existing and justified rage of black students in the oppressive space cultivated and maintained by UCT, despite its rhetoric of 'transformation'. We want to be clear that this movement is not just concerned with the removal of a statue [...]. In our belief, the experiences seeking to be addressed by this movement are not unique to an elite institution such as UCT, but rather reflect broader dynamics of a racist and patriarchal society that has remained unchanged since the end of formal apartheid.

2 Institutions experiencing student protests prior to 2015/16 about accommodation and the National Student Financial Aid Scheme were: the University of Limpopo (2009, 2011 and 2012); the Mangosuthu University of Technology in Durban (2009); Tshwane University of Technology (2012); University of the Witwatersrand (2004 and 2015); the Vaal University of Technology (2014); and the Walter Sisulu University of Technology (2012) (SAHO, 2016).

3 See Cele and Koen (2003:16-17 for a brief history of the South African higher education landscape. Bunting (2002:36) also argued that the evolution of racial segregation within higher education over 150 years culminated in the 1984 constitution of the RSA, with its distinction between "general" and "own affairs" that entrenched the apartheid divisions in education in South Africa. "A direct consequence was that higher education institutions had to be designated for the exclusive use of one of the four race groups: African, coloured, Indian and white. By the beginning of 1985, a total of 19 higher education institutions had been designated as being 'for the exclusive use of whites'; two as being 'for the exclusive use of coloureds'; two 'for the exclusive use of Indians'; and six as being 'for the exclusive use of Africans'."

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The #RMF statement reflected not simply on the racist and patriarchal ordering of society, but also on the nature of South Africa's national politics in the 2010s that increasingly disallowed an inclusive narrative of progress directly addressing the socio-economic justice project to emerge. A convergence of national, sectoral and institutional disgruntlement finding expression in universities was inevitable and a prominent resurgence of student activism thus emerged.

Following an announcement of the University of the Witwatersrand's council in October 2015 that higher education tuition fees would increase in the 2016 academic year, protests commenced on 17 October 2015 in Johannesburg with subsequent protests also occurring at UCT, Rhodes University, University of KwaZulu-Natal, University of Pretoria, University of the Free State, University of the Western Cape, and Stellenbosch University under, amongst others, the banner of #FeesMustFall. Student protestors from several universities marched to the South African government's Union Buildings in Pretoria on 23 October 2015 (Baloyi & Isaacs, 2015). After meeting with university representatives and student leaders, President Jacob Zuma announced that fees would not be increased for the 2016 academic year. Nevertheless, the student protests that started in 2015 would become a defining feature of South African university campuses in 2016.

Though student protests have been part of the life of 'black', historically disadvantaged universities post-1994, the March-April 2015 'beginnings' of the 2015-2016 national protests certainly brought the issue of institutional racism at previously 'white' universities sharply into focus. These 'beginnings' include #RMF (UCT), the Black Student Movement (BSM)[4] at Rhodes University and #OpenStellenbosch at Stellenbosch University. Despite the 2015-2016 protests' distinct markers, in this chapter we will regard the post-1994 protests as constitutive of #MustFall–TheEvent. This does not mean denying the rupture of the higher education landscape brought about by the 2015-2016 protests or not to recognise these protests as "the largest and most effective student campaign in post-1994 South Africa" (Cloete, 2015).

4 After Minister of Law and Order, Adriaan Vlok banned the BSM in December 1988 (SAHO, 2011), the BSM resurfaced, making news in 2015 in support of #RhodesMustFall.

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Reflecting on the protests associated with #MustFall–TheEvent, the intra-country and transnational nature of contemporary protests seem to represent an "insurgence against representative democracy", as Krastev (2014:1) suggests in *The Global Politics of Protest* (an argument also explored by Drainville in Chapter 2 of this volume). Tracking the new global wave of protests since the 2008 financial and economic meltdown, Krastev (ibid.:3) argues that these protests

> mark the disillusionment of the citizen-voter. The current protests function as an alternative to elections, testifying that the people are furious; the angry citizen heads to the streets not with the hope of putting a better government in power but merely to establish the borders that no government should cross.

For Krastev (ibid.:2), these uprisings express a mistrust in institutions. Similarly, the movements under the banner of #MustFall–TheEvent, as Spaull (2017) maintains, certainly have this 'big' picture in mind whereby these "movements have rejected the status quo and are working to re-order not only the principles that govern universities but ultimately the principles that govern the country". For Spaull (2017), students are "challenging our assumptions about who should go to university, what it should look like, and who should pay for it. They have been phenomenally successful on all three fronts".[5]

The student protests are, at one and the same time, locally defined, globally linked to large-scale student protests and transnationally attendant to popular uprisings worldwide. While Spaull (2017) suggests that students are challenging the nature of the democratic project in the South African context, Brooks (2016) intimates that "the rise in student activism over the past decade or so may well be related to young people's frustration with formal politics". This would explain why several authors (Altbach, 1998; Altbach & Klemenčič, 2014; Brooks, 2016; Davids & Waghid, 2015) have argued that the South African student protests are part of a global wave of student discontent within higher education since the turn of the twenty-first century and as such (as Drainville

5 "It is quite remarkable that a loose group of students who lack a political mandate, who have not been elected by anyone and who have almost no resources have managed to achieve so much so quickly. They have brought whole universities to their knees and prompted the creation of a presidential task team. Most significantly, they garnered enough support – essentially – to force the government to allocate an additional R17-billion to higher education in the medium-term budget" (Spaull, 2017).

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also argues in Chapter 2) is a contestation of the contemporary world ordering. For Brooks (2016), "the most high profile of these have included protests in Germany (2008-2013), California (2009), the United Kingdom (2010), Chile (2010-2013) and Canada (2010-2013)." We can now add South Africa's 2015-2016 protests to the list. Interestingly, Brooks (2016) notes that though

> each [protest] has its national character, scholars of protest have identified a number of common themes: this generation of students is profoundly disillusioned with current democratic processes. They are angry with neo-liberalism's 'capture' of higher education and the consequences for fees and increasing inequality. They are also critical of the ways in which Eurocentric, white, middle[-]class culture is unquestionably the norm – hence the calls for 'decolonising the curriculum'.

Not unexpectedly, present student demands in South Africa aim at the transformation and decolonisation of the higher education sector. Since the *White Paper on Higher Education and Training of 1997* (Department of Education, 1997), transformation has generally been conceptualised around the principles of equity and redress; democratisation; development; quality; effectiveness and efficiency; academic freedom; institutional autonomy; and public accountability. Students' petitions do not substantively differ from the understanding of transformation articulated in higher education policy. They generally list as objectives:

- the 'Africanisation' of universities;
- the 'decolonisation' of knowledge and curricula reform;
- equality of access and success;
- better facilities and better support systems;
- demographic representation at all academy levels and across university structures;
- democratic and inclusive institutional cultures;
- the insourcing of contract workers; and
- universities being more responsive to the vast developmental needs and challenges of their environments, and society in general.

These petitions form the bedrock of student protests, and their activism and politics are well-studied phenomena here and elsewhere (Badat, 1999; Koen, Cele & Libhaber, 2006; Klemenčič, 2014; Luescher, Klemenčič & Jowi, 2016). Klemenčič's study, *Student Power in a Global Perspective and Contemporary*

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Trends in Student Organising (2014), is a very dynamic entry point in terms of the thematic and geographical spread as well as the depth of analysis and interpretation of student activism. Student organisations, Klemenčič (2014:396) comments,

> although they exist in different forms and designations – for example, student unions, councils, parliaments, board, guilds, associations – [...] effectively operate as 'governments'; they present a system of rules, norms and institutions by which the student body within an institution or nation is organised and indeed governed.

Formalised student governments (such as 'student representative councils' [SRCs] in South Africa) are key in organising protest actions, but protests "can also emerge without the intervention of representative student structures or due to the inaction of representative student structures" (Klemenčič, 2014:397). This has been the case in many instances of student protests and activism related to the #MustFall movement during the 2015/16 period. It is thus useful to distinguish between student politics "as an umbrella concept to refer to all political activities of students in higher education" (Luescher, 2016:35) inclusive of and beyond the activities of SRCs and student activism. This distinction is, however, "not a rigorous one in the literature" (ibid.). To our mind, this lack of rigour is less a function of analytical shallowness than a consequence of the dynamic nature of students' active citizenship or active 'studentship' if one follows Klemenčič's (2014) nomenclature. The overdetermined nature of contemporary student movements in South Africa seems to challenge the models currently available for the interpretation of such events. For instance, unruly, agonistic and unmoderated forms of student politics and activism do not feature in substantive ways in the seminal edited collection of work, *Student Politics in Africa: Representation and Activism* (Luescher, Klemenčič & Jowi, 2016).

Perhaps we are too overwhelmingly structured by the deliberative ideal. This ideal, as Koen, Cele and Libhaber (2006:406) argue, suggests that the higher education policy regime prefigures the disciplining of student activism through incorporation. This incorporation was seen as a way to "professionalize" student action through "rational discussion and agreement [...] while simultaneously promoting democratic practice" (ibid.). Our frames for making sense of student protests are rooted in these expectations and we analyse student

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protest actions against these assumptions. As a consequence, the hegemonic "practices of articulation" (Mouffe, 2009:549) that produce these expectations of order, process and stability, became the backdrop of our appraisal of the student protests. This line of reasoning was turned inside out by the #MustFall movement that underscored Mouffe's (ibid.) thesis that "every order is the temporary and precarious articulation of contingent practices". It is, to our minds, more productive to read the #MustFall movement against Mouffe's (2000) notion of agonistic pluralism, which has, in any case, characterised the student protests. This may guide us on how to rethink university practices and their concepts within the context of non-modelled, unconducted, non-regulated, unburdened and unregimented change as expressed by radical student protests driven by an emerging "decolonial paradigm of Fallism" (Ngcaweni, 2016).[6]

#MUST FALL–THE EVENT

As discussed earlier, student activism on the continent and in other parts of the globe can be argued to have common themes (Brooks, 2016): disillusionment with current democratic processes; the neoliberal capturing of higher education; and the call for a 'decolonised' curriculum.

However, the intensity of the national character of the 2015-2016 student protests requires some consideration of the historical production of the transitional South African state as a consciously designed human rights 'public'. A unique, interrelated set of global processes positioned South Africa as 'the' human rights 'poster child' of the 1990s.

Wilson (2001:1) argued that the human rights discourse in post-1994 South Africa "needs to be understood in the context of a sea change in global politics, and the rise of human rights as the archetypal language of democratic transition". These resulted in a "revived liberal democracy language that became increasingly prevalent in the mid-1980s [and] since 1990, nearly all

6 Ngcaweni (2016) suggests that "there is no single all-encompassing definition of fallism because fallists themselves, in their different sites of struggles, whether as activists, academics, blue-collar workers or members of civil society, have different interpretations of what the fallist struggle should be about and who it ought to serve first. The commonly understood definition is that fallism, as a paradigm, seeks to achieve the complete decolonisation of power, identity and knowledge systems."

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transitions from authoritarian rule have adopted the human rights language and the political model of constitutionalism" (ibid.).

Human rights advances of this period are generally regarded as a return to the enlightenment project (see Langlois, 2016) and interpreted as the basis for the establishment of constitutional states rooted in the rule of law. According to this logic, nations are no longer to be constituted based on race, ethnicity, language or religion, but should be founded instead on a "community of equal, rights-bearing citizens, united in a patriotic attachment to a shared set of political practices and values" (Ignatieff, 1993:3-4). The momentum generated around human rights via the structures, processes and agencies of the United Nations in the late 1980s and early 1990s has led Baxi (1994) to remark that we are in an "age of rights". This age is a function of the global diffusion of human rights that some see as a "moral consequence of economic globalisation [and] human rights and democracy, [which are] along with 'money and the Internet', [regarded] as one of the three universal languages of globalisation" (Ignatieff, 2001:7).

Human rights can then in a sense be regarded as the ideology that comes after "the end of ideologies", "the only set of values left now that we have arrived at 'the end of history'" (Douzinas & Gearty, 2014:6). Baxi (1997:1) similarly observes that the language of rights nearly replaces all other moral languages. Put differently, human rights have become the "major article of faith of a secular culture that fears it believes in nothing else. It has become the lingua franca of global moral thought" (Ignatieff, 2001:53). Against this backdrop of an interplay between national and international human rights discourses, we have argued elsewhere (Keet, Nel & Sattarzadeh, 2017) that the policy architecture of higher education in post-1994 South Africa is rooted in human rights and democratic principles, pleated into what is generally regarded as South Africa's overarching socio-legal scheme of 'transformative constitutionalism'. Although such obeisance to 'rights talk' often amounts to little more than a bare form of idolatry that is indicative of "non-thinking in the name of the normative" (Butler, 2010:136).

The 1996 Constitution of South Africa sets up 'normative' rights-bearing subjects that stream our entire political consciousness without questioning the norm "according to which the subject is produced who then becomes the

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presumptive 'ground' of normative debate" (Butler, 2010:139). This subject though has systematically been extinguished by the socio-economic and political conditions of post-1994 South Africa and became a rights bearer without rights. Discursively (re)produced in the Constitution and the Bill of Rights, this human rights subject is supposedly redeemed from the pre-1994 South African apartheid conception of the citizen and became central to the construction of human rights 'idolatry'. This idolatry made possible the development of human rights as a totalising narrative of transformation that towers over a landscape littered with broken human rights promises, generally and euphemistically referred to as "widespread poverty", "extreme inequality" and an "intolerably high level of unemployment" (NPC, 2011).[7]

As the human rights subjects presumed by the Constitution are increasingly proven not to "correspond to the modes of life in play within the present time" (Butler, 2010:137-138), the language of rights employed to systematically embody our understanding of progress is under severe strain. We are not simply referring to the gap between policy and implementation. Rather, we argue that a profound contradiction marks the construction of the rights-based subject as 'the' South African 'citizen'. On the one hand, the image of a finished rights bearer without rights has almost been perfected in the South African human rights discourse; on the other hand, the conception of a subject "who is not only under way but constituted and reconstituted in the course of social exchange" (Butler, 2010:140) is absent. Instead, we have completed subjects whose social relations are dissolved into legal, human rights relations (Honneth, 2014). From these relations, a body of rational subjects, all "immersed in the same linguistic universe" (Boltanksi, 2013:55) of human rights, is meant to emerge. Paradoxically, the over-proximity of this linguistic universe discloses, to agents, how the normative horizon that a commitment to human rights set, gradually grew at odds with a social reality defined by human rights violations.

7 The NPC (2011:15) identified nine main challenges for South Africa: "too few people work; the quality of school education for black people is poor; infrastructure is poorly located, inadequate and under-maintained; spatial divides hobble inclusive development; the economy is unsustainably resource intensive; the public health system cannot meet demand or sustain quality; public services are uneven and often of poor quality; corruption levels are high; and South Africa remains a divided society."

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The ideological and programmatic intensity of the #MustFall movement in its total rejection of the narratives of the state and university management and its dismissal of managed change, is sourced from the fractures in and paradoxes of the human rights discourse. This double rejection allows us to read the movement – with others such as Brooks (2016) and Spaull (2017) – as a profound challenge to the underlying structures of South Africa's current cultural, material and socio-political order. The #MustFall movement did not simply address itself to the transformation and decolonisation of higher education. Rather, the language of democracy and human rights itself was being interrogated. This, we argue, enables us to interpret #MustFall as an 'event'. For Badiou, an event happens when the excluded part appears on the social scene, suddenly and drastically.

> It ruptures the appearance of normality and opens a space to rethink reality from the standpoint of its real basis in inconsistent multiplicity [...] an Event, the inconsistent multiplicity which always lies beneath a particular social order is able to appear. Only in an Event can the excluded part be visible. An Event succeeds in representing a part which is previously unrepresented.
>
> (Badiou in Robinson, 2014:1)

The notion of 'Event' is central to Badiou's wide-ranging philosophical and political project[8] and is captured in a multitude of writings, marked by three principal texts: *Theory of the Subject* (2009b), *Being and Event* (2005) and *Logics of Worlds* (2009a). In these texts, Badiou's first inclination was to ascribe the status of a political 'Event' to 'big' historical revolutions, but it shifted to some degree in his later work, *Philosophy and the Event* (2013). Analytically, we therefore approach #MustFall–TheEvent in two interpretive stages. First, we argue that the #MustFall movement meets the key criteria of an 'event' in Badiou's earlier writings. Second, we also interpret #MustFall as an 'event' in relation to Badiou's transformed reflections on the 'event' in his later work.

Feltham (2008:100) identifies the following characteristics of the 'event' in his reading of Badiou:

> The first characteristic of the event is that it is local and does not take place across an entire situation but occurs at a particular point in the situation: the

8 For analytical summaries of Badiou's overall corpus of work, see Feltham (2008) and Hallward (2003).

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> evental site. The second characteristic is its absolute contingency: nothing prescribes the occurrence of an event; the existence of an evental site is a necessary but non-sufficient condition. [...] The third characteristic of the event is that it is undecidable whether it belongs to the situation or not. [...] If one investigates the elements of an event, one finds that it contains all of the elements of the evental-site and none of these belong[s] to the initial situation, this much is clear – but it also contains itself, its own name. This is the fourth characteristic of the event, its reflexivity. In order to identify an event and decide its belonging by investigating its elements one must thus have already [...] identified it, because it is one of its elements.

Let us follow the logic of these characteristics in relation to the #MustFall movement. First, if 'situation' is understood as any particular consistent multitude "or the nature of the ordered multiples" (Pluth, 2010:44), then the system of education would be the 'situation' and higher education the point in the situation (the evental site). However, a case can be made to view the configurations and consequences of contemporary formal politics in South Africa as the 'situation' within which higher education would then feature as an evental site. The major examples of political events that Badiou refers to are linked to macro-political contexts and situations such as the Paris Commune, the Russian Revolution, the Maoist Movement, the Chinese Revolution and the Arab Spring. Secondly, though the emergence of #MustFall can be traced historically, its appearance could not be prescribed. It thus has a contingent character. Even as the state, authorities and formal agencies set the parameters for manageable change and transformation, they sometimes

> miss the void which has snuck its way into the evental site. [...] When the multiplicity of the evental site is then introduced directly into the situation, a contradiction results whereby something new can happen – ontic contingency.
> (Klein, 2016)

In the third instance, one could ask whether it is also possible to argue that it is undecidable whether or not the #MustFall movement belongs to the situation. Does it belong to the battle of brutal politics (as some would argue), or is it limited to the education system? Or does it belong to both? One way in which Badiou argues the non-belonging of the 'event' to the situation is by suggesting that "one of the accomplishments of any order of presentation is a prohibition on the void's presentation" (Pluth, 2010:50). The void is never

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presented in the situation. Rather, it is the placeholder for the inconsistent "multiplicity which always lies beneath a particular social order that is made visible by the Event" (Pluth, 2010:50). We suggest that the #MustFall movement, by revealing that which the situation did not present, cannot be said to belong to the situation and must therefore remain undecidable. Fourth, "falling in love" – one of the key Badioun events – intimates that "love at first sight" means "not full knowledge or experience of what love will come to mean, but the impossibility of analysing or absorbing of the sheer factuality, the singular fortune of the meeting that brings the two lovers together" (Feltham, 2008:101-102). Similarly, the 'event' is reflexive, because to

> know what kind of multiple the event is, one already needs to know what it is, then the identity of the event is suspended from the acquisition of a knowledge that one evidently does not yet possess. However, when one does come to possess this knowledge, one will have already possessed it due to its reflexive structure. (Feltham, 2008:102)

As in the case of 'falling in love', the logical structure of #MustFall–TheEvent has prescribed it to be identified because it appears in the situation and its identity "will be retrospectively established through the procedure of change based on each enquiry: this anomalous multiple will gain identity through its expansion across a situation" (Feltham, 2008:102). This identification is akin to getting to know what love means even if it is impossible to analyse the singular fortune of the first encounter.

There are a few more 'event' characteristics discernible from the literature. Earlier, we argued that it is undecidable whether or not the 'event' belongs to the situation. That is, from the perspective of the situation, #MustFall–TheEvent is undecidable in belonging. In other words, from the standpoint of

> [the] situation there are no criteria for deciding whether or not the 'event' is a pure anomaly, an accident arising from another situation or a strange product of the situation itself. [...] consequently, the 'event' as a presented multiple has no anchor and as such no consistency. (Feltham, 2008:101)

The analytical tentativeness and diffidence that characterised debates on the political location of #MustFall–TheEvent is a case in point. These debates include interpretations that range from state security agencies and formal enquiries to clichéd political commentary and household discussions. Hence,

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Badiou suggests that the 'event' is doomed to appear to disappear immediately; existentially fragile, ephemeral (Feltham, 2008:101).

Another manner of approaching the non-/relationship between the 'event' and the situation is to mobilise insights from Lyotard's (1993) political writings from which Keet (2014:852-853) extracted the notion of 'political outsides' to "find a way to think against the [state] that has no outside" (Readings, 1993:xx). A state "that seeks always to realise itself as the state of things" (ibid.), as may be the case in present-day South Africa, 'literally' represents the end of politics (Keet, 2014:852). In this scheme of things, the State, on the one hand, oversees the entrenchment of massive socio-economic inequalities and the considerable human suffering that accompanies it while, on the other hand, its architecture and administrative arrangements always already make provision for the protests and discontent that will ensue from it. The logical place for strikes and protests, therefore, has been consensually crafted within 'political insides' and its rules thus govern it. Protests, then, belong to the situation, where they are expected and managed. However, this is not the case with #MustFall–TheEvent since it defied belonging to the situation despite (or perhaps because of) an overwhelming political and management discourse that attempted to affirm its legitimate, logical place articulated as the right to lawful, peaceful protest from which rational deliberations would ensue. As a demonstration of political outsides, #MustFall–TheEvent reflected "those forms of thought and actions that refuse to see the [state] as the celestial pole of political thought"; rebelled against politics as "the site of secular redemption" (Readings, 1993:xix); worked towards an "authoritatively legitimate" (ibid.) political critique and explored ways by which "the revolutionary project can [...] express itself, organise itself, fight" (Keet, 2014:853; Lyotard, 1993:276).

The second stage of our interpretive analysis focuses on Badiou's later work, *Philosophy and the Event* (2013), which offers a more legible rendition of his thoughts. Here Badiou (2013:9) argues that the 'event' is "something that brings to light a possibility that was invisible or even unthinkable". Nevertheless, the 'event' is "not by itself the creation of a reality; it is the creation of a possibility, it opens up a possibility" (Badiou, 2013:9). While some may argue that #MustFall–TheEvent is simply tracking historical praxes of resistance that represent a partial attempt at transforming higher education, we believe it is disingenuous to simply collapse both the substance and scope

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of the #MustFall movement into something that has been with us for a while. Even as student struggles may be thought of as part of a historical trajectory, #MustFall–TheEvent can be regarded as the first systematic project in post-1994 South Africa to shatter the illusion of a common sense supposedly rooted in the semantic rights and democracy universe. That is, the transformation trajectory we had in mind is based on the very templates of managed change that #MustFall–TheEvent displaced and disallowed.

In Butler's (2010:xiii) analysis, these templates can be considered as 'frames'. The process of framing must always throw "something away"; that which represents "discarded negatives of the official version" (Butler, 2010:xiii). In doing so, framing "is busily making a rubbish heap whose animated debris provides the potential resources of resistance" (Butler, 2010:xiii). This heap of debris has seldom featured in the ways we think about the institutional cultures of universities. For example, the #OpenStellenbosch Collective (2015) put forward the following question about the University's strategic objective of developing a 'welcoming culture': "Who is welcoming who?". This question addressed the framer who has already determined what is inside and what is outside. By calling the framer into question, the students challenged the authority ascribed to that which makes the frame legitimate. Existing frames such as those within our management, student affairs, pedagogy and knowledge practices, almost entirely direct our field of vision and predetermine our interpretations. #MustFall–TheEvent can, therefore, be seen as producing alternative frames (Butler, 2010:13).

As #MustFall–TheEvent "indicates to us [that] a possibility exists that has been ignored" (Badiou, 2013:9), we should resist the temptation to make it belong to the situation to advance its manageability and reduce its radical uncertainty. Once the situation has property over the 'event', the 'event' ceases to be evental, denying the possibility proposed by the 'event' to be "grasp[ed], elaborated, incorporated and set out in the world" (Badiou, 2013:9-10). This incorporation is what Badiou (2013:10) calls a "truth procedure". It generates a "real truth", as Flower MacCannell (2005:139) argues, that "alters and even destroys the 'State' (state of being, political state, state of knowledge) to make room for [...] a 'new situation'". The incorporation process is similar to the hard work that love requires. Just as love is not formed by the encounter on its own and requires being lived because unexpected and unforeseeable possibilities

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open up that are not calculable or foreseeable in advance, a political 'event' is, "similarly, the apparition of a possibility" that requires hard and difficult work to materialise (Badiou, 2013:10).

Reflecting on the rallying cry of the 1968 student protests "Demand the impossible!", Badiou (2013:11) suggests that the "possible will be wrestled from the impossible". A similar tone is evident in #MustFall–TheEvent. Nevertheless, as Badiou (ibid.) observed, "as with all slogans of this type, this was partly excessive and superficial but also extreme1y profound". "Demand the impossible" means "Hold fast to new possibilities, don't force us to return to what has been declared possible or impossible within the established order" (Badiou, ibid.). Functionally disrupting at least part of the social order at its height, we suggest that #MustFall–TheEvent broke with the established power's control over the possible. The myriad of talks, initiatives and discussions – with broadened student, worker and other stakeholder participation – have, at least, retraced the contours of possibilities. The state's responses and the Department of Higher Education and Training's never-ending engagements with key role players will certainly make the way forward for one of the most inclusively (re)designed roadmaps in our social sectors. However, more protests will likely follow #MustFall–TheEvent.

Nevertheless, it is not the protests in themselves, but rather the inscription of the possibilities on offer around an affordable (or free), 'decolonised' higher education sector, that will disallow the #MustFall movement as an 'event'. The official discourse on the 'impossibility' of what was demanded when nationwide protests broke out in October 2015 has been reconfigured.

RETREATING RIGHTS

Given the formation of the post-1994 South African state by the twin templates of human rights and constitutional democracy it was expected that most social justice-oriented activisms and state accountability mechanisms would be formulated in terms of this regimen. However, in rejecting the deliberative proceduralism in which these templates are rooted, #MustFall–TheEvent, at least as partial disruption to the social order, addressed itself the task of seizing the possible from the realm of the impossible – not by contesting rights-based,

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democratic notions of the possible but by interrogating the very processes and procedures that produce what is considered (im)possible.

Human rights critiques, it seems, were embedded in the fallism of #MustFall-TheEvent. These critiques generally maintain that human rights facilitate the expansion and legitimation of neoliberal logics; contribute to the reproduction of inequalities and unequal geo-political arrangements; and facilitate the exercise of bio-power and the overregulation of bodies (Keet, 2015:55).

Madlingozi (2014) suggests that human rights' "legalism can induce a false consciousness whereby radical demands are transmuted into [sterile] 'human rights' claims". Consequently, "in [a] liberal democracy the human rights discourse has so much currency as the only legible script of emancipation that once deployed it inevitably over-shadows other radical discourses" (Madlingozi, 2014). Referring to emerging human rights critiques, Gündoğdu (2015:12) suggests that

> human rights subject us to the very state power from which they promise to protect us. What is more troubling [...] is that this hegemonic discourse has such a strong hold on our political imagination that it has become almost impossible to invent alternative forms of politics that can bring to light different understandings of equality, freedom, justice, and emancipation.

Similarly, Schippers (2016) argues that human rights produce "regulatory, disciplinary and exclusionary effects" because it has a "predilection for 'jurocratic rule' at the expense of democratic practices". In addition, the democratic-constitutional order of post-1994 South Africa, rooted in a human rights regime and emerging as part of the so-called third 'wave of democratisation' in the wake of the demise of socialism and the welfare state (see Dean, 2005) has, over the past two decades, evolved to confirm Žižek's (2008:184) thesis that "democracy is the form our attachment to Capital takes". Further, this attachment, structured through and within neoliberalism, has economised everything (Brown, 2015:32) so that when rights are adjudicated through this frame, human beings get figured as little capitals, and all of civic and political life gets rendered as market spheres. That means that rights increasingly get allocated not as civil rights, not as civil liberties, not as rights to empower the disempowered, but as capital rights (Brown, 2015:38, 66-67).

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This analysis holds as true for South Africa as it does for most countries on the globe. As its emancipatory content gets eroded, human rights as the dominant moral language of our age (Baxi, 1997) finds itself, for the most part, disorientated concerning justice. Thus, as social activism became confined to a sterile idiom of political praxes, we argue that the #MustFall movement dispute the receivable categories of both rights and democracy. Nonetheless, as Mbembe (2016a:1) asks, contemplating "the negative moment"[9] that is South Africa today, if we "repudiate democracy [and rights], what will we replace it with?"

These ideas around the demands and responsibility for 'retreating rights' arose from evidence in a long-term study on transformative student citizenship in South African universities between 2013-2018. We reported on the first and second phases of this study in *Rights, Regulation and Recognition: Studying Student Leaders' Experiences of Participation and Citizenship within a South African University* (Keet & Nel, 2016) and in *Retreating Rights: Human Rights, Pre-Theoretical Praxes and Student Activism in South African Universities* (Keet, Nel & Sattarzadeh, 2017), respectively. For the study, a qualitative-interpretive methodology, preceded by a year of individual and group conversations, was designed. The key findings of the study's first phase show that student leaders seldom perceive their high participation levels within the 'rights-friendly' formalised processes and structures of the university as active-student-citizenship. Instead, their actions are intuited as "acting out scripts in an overregulated space, from where [...] their feelings of misrecognition stem" (Keet & Nel, 2016:126).

The tentative conclusion of the study's second phase suggests that students want to be 'inside' and 'outside' of human rights at one and the same time, highlighting the aporetic nature and perplexities of the rights discourse. For instance, given their acute sense of the limitations and disciplinary function

9 A "negative moment" is a moment when new antagonisms emerge while old ones remain unresolved. It is a moment when contradictory forces – inchoate, fractured, fragmented – are at work but what might come out of their interaction is anything but certain. It is also a moment when multiple old and recent unresolved crises seem to be on the path towards a collision. Such a collision might happen – or maybe not. It might take the form of outbursts that end up petering out. Whether the collision actually happens or not, the age of innocence and complacency is over (Mbembe, A. 2016a:2).

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of 'codified rights insides', students increasingly engage in praxes where the quantifiable benefits of rights are continuously expanded (not constrained) by 'human rights outsides'. Of necessity, pragmatism burdens and justice-imagination unburdens these praxes, which simultaneously allows for regulated and non-regulated (non-violent), yet productive, change. To be 'inside' of human rights is to work with its calculable democratic advantages. To be 'outside' of human rights is not a rejection of rights but rather an attempt to extend rights' promise of justice beyond its limits, to paraphrase Haddad's (2013) analysis of Derrida on democracy.

One of the key stratagems that activists within #MustFall–TheEvent consistently employed as a national tactic was to dictate the form, place and the socio-spatial dimensions of 'engagements' (with regards to, for example, the University, the State, themselves, other stakeholders) including the 'rules of the game', modes of articulation and the vocabularies to be used. Drastically departing from the sway of the deliberative, human-rights-based, consensus-seeking model with its pre-determined template for behaviours of engagement and political actions, #MustFall–TheEvent rejected the human rights discourse as "the only legible script of emancipation" (Madlingozi, 2014). By the time we started our long-term study, students had already pointed to the predilection of rights for 'jurocratic rule' at the expense of 'democratic practices'. As #MustFall–TheEvent took shape in 2015, the rejection of human rights' regulatory and disciplinary effects became tied to its barrenness as a language for radical political change.

We argue that #MustFall–TheEvent has dislodged the reign of consensus politics in favour of agonistic democratic thinking, by challenging the depoliticisation function of human rights. In a certain sense, #MustFall–TheEvent confirmed that "agonistic confrontation, far from representing a danger for democracy, is in reality the very condition of its existence" (Mouffe, 2014:182). Nevertheless, it would be off the mark to view #MustFall–TheEvent as a total dismissal of rights. Rather, the logic of being 'inside' and 'outside' rights carries the prospects to "retreat" (Lacoue-Labarthe & Nancy, 1997:139), "recraft" (Honig, 2001:800), and "radically revisit" (Balibar, 2013:18) rights as an exercise of renewal.[10] The Habermasian folding of rights into constitutional

10 This notion is most evident in the reflections in Douzinas and Gearty (2014).

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democracy, as well as the work of human rights practitioners in response to the worldwide pathologies of the social (Honneth, 2007), have already affirmed the pragmatic justice-value of human rights. Given the assimilation of rights into jurocratic praxes that serve to reproduce injustices (as rights critiques highlight), 'retreating rights' should be the prevailing vocation of human rights activists (Keet, Nel & Sattarzadeh, 2017).

CONCLUSION

Badiou (2013:9-10) would suggest that with #MustFall–TheEvent,

> everything will depend on the way in which the possibility proposed by the event is grasped, elaborated, incorporated and set out in the world [...] the event creates a possibility but there, then, has to be an effort – a group effort in the political context [...]; that is, for it to be inscribed, step by step, in the world.

This inscription is the massive task that lies ahead. First, however, we suggest it will not simply require a recalculation of our conceptual and interpretive schemes but rather will call for a total renewal of praxes within which the 'retreatment' of rights consistently returns us to the project of "de-dissolving" social justice from its collapse into legal relations (Honneth, 2014:67). That is, social freedoms do not simply consist of juridical relations, but also in "practices, customs and social roles" (Honneth, 2014:66). The velocity at which post-1994 South Africa set up the polity on human rights and juridical templates may well be regarded as inevitable in a transitional democracy. However, as Butler (2010) so aptly shows, this notion drags in its wake an entire edifice of framing that does not necessarily serve social justice purposes as it should.

There is something about #MustFall–TheEvent that should forbid our inclination to locate it within already existing ideological and political paths. Neither should it be placed in the camp of managed change nor in the circle of unproductive politics where it has been seemingly forgotten that the 'critical' first order of business is the art of self-critique as a starting point of transformative praxes. Ironically, having its sights on critique in the form of generating "inverted images" (Lyotard, 1993:58) from that which is critiqued, the 'critical' mirrors the same logic from which it wishes to depart and thus affirms the state as the adjournment of politics instead of countering it. The key caution here is that if we want to seize the possibilities that #MustFall–

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TheEvent exposed, we should not force it to belong to the situation as affirmation of the situation nor simply as its opposition. This is a tall order because political instincts generally dictate patterns of opportunism in advance. The 'event' as 'event', however, already rallies against assimilations, for it presents a different 'new' that is not yet accessible within our existing meaning-making frames. For instance, the transformation and decolonisation debates across our university sector have yet to show an intellectual capacity for this unique new.

The possibilities of the 'event' are 'a positive' that refuses neoteric forms of totalisations (such as constitutional and human rights idolatries) that generally tend to give us a "present without a future" (Derrida, 2001:22). We would do well to be reminded that the conditions of totalitarianism reside within these totalisations (Derrida, 2001). It would also be to our advantage, therefore, to allow #MustFall–TheEvent to introduce a "politics of surprises" (Tarby, 2013:148) that remains open to the future. Totalising narratives, whether from human rights and constitutional thinking or 'the critical', should be resisted. Our primary task is to make sense of what the social reality that #MustFall–TheEvent presented says about our conception and praxes of social justice. We may find that we are not in the know.

"Our consciousness can be blind to the 'event', to its truth" (Tarby, 2013:149) and, as such, we are disallowed to be incorporated into the 'event'. Rather, we stream the truths of the 'event' into our ideological tracks, thereby turning the 'event' into a non-event. By making it fit according to existing frames, the 'event' may be reduced to a blurb on a political landscape within which agents have generally come to accept that things are what they are. Those who activate themselves against social injustices of all sorts and who protest the structural anchoring of inequality and institutional racism have come to accept that theirs is a struggle located in the tranquil cynicism of neoliberal subject formation. Meanwhile, others consent to the reproductive machinery of the system. The renewed energy that #MustFall–TheEvent brought about as read and felt via our psycho-social beings should not be interpreted as an affirmation of incorporation into the truth of the 'event'. Rather, that energy is meant to dis-incorporate us from "our ego, from our own little selves" (Tarby, 2013:149). Dis-incorporation from our ego is a prerequisite for incorporation into the 'event'. However, the social structure of the academy would suggest

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that such processes of dis-incorporation/incorporation would be a near-impossible task, thus setting the decolonisation project on the back foot from the very beginning.

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