Weapons of the Strong: Elite Resistance and the Neo-Apartheid City

City & Community
00(0) 1–21

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DOI: 10.1177/1535684121994522

journals.sagepub.com/home/cty

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Abstract

Transitions to democracy promise equal political power. But political ruptures carry no guarantee that democracy can overcome the accumulated inequalities of history. In South Africa, the transition to democracy shifted power from a racial minority in ways that suggested an unusually high probability of material change. This article analyzes the limits of public power after democratic transitions. Why has the post-Apartheid local state in Johannesburg been unable to achieve a spatially inclusive distribution of public goods despite a political imperative for both spatial and fiscal redistribution? I rely on interviews and archival research, conducted in Johannesburg between 2015 and 2018. Because the color line created a sharp distinction between political and economic power, traditional white urban elites required non-majoritarian and hidden strategies that translated their structural power into effective power. The cumulative effect of these “weapons of the strong” has been to disable the capacity of the local state to countervail the power of wealthy residents’ associations and property developers. Through these strategies, elites repurposed institutional reforms for redistribution to instead reproduce the city’s inequalities.

Keywords

bureaucracy, democracy, elites

INTRODUCTION

The extension of the vote to all citizens carries with it the intrinsic assumption of equal distribution of formal political power. In a world where most people now live in cities, can local governments in new democracies deliver on mandates to restructure the distribution of land and collective goods? Urban sociology has mostly highlighted the structural power of capital interests, often due to neoliberal governing reforms that accompanied the integration of global markets. We see this in work on the global dimensions of urban transformation (Peck, Brenner, and Theodore 2018), and on local configurations of political and business elites in cities (Logan and Molotch [1987] 2010; Murray 2011). But a sufficient explanation for economic power

that undermines political power needs to specify the tactics and strategies through which economic power is organized.

This article identifies such strategies of elite resistance through a “most likely” case of a political rupture that appeared endowed with capacities to undermine this economic power—Johannesburg, South Africa. While national institutions have proven themselves capable of managing complex tasks of taxation (Organization for Economic Co-Operation

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and Development, African Tax Administration Forum, and African Union Commission 2018) and redistribution (Rossouw 2017), well-capacitated municipal institutions in Johannesburg have been unable to achieve similar gains in their management of a property regime that defines the distribution of public goods in the city. Why did the post-Apartheid political imperative for material redistribution, backed by overwhelming political legitimacy, end up reproducing key aspects of Johannesburg's inequalities during the Apartheid era?

I argue that democratic local government has reproduced Apartheid-era inequalities in the distribution of public goods in Johannesburg due to the organized oppositional capacity of economic elites. Because the color line created a sharp distinction between political and economic power, white elites required non-majoritarian and covert strategies that translated their structural power into effective power. I identify two strategies of institutional arbitrage that undercut the fiscal and land use management capacities of the local state: "ring-fencing" and "venue-shopping."

The cumulative effect of these "weapons of the strong" has been to disable the capacity of the local state to countervail the power of wealthy residents' associations and property developers. Scott ([1985] 2000) described subaltern strategies of hidden resistance to exploitation as "weapons of the weak." I find that the relatively hidden nature of elite strategies in a city where political regimes are oriented toward redistributive ends can be understood as parallel "weapons of the strong." Economic elites could continue to realize returns to investment in traditionally wealthy and white areas even without direct influence through political regimes. This geography of private investment undercut the city government's planning, fiscal, and implementing capacity to integrate poor, black townships into the framework of a single city.

ALTERNATIVE EXPLANATIONS

Extant theoretical explanations from both political sociology and urban sociology

struggle to explain the persistent geography of private investment and spatialized inequality in post-Apartheid Johannesburg. Work in the "power-resources" tradition in both industrialized and late industrializing countries has posited that an encompassing political party of the left aligned to trade unions can be decisive for achieving redistributive outcomes (Heller 1999; Huber and Stephens 2012; Przeworski 1985; Rueschemeyer, Stephens, and Stephens 1992). However, this work has generally focused on national-level issues like wages and social welfare benefits. Once we begin to disaggregate the institutional sphere of the state, capacities of state institutions to regulate the wage relationship and to tax and redistribute may vary considerably from capacities to alter the distributional consequences of the built environment. The South African case shows that strong capacities to both tax and redistribute do not automatically correlate with capacities to reshape the political economy of *urban* redistribution.

In contrast to work in political sociology, related strands of literature in urban sociology would clearly expect to see unequal outcomes in Johannesburg. Work on urban "growth machines" (Logan and Molotch [1987] 2010) or "regimes" (Stone 1989) would expect to see cooperative coordination of local political and business elites. The "growth machine" approach highlights the structural forces that bring these groups together, in particular, the precedence of the "exchange value" of urban land over its "use value." This approach suggests that established elite concerns are the relatively immovable force around which redistributive reforms must navigate. While this argument has been applied to the Johannesburg case (Murray 2011), it remains problematic. The thrust of Johannesburg's local government policies has not been so clearly oriented toward the realization of the market-based "exchange values" that are the heart of "growth machines." In fact, the policy sphere has often aimed to realize redistributive "use values" from both private and public intervention in the built environment. This also contrasts to the relatively provisional forms of urban

middle-class capture—or “gentrification”—of local politics found in New Delhi, India, that have enabled the prioritization of profit-oriented policies, resulting in increased slum demolitions (Ghertner 2011).

The “urban regime” approach is focused on the historical construction of coordination between public and private actors in cities, generally to realize goals of urban growth. The case of Atlanta, which Stone (1989) used to develop his theory of “urban regimes,” may appear similar to Johannesburg, particularly due to the structuring role of race. Stone’s account shows how white business elites were willing to cede political power to new black political elites in the second half of the twentieth century, and strategically coordinated with new black politicians to redevelop the downtown of the city. This often came at the expense of investments in black working-class neighborhoods.

Johannesburg’s variation from the Atlanta case underscore its usefulness as an extreme case for testing the possibilities of redistributive local politics after political rupture. Whereas a coalition of political and business elites worked together toward explicit policy and project outcomes in Atlanta, the policy goals of the city and the development goals of business elites have largely remained at odds in Johannesburg. In Atlanta, black political power emerged through previously white-dominated structures of the Democratic Party and was constantly subject to pressures for compromise from within the party even before taking power. In Johannesburg, black political power emerged through the African National Congress (ANC). The shift in national politics was therefore much clearer on the race question in the South African case, while the articulation of race in party politics were much more ambiguous in the United States. The upshot here is that groups of white property owners and developers in the Johannesburg case faced an uphill battle to realize coordinated “regimes” oriented toward their goals of economic growth. They were therefore more likely to pursue strategies that disabled

unfavorable government policies, instead of more programmatic approaches.

Literature on post-Apartheid South African political economy has highlighted similar strategies of traditional white elites in the national democratic settlement (Bassett 2008; Bond 2005; Hart [2013] 2014; Marais 2011). On one hand, this approach at the national level suggests an affinity to the “growth machine” approach: returns to capital arguably win the day. On the other hand, there is an explicit trade not anticipated in the “regimes” approach. Political power would surely be easier to coordinate with natural allies of business. Instead, we see a trade-off. In exchange for ceding the formal political terrain, largely white business elites win a degree of autonomy that allows them to later disable the implementation of policies.

Other post-settler-colonial societies are also characterized by stark divisions of race and caste. But there are few with a clear articulation of both race and class in the party-political arena. There is no African country with as large a proportion of a white settler population. In Latin America, the one case of explicit race-class articulation in the party-political sphere is Bolivia’s Movement Towards Socialism (MAS), which governed between 2006 and 2019. Similar to South Africa, the MAS instituted policies geared toward transforming the racial composition of the bureaucracy to incorporate Indigenous groups in the service of what the country’s new constitution called a “plurinational state” (Anria 2018). However, the particular question of urban transformation has never been as central to the MAS political program as it has been for the ANC. Because there is such a clear articulation of race in a newly democratic party-political system in South Africa, we are uniquely equipped to distinguish strategies that elites of the prior regime use to maintain power under the most unlikely circumstances.

Taken together, all of this makes Johannesburg a case where we would expect the general

argument of the “power-resources” literature in political sociology to hold. Instead, the outcomes appear to resemble the expectations of literature on urban “growth machines” or “regimes,” but the mechanisms are quite different. We see a more contingent logic of relatively hidden strategies by generally white economic elites to undermine a political process whose balance was not necessarily in their favor. These strategies highlight a new way of thinking about the limits and possibilities of political transformations for urban change.

THE PRODUCTION—AND REPRODUCTION—OF APARTHEID IN JOHANNESBURG

From the time Johannesburg was first settled in the late-nineteenth century, it has been planned as two separate cities: wealthy, overwhelmingly white, and well-serviced neighborhoods in the northern and western areas of the city; poor, overwhelmingly black, and poorly serviced neighborhoods in the southern and eastern parts of the city. This spatial separation was driven by successive waves of forced removals of non-white residents beginning in the early twentieth century. The city’s stark segregation was codified into law under the Group Areas Act in 1950. The separate administrative apparatus associated with this segregation were codified by the Bantu Authorities Act of 1951 and, later, the Black Local Authorities Act of 1982. What would become the contemporary single administrative unit of Johannesburg was characterized by the fragmentation of, at varying times, 11 to 15 separate municipal administrations. The administration of “native” black populations throughout the 20th century—and especially once the core legal edifice of Apartheid was introduced by the National Party government in the early 1950s—focused on the separation of whites and blacks in cities (Evans 1997). These cities were the heart of Apartheid’s political

economy, a state-led, import-substituting industrialization model of “racial Fordism” (Gelb 1987).

“Apartheid” characterized a specific political economy that rested on the creation of reserves of cheap black labor for extractive mining and industrial production under the aegis of strong state-backed corporate monopolies (Fine and Rustonjee 1996; Wolpe 1972). The geographic divides within and between cities and towns constituted the social groups that continue to make and remake the institutions that govern fiscal distribution, land use planning, access to basic services, and, ultimately, access to economic freedom and social recognition. Some of the most intense battles of the internal struggle against Apartheid in the late 1980s coalesced around protests against urban containment, organized by “civics” under the umbrella of the United Democratic Front. Rent boycotts, rising militant protest, and calls to render cities “ungovernable” contributed to an increasingly unstable political environment (Seekings 2000; Turok 2014).

An encompassing, “social movement unionist” (Seidman 1999) alliance demanded democratization within the context of a set of social democratic demands for redistribution. This alliance included the Congress of South African Trade Unions (COSATU), urban residential and cultural “civic” associations, the South African Communist Party (SACP), and the ANC. South Africa’s democratic transition was a transition in the racial basis of state power. Both because of the structural significance of race and its imbrication in the power of the “social movement unionist” labor movement, many expected race to operate as a mechanism that would make credible the deep institutional reforms required to achieve material changes (Adler and Webster 1995; Seidman 1999).

The ANC’s slogan of “one city, one tax base” encapsulated the drive to ensure a strong redistributive model. The wealthy and overwhelmingly white areas of the city’s northern suburbs would subsidize the development of the poor and overwhelmingly black areas of

the city's southern and northeastern peripheries. There could be little doubt that the long-standing economically dominant sector stood to lose its political supremacy.

The country's newly democratic constitution of 1996 included commitments to socioeconomic rights and the empowerment of municipal authorities. This was affirmed by further legislation such as the Local Government White Paper, provision for participatory planning through what is known as the Integrated Development Plan (IDP), and the creation of national grants for municipal infrastructure and local economic development. The Housing White Paper of 1994, the primary document guiding housing policy in the first 10 years of democracy (Adebayo 2011), stated that the first goal of public regulation of land use, especially at the provincial and local levels of government, should be "to redress the spatial inequities and distortions that have resulted from planning according to apartheid and segregation policies of the past" (Department of Housing 1995).

Since the country's first democratic elections in 1994, Johannesburg has achieved a slight reduction in the share of its population living in informal settlements, but has largely reproduced urban inequalities by virtue of minimal improvements in access to sanitation in informal settlements, and an expensive and informal transport network. In Johannesburg, the share of the informal settlement population has dropped slightly from 18.8% in 1996 to 14.1% in 2011. However, access to sanitation in informal settlements has barely grown from 36.0% in 1996 to 47.4% in 2011.¹ Prior spatial analysis of residential patterns in Johannesburg suggests persistent reproduction of class-based segregation despite a slight reduction in racial segregation (Kracker Selzer and Heller 2010). Figures 1 and 2 use national census data from 2011 to map the variation of both unemployment and informal dwelling. The effect has been a compounding of "neo-Apartheid" spatial inequalities in the distribution of public goods (Harrison et al. 2014; Murray 2011).

THE ARGUMENT

White business elites have had to deploy mostly covert forms of resistance to policy change: "weapons of the strong." This is not to say that the power of capital is absent. Indeed, the role of property developers and wealthy neighborhood associations is hardly subordinate in terms of structural power. But the historical construction of the color line in South Africa is responsible for a distinct division between political and economic power. I document a succession of tactics in which political and economic elites have to pursue their antagonisms through adaptive strategies of organization. As I will show, these contingent tactics do not realize what the literature in the United States on "growth regimes" would consider to be a high-level equilibrium of strong coordination between political and economic elites.

I argue that business elites deployed minoritarian tactics to realize the gains to development and private investment within new institutional arrangements not of their choosing. This meant that policies rarely incorporated the direct interests of economic elites. Instead, these elites had to devise strategies that were layered onto institutional arrangements designed to shift economic power in the city. Such strategies responded to post-Apartheid institutional logics of bureaucracy and public finance that were aimed at redistribution.

Private property developers and neighborhood associations of homeowners would not necessarily be inclined to act in concert. For example, the "not-in-my-backyard" resistance of homeowners to development is well-documented in the United States (see Trounstein 2020). The nature of the alliance between developers and neighborhood associations underscores their intersecting interests of race, class, and space² in countering broader policies at spatial restructuring.

These strategies maintained the basic logic of Apartheid era spatial divides. This logic is defined by a northern sprawl of luxury office, retail, and residential development with significant demands on public bulk infrastructure,

Figure 1. Unemployment in the City of Johannesburg, 2011.

and persistent inequality of access to basic services and employment opportunities in the south of the city. The trajectory of upscale business and residential development in the north is particularly relevant because the drive

toward spatial integration is, in large part, a drive to include residents in poorer, southern areas of the city.

The empirical story focuses on the evolution of these strategies beginning in the

Figure 2. Enumerator areas in the City of Johannesburg with more than 20% of households in an informal shack, 2011.

negotiations for a democratic set of municipal institutions after the unbanning of the ANC in 1990 and ends with the municipal elections of 2016, in which the ANC lost control of the city council to a coalition government led by the center-right Democratic Alliance (DA). I argue that two strategies define this period: “ring-fencing” and “venue-shopping.” Elites used “ring-fencing” to undercut attempts to centralize local public revenue collection—fiscal capacity—and “venue-shopping” to undercut local government’s land use planning authority—bureaucratic capacity. Each of these strategies were not aimed at creating durable new institutional arrangements. They were always provisional, targeted at subverting formal policy change, and in doing so, were able to undercut redistribution-oriented policy approaches. In the absence of institutional coordination, white property owners realized extraordinary success. They have a shared material interest, and they have shared associational networks, which produce a decentralized form of resistance that is structured by both class and race. This analysis builds on previous work that highlights the role of organizing around urban space as a key mechanism of articulating class and race in the city’s post-Apartheid development (Clarno 2013). These political minorities deployed their “weapons of the strong” to subvert the political imperatives of a new democratic era and thereby disable the capacity of the local state to countervail elite-led patterns of urban development.

METHODS

To identify the institutional mechanisms that explain this outcome, I rely primarily on interview and archival data collected over the course of nine months of fieldwork between 2015 and 2018. This includes 115 semi-structured interviews with politicians and bureaucrats at all levels of government, private real estate developers, neighborhood association organizers, civic movement activists, and professional nongovernmental organization (NGO) and academic researchers. My aim in the interviews and archival work

was to identify the relationships between key actors, institutional spaces, and events that explain how institutional arrangements for distributing public goods have changed over time in Johannesburg. I used snowball sampling until I reached a point of saturation for each type of actor. I used archival documentation at the South African History Archive to corroborate or call into question accounts from interviews, as well as to assist in triangulating contradictory accounts from different informants. I collected legislative documents and urban plans to understand the formalization of political decisions.

“RING-FENCING”

I define the first strategy—“ring-fencing”—as area-based hoarding of taxes for local infrastructure improvement. The animating idea for municipal government in Johannesburg in the democratic transition of the early 1990s was to address the fundamental fragmentation of Apartheid sub-national administration. And in particular, to address the inequities of public investment associated with this fragmentation. A patchwork of 11 white and black local authorities were to be brought together into a single municipality. The strategy of “ring-fencing” deployed by wealthy neighborhood associations in practice undercut these attempts at municipal unification. The general point is that these are revenues are being taken out of a general municipal funding stream and being put toward investments that reproduce disparities in the provision of public goods.

The irony of this strategy is that it had previously been deployed by some of the most marginalized parts of the city. In 1986, residents of Soweto, the sprawling dormitory township for black residents in the southwestern part of the city, refused to pay rent and utility bills to protest the legitimacy of the Black Local Authority that administered the region (Chaskalson, Jochelson, and Seekings 1987). By 1991, negotiations were underway between the Soweto People’s Delegation (SPD), represented by ANC secretary-general Cyril Ramaphosa,

the former secretary-general of the National Union of Mineworkers and current president of the country. Two years prior, the SPD had released a paper arguing that Soweto residents were subsidizing the rest of the city because they conducted most of the work in industrial and commercial activity, which comprised 70% of the city's economy, yet did not receive any services from the Johannesburg city council. The SPD's demands included a write off of arrears owed by rent boycotters, transfer of home ownership to current renters, upgraded services, affordable service charges, and the fiscal and political unification of Johannesburg and Soweto (Tomlinson et al. 2003).

These negotiations led to the creation of the Central Witwatersrand Metropolitan Chamber (CWMC), which included 53 organizations, including the Transvaal provincial administration,³ local governments in the Johannesburg metropolitan region, rent boycotters, white ratepayers and residents associations, organized business, labor, church groups, schools, and political parties, including the recently unbanned ANC. Over two decades after the fact, participants still described the CWMC as an exhilarating period of re-thinking the city. The negotiations were punctuated by heated arguments with old bureaucrats about loosening the reins of power to young activists from townships and progressive planning and architectural professionals. The tenor of that time is captured by Erky Wood, a leading architect hired by a group of civic associations from Soweto and associated NGOs:

They literally beat down the doors of all these local authorities and, and regional authorities and things like that. Literally would storm into meetings and take seats and the people running these meetings had no ability to, to throw them out. They just hadn't been invited before and now they were there and I can remember, and they're very polite people of course, those Afrikaans people. They'd say you know and so we'd like to welcome our guests from the

Jabulani [a neighborhood in Soweto] Civic Association, and you know the guy from Jabulani would say, "point of order, we're not your friends, you didn't invite us and you can't welcome us, you know because we beat the door down."⁴

But the empowerment of the previously excluded majority was short-lived.

As negotiations for democratic elections neared their conclusion, the ANC began to demand greater control of city councils. The pluralistic planning mechanisms still in development as part of the CWMC were pushed aside. The entrance of national ANC cadres into the negotiation of a set of post-Apartheid local government structures proved to be a countervailing mechanism against the strong demands of black township resident groups and civic associations in the CWMC. Actors with links to the SACP, an ally of the ANC, but with relatively autonomous local structures, did not accept the ultimate compromise to resolve the end of rent boycotts. Trevor Ngwane, a civic movement leader from the Jabavu and Pimville neighborhoods of Soweto, and a one-time Johannesburg city councillor, insisted in an interview that this explains why agreements to begin paying rents and rates for basic services were only implemented with uneven success. Current and former ANC officials whom I interviewed echoed this assessment.

To move quickly to national elections, the municipal negotiations were essentially short-circuited and a compromise of four sub-municipal structures was agreed on a transitional basis. In essence, this reform was a devolution of significant levels of autonomy for land use planning and service delivery to agencies under local control. Furthermore, each of the four zones were granted proportional representation on the central city council, as opposed to making representation subject to city-wide apportionment. As Ngwane put it, "they gave more power to the white section by making it proportional rather than based on an open vote, where it is obvious we would have swamped them."⁵

The arrangements for revenue collection and for land management were delegated to the sub-municipal scale. These institutional relationships were central to the prospects for realizing a metropolitan spatial plan that had been backed by the more progressive elements of the CWMC.

The effect of ring-fencing by wealthy neighborhoods was to compound a quickly deteriorating fiscal situation. The central city administration had moved quickly to expand spending in the most excluded areas of the city—essentially, those areas previously governed by Black Local Authorities. But sub-municipalities could not keep up in bringing in revenue.

In fact, they were negotiating away revenue from the central coffers. In the mid-1990s, Anne Stephny, known in developer circles as the pioneer of city improvement districts (CIDs) in Johannesburg, began organizing property owners in the Illovo neighborhood, which was part of the northern municipal sub-structure. CIDs were bodies composed of property owners in given areas who took joint responsibility for urban management functions for shared infrastructure and also lobbied municipal authorities. By 1996, Stephny had begun establishing CIDs in key northern business nodes such as Rosebank, Melrose, Illovo, and further north in Sandton and Bryanston. She described a well-developed set of relationships between business owners and Eastern Municipal Sub-Structure (EMSS) officials:

We spoke to the head of our sub-structure. He sat on our management forum. We had a very tight relationship, a very good understanding. And also with the property owners. We had a northern corridors working group, 35 different groups.⁶

The key issue for CID participants was to ring-fence their required “development contributions” so as not to lose it to the newly centralized fiscal management of the city:

It was a group of people who understood they were not working in isolation. You couldn’t get any of these projects to work if you didn’t have access and egress, if you didn’t have bulk services. Sewerage, water, storm water, all those things. Who was going to pay for that? And we definitely weren’t going to give our contributions to the city, because there would be no guarantee that it would be spent in the area. So we did a deal.⁷

In short, despite a massive reorganization of the city premised on fiscal consolidation, area-based property owners reinforced the spatial divides of the city, by using the terms of reform to ensure their fiscal independence.

While the upper echelons of city government changed hands—with an expected shift in the racial make-up of the bureaucracy—the sub-municipalities were still occupied by career, mostly white bureaucrats familiar to business elites. As Stephny put it, “Luckily, we had very good city officials at that time . . . The city wasn’t a metro at that stage.”⁸ The sub-structures provided an opportunity for business elites to draw on accumulated networks to work a system whose policy goals were no longer aligned.

This accelerated the rapid deterioration of extensive infrastructure in the traditional central business district (CBD) of the city, while the city was forced to continue to spend on expensive bulk infrastructure to reach new business nodes in northern areas such as Sandton (formerly a separate municipality) and Fourways. In fact, Sandton had already begun attracting new business development away from the CBD through competitive tax rates and less strict planning regulations, especially around parking limits (Todes 2015). By 2000, the Johannesburg Stock Exchange moved from its long-standing location in the Johannesburg CBD to Sandton, underscoring the geographic shift in business activity and investment in the city. Meanwhile, a project aimed at the historic poor black area adjacent to Sandton in the north, the Alexandra Renewal Project, was

given presidential-level priority. However, it was riven with local political battles and its levels of service delivery are similar to most poor, black areas of the south and northwest of the city (Clarno 2017). After 1994, the informal settlement of Diepsloot mushroomed in the northwest of the city, and service backlogs increased (Harber 2011).

The distancing of predominantly white property owners and developers from predominantly black local politicians and bureaucrats was realized in spatial terms. Gerald Olitzky has been developing the Gandhi Square neighborhood of the CBD since 1994. In many ways, he has been an exception to the pattern of white-led real estate investment, and is part of a small but growing class of investors focused on the inner city (see Mosselson 2017). He described the flight from Johannesburg's inner city to Sandton and its subsequent decline:

[White people] said, "Here come the blacks, there goes the city." They created the problem by fleeing to the north . . . So they sat in their ivory towers in Sandton saying, "We told you so" and this for me was a bloody annoying thing because they caused the problem right? . . . Look what would happen was that all the major guys, all the heavy weights, the public companies, the big financial corporations. Cleared them out of the city. Any developments that happened by these chaps were done in the north. They were done in Sandton.⁹

Olitzky used the widespread disinvestment in the inner city (Crankshaw and White 1995) as the basis for insisting on two provisions to begin his own investments: a declaration in the city's by-laws to ban street trading and a private lease over the large public transportation terminal in the Gandhi Square neighborhood. This private lease would allow him to hire his own security and refuse removal services—in essence, a one-person CID. He justified these conditions to municipal officials as follows:

You guys know how to fight a struggle. You know a freedom struggle, but you don't know—you don't have—let's level with each other. You don't have the acumen to bring back the city and you certainly don't have the budget for it. Nobody's giving you the money for it.¹⁰

Olitzky proposed an arm's length division of labor—black politicians knew political "freedom struggle" but did not "have the acumen to bring back the city" as an economic proposition.

To summarize, two key facts enabled the strategy of ring-fencing. First, the strong powers of sub-municipal authorities in the years immediately following the transition from democracy ensured the fragmented nature of city administration across the geographic extent of the city. This incentivized new organized forms of local associations of wealthy property owners and developers. In doing so, these associations made use of relationships with sub-municipal government representatives through which advantageous deals could be struck. The combination of common "skin-in-the-game" of property ownership and associational ties with sub-municipal bureaucrats allowed these actors to overcome potential collective action problems and work the frontlines of the state.

Furthermore, the compromise of administrative fragmentation in the democratic transition was coupled with the steady deprioritization of movement-oriented activists from poorer neighborhoods in both making and implementing policy. Activists struggled to be heard in proposing an alternative, more centralized institutional vision. While the city was investing in poorer areas, there was little prospect of building a sustainable bureaucratic environment for managing these investments. As a result, the balance between revenue and expenditure in the municipal fiscus was increasingly unstable.

By 1997, the city's finances were under increasing strain. The fiscal imbalances that began in 1994 were due to the interaction of

increased capital investments by the centralized municipal authorities in black township areas and the sub-municipal ring-fencing of taxes. The city required the budgets of the sub-structures to balance in the aggregate, which theoretically enabled some form of cross-subsidization across the geography of the city. But each sub-structure could budget independently.

The issue of centralizing municipal powers had become increasingly fraught as a matter of both racial politics and institutional capacity in the city. Former ANC mayor Parks Tau, who previously served on the Southern Metropolitan Local Council's Urban Development Committee, described the link between the racial and institutional dynamics of municipal budgeting under the "two-tiered" arrangement of municipal sub-councils and the metropolitan authority:

Suddenly you had complex negotiations happening from within the sub councils and the metro council. And even people of the same party were representing different interests of their sub council. So, the people from what would have been the white sub council area, which would have been in the east—that was Rosebank—would have said, "Look, we don't understand why we should cross-subsidize the program of the southern sub-council." This would have been the poorer sub-council that inherited the bulk of the staff, the bulk of the poor people in Johannesburg and therefore the bulk of the challenges that we're dealing with. So, those disparities almost became stuck as we were trying to implement the two-tier system.¹¹

Ultimately, this intersection of race, geography, and bureaucracy made the "transitional" institutional arrangements of local government in Johannesburg both politically and economically unstable. These transitional measures, especially the division of sub-councils, had provided mechanisms for wealthy, white areas to preserve effective economic control. This was despite an

overall intent to develop fiscal arrangements that could spread investment across the geography of the city.

The growing fiscal emergency led to a reorganization of the city under a unified local authority in 2000. This was coupled with the creation of municipal-owned entities (MOEs) for key services such as trash, electricity, water, roads, and a new development agency, known as the Johannesburg Development Agency (JDA). For the first time, the city conducted a review of the finances of all sub-structures, but with specific guidelines from national and provincial authorities to do so to find where to cut capital expenditures. The newly unified metropolitan municipal government received its mandate through a clearer one-person, one-vote system that was headed by an executive mayor (Todes 2015). The ANC was able to consolidate its political power in the city. Amos Masondo, a veteran activist who cut his teeth in politics during anti-Apartheid protests in Soweto, was elected mayor.

However, effective economic power lay elsewhere. The emergence of a form of capital strike compounded this gap between political and economic power. The Sandton Federation of Ratepayers, which encompassed a geographic area inclusive of multiple CIDs, initiated a widespread rates boycott. This was followed by appeals of 10,000 out of a total of 180,000 property owners in the sub-region to contest property valuations, designed to minimize the tax liabilities of property owners in the area. Kenny Fihla, an ANC city councillor from 1995 to 2002, described the crisis as a "double whammy."

You are growing your staff complement to try and address as a matter of urgency, your service delivery needs. You are ramping up your capital expenditure to address backlogs and all of that. You are experiencing a revenue squeeze because the property owners are effectively withholding their rates.¹²

By the end of the boycott, the EMSS was owed R220 million, which was equal to more than

two thirds of the R314 million debt that the city was unable to pay its creditors after exhausting its reserves.¹³ Rates boycotts in Soweto and the CBD paled in comparison with this loss: R7 million and R15 million, respectively (Beall, Crankshaw, and Parnell 2002).

The concurrent consolidation of the city's finances, introduction of a municipal corporate structure based around the operation of MOEs, and a more austere budgetary regime, was opposed by the South African Municipal Workers Union (SAMWU). These changes, which were part of the city's "iGoli 2002" plan, resulted in large protests (Anon 1999).

The view in the city council was that fiscal consolidation would be impossible without first resolving the antagonism of wealthy property owners and developers. Fihla described it as a new type of engagement for the ANC-led city council:

We engaged very well with labor, with community organizations and so on, but we were very bad in engaging with business because it was not our traditional constituency so to speak. Therefore just the level of engagement and the trust issue had become huge. But because there was a boycott there was a need for us to start engaging because that was the only way we could solve it. So we engaged with the South African Property Association (SAPOA) and, through SAPOA, we agreed on a mediation process.¹⁴

This process of mediation with South African Property Owners Association (SAPOA) did not produce any kind of new formalized relationship, but catalyzed a period of regular engagement between property owners and the city council.

The eventual agreement included limits on future increases on rates and negotiated settlements on payment of arrears. Fihla described an emerging meeting of the minds between council and large property owners, while maintaining a relative distance:

Gradually property owners started to come on board and started paying, especially the big boys because the big boys are not

interested in a standoff with government. It is not in their interest, I mean they participated because this was a big issue for them to have given in to strengthen the viability of their entities. But as soon as a practical and a logical solution was put on the table the big boys were the first to accept it, and once many of the big boys, the large property owners, were accepting an agreement and starting to pay, it was easy then for the rest of their constituency to follow suit.¹⁵

Multiple representatives of SAPOA as well as individual private developers who are part of its membership all reported that their subsequent engagements with the city were infrequent and that they did not plan major investments together. In 2015, the last full year of the Tau administration, top planning officials told me that they were beginning to hold regular meetings with SAPOA for the first time.

Ring-fencing made operative the distance between the economic power of the overwhelmingly white class of property developers and owners, and the political power of the overwhelmingly black city government. As one private architect who works with the largest developers in Sandton's business district put it to me:

Effectively developers are paying for the upgrading of the cities because the municipalities are bankrupt, they don't seem to have the skill on a financial basis to control the fiscus, that's sitting within them. And so they're putting the onus of development onto the developers for general infrastructure—build this road, pay for this intersection, put in these robots¹⁶ and we'll give you more bulk [infrastructure] . . . The city [of Johannesburg] is trying, but it is getting eaten up by developers.¹⁷

Private returns are realized not by coordination with the public sector but by forcing the public sector to capitulate. While in a "growth regime," local political and business elites coordinate to maximize rents, the Johannesburg case is by no means coordinated. Instead,

we see a state capacitated to plan without the fiscal powers to implement its plan. And fiscal capacity becomes a pivot for advantaging economic over political power.

VENUE-SHOPPING

While the newly consolidated city authorities overcame the fiscal stand-off, the city also tried to assert a planning vision of its own. By 2001, the city approved, for the first time, a spatial development framework, which included the formal establishment of an urban development boundary, the active creation of development nodes, including in the inner city, promotion of mixed use and densification along transport corridors, and to “avoid patterns of decline coupled with new growth elsewhere” (Todes 2015). Although this period has been cast by some as a move toward neoliberal “world class city” development, significant redistributive outlays persisted, especially in terms of continued physical infrastructural investments in Soweto (Harrison et al. 2014).

Over the course of the 2000s, and especially under Masondo’s successor, Parks Tau, area-based development became more central to the city’s planning approach. The idea was to focus on “transit-oriented development” under the slogan of “corridors of freedom.”¹⁸ This strategy anticipated that public investments in a new bus rapid transit (BRT) system would incentivize private investments near bus stops. However, city officials from the Tau administration—and Tau himself—readily acknowledged to me that it has not had the desired impact.

Herman Pienaar, the city’s head of planning until 2017, described the role of spatial planning in the city at the beginning of his tenure in blunt terms. “The department had no credibility. No political credibility. No institutional credibility. It was really the weakest link in the city.”¹⁹ The introduction of tools such as an urban boundary could, in theory put some clear limits on the spatial trajectory private developer plans. But the relatively austere capital expenditures of the

city throughout the 2000s and the lack of institutional capacity to enforce both land use regulations and inter-agency coordination meant that private developers were still able to shape the spatial trajectory of the city.

While planned corridors did see some significant increases in development, the sprawl of business nodes to northern suburbs continued to stretch public infrastructure, including “congestion in Fourways, a lack of sewer capacity in Bryanston, underprovision of schools and electricity blackouts due to lack of network capacity” (Todes 2015). The major growth in privately financed middle-class residential housing was entirely separate from publicly financed housing for the poor. This is especially the case when seen in the context of what has become known as the Gauteng City-Region, which includes Johannesburg’s neighboring municipalities. A recent spatial analysis by Götz and Todes (2015) concluded that public housing developments are

all in the poorer areas of the city-region, usually on the edges of municipalities and with a preponderance in southern and western Johannesburg . . . By contrast, the growth of [townhouse clusters and estates] is almost exclusively located in the wealthy core of the province, most on the edge of the existing built-up area, on sweeping diagonal from the north-west of Johannesburg to the south-east of Tshwane.

In the years after the reorganization of the city in 2000, planning officials slowly began to generate bureaucratic tools and political momentum to unite land use management and agencies responsible for infrastructure. But, in the meantime, developers had begun to exploit contradictions in the planning apparatus both within local government and between different scales of government. This occurred in two ways. First, by undermining the approvals process within the local bureaucracy. And second, by exploiting contradictions in planning priorities between local and provincial government.

Beginning in the early 2000s, with Pienaar as the leading bureaucratic official and Tau as the political principal on the city council, the city introduced a centralized system for budget priorities. This data management technology, known as the Capital Investment Management System (CIMS), required every department to justify its annual budget requests on the basis of the city's spatial plan. CIMS was a system designed to

institutionalize macro processes of investment prioritization that seeks to actively mediate the tension between short-term delivery imperatives and long-term developmental objectives to alter the space economy of the city and address the imperative of spatial transformation in the interest of the urban working classes. (Pieterse 2019:21)

To illustrate the critical role that CIMS served for budget planning and to mediate short-term delivery imperatives, Tau described to me the extent to which department heads felt bound by its strictures. Political principals of line departments, he recounted, would say, "When did this Councillor CIMS contest elections. We don't know when he contested elections to represent a constituency."²⁰ The algorithmic approach to investment prioritization often felt alien to the normative goals of political department heads.

And absent effective political power, CIMS could not control the patterns of private investment. With developers able to get approvals through agreements to pay up-front capital costs for new bulk infrastructure, the city was in a particularly weak position. "[Developers] had almost free rein, the only thing that could hamper them was the lack of capacity infrastructure," Pienaar told me. "2008 is a blessing in disguise for us because the [global] financial crisis slowed everything down and it gave us time to catch up and a bit of breathing time."²¹

The bureaucratic consolidation of the city promised to introduce an era of city planning instruments that could now direct the spatial trajectory of growth. A veteran leader in the South African Association of Consulting

Planners described a situation whereby the transition to a single authority created inefficiencies to gain approvals for private developments.²²

There used to be towns called Sandton and Randburg and Roodepoort and a whole lot of towns. And they merged into one big metro council, which sounds efficient if you have everything in one building. But it's not efficient. Because you might be dealing with an application on the northern part of the area, or in the southern part of the area which is about fifty kilometres apart and the guys who are dealing with the one area don't know the other area. And in the past you could have sit them down to that branch or that town and dealt with the town planner, dealt with the city engineer. Now you deal with this one massive big monster.

As a result, getting approvals without meaningful planning review, and, in many cases, after construction had already begun, became common.²³

However, this did not impede private investment in land and real estate, as long as developers felt they could extract zoning and building approvals when required. Private planners and developers both report that rezoning approvals, while still required, were easily obtained even when projects did not fit key goals of the city's planners such as densification, mixed use, and corridor development. City officials in planning and land use management likewise acknowledge this.

The urban boundary, first introduced in 2000, became the basis of competition between the municipal scale and the provincial scale. The goal of the urban boundary, according to many current and former officials whom I interviewed, was to drive private development toward existing transportation corridors, so as to encourage density and transit-oriented development. A further goal was to minimize the extension of infrastructure networks to new peripheral neighborhoods of development that would then require recurring municipal operational maintenance.

Municipal authorities insisted that the boundary was theirs to enforce on the basis of the Development Facilitation Act (DFA) of 1995. However, over the course of the decade subsequent to the introduction of the boundary, it had become an open secret among developers that if a given development fell outside the municipal boundary, an appeal could be made to Gauteng provincial authorities, who enforced a more permissive development boundary.

This form of real estate “venue-shopping” undercut the authority of municipal bureaucrats responsible for managing development approvals. A veteran mid-rank staffer of the city’s Land Use Management department described the change as follows:

The main objective [of the DFA] was to facilitate reconstruction and development. Those type of developments—the backlog of housing. So the idea was to allow the process to be faster. Not to go through all the stringent processes. So that was supposed to fast-track. But the way it was written it did not prevent any other developer from using this system. So these guys, they saw a loophole and then most applications were processed by province. Now they had powers to disregard any of our policies.²⁴

This bureaucratic sensibility was shaped by a distinct sense of powerlessness.

While Gauteng provincial officials were able to use the more permissive boundary to implicitly incentivize development in neighboring municipalities, they also continued to stretch the bulk infrastructure requirements of the Johannesburg municipality. Beyond previous northern business nodes such as Sandton and Bryanston, new nodes were consolidated on the edge of the city and beyond, in places like Weltevreden Park, Randpark Ridge, Honeydew, Lanseria, Midrand, and Kempton Park (Murray 2015). Charl Fitzgerald, a developer with large-scale projects in Honeydew, expressed typical complaints about the ways that developers maneuver city officials to get new developments off the ground in these areas:

The problem was created by the local authority. I mean my personal opinion, is that there was not proper planning from their side to coincide with the growth of a particular town and their excuses are normally budget. But if you budget correctly years in advance that should also be fine and if you allocate your money correctly as a [City] Council I think it can also, if you don’t waste your money on unnecessary stuff. So it is quite a process to get all the services negotiated and then we install those services. We sit with engineers who design the services. We submit it to the Council, it gets approved and then we install those services. We build the roads and everything ourselves. Put all the storm water, electricity, water, sewer lines.²⁵

While Fitzgerald acknowledged that installing these services removed significant tax burdens for the development, he insisted that this was counterbalanced by requirements for higher up-front capital investments. From the perspective of the city, the operational maintenance of the infrastructure always remains its responsibility. And while Fitzgerald criticized city budgeting practices, the fact is that the extent of development in Honeydew was not part of the city’s original spatial plans in the early 2000s. Throughout the 2000s, new spatial plans were introduced in attempts to address a growing realization that private development patterns continued to reproduce existing spatial divisions (Todes 2015).

The area of the city where Fitzgerald and others were developing would become a major source of conflict between the city and province, and an opportunity for institutional arbitrage. Developers sought to continue to grow private property holdings in Honeydew and adjacent Ruimsig, which was over the city’s development boundary, but not beyond the province’s. While the city of Johannesburg had not agreed to rezone land that would establish a township to enable new development, the province did, and development began.

The conflict came to a head when the metropolitan municipality of Johannesburg took

Gauteng to court in a case that began in 2007 that eventually reached the Constitutional Court in 2010. The DFA had given this power to provincial authorities. The city argued that the Constitution granted this power to municipalities. The Constitutional Court ruled in favor of the city but also supported the recommendation of an *amicus curiae* brief by the SAPOA that the act could not be scrapped entirely without a provision for a new law specifying how zoning rights could be established in areas without municipal control, primarily rural areas administered through provinces.

In essence, just as the city seemed to have found a way to get control over its own planning tools, its momentum was foiled by SAPOA's appeal for new legislation. The Court's decision included a clause that delayed the scuttling of the DFA until new legislation could be passed in Parliament within 24 months. This new legislation was finally gazetted in July 2015, under the Spatial Planning and Land Use Management Act. The city's director of land use management, Gina Zanti, reported that the Constitutional Court case that ruled in favor of the city did not actually stop further instances of developers achieving development rights in areas beyond the city boundary by getting approvals from the Gauteng province.²⁶ The way that a moment of reform was repurposed to reproduce the existing spatial trajectory of the city was slightly different in this case. New institutional scales—the national Constitutional Court and the Gauteng Province—were mobilized by developers to prevent assertion of city authority.

By the end of this period, developers and city officials were beginning to pursue something that resembled a more classic urban growth coalition. The mayoral administration began touting its spatial development framework known as “the corridors of freedom,” which was supposed to target new market and subsidized development around the nodes of a planned BRT network. This mirrored popular approaches to “transit-oriented development” across the globe. In 2015, city officials began

holding regular engagements with SAPOA leadership and key members. A senior official in the development planning office in the city reported that this was the first period in which such regular engagements had ever taken place.²⁷

CONCLUSION: INSTITUTIONAL LAYERING OF SOCIAL REPRODUCTION

In both of the strategies under examination here, we see resilient actors ready to ensure their interests in the face of massive popular and political momentum for a reordering of the spatial divides that characterized the previous era. These wealthy property developers and property owners organized on a strategic basis, and on terms fundamentally constructed by space: enclosing neighborhood infrastructure and maintaining exclusive business nodes for development. It is tempting to view this as a coordinated urban “regime” or “growth machine,” which have been observed in American cities.

But, especially in comparative perspective, it is striking just how much the public authorities in the city of Johannesburg have not been allied to real estate developers. When viewed only in terms of outcomes, some have argued that Johannesburg is a case of extreme “real estate capitalism” (Murray 2011). These accounts powerfully document the ways that developers have found new territories in which to generate revenues through projects that increase the level of division and “enclavization” that characterize post-Apartheid Johannesburg.

This article has instead focused on the institutional trajectories that make this possible. It does so by focusing on the specific, contingent relationships among actors in key political and bureaucratic positions that have made this happen. If Johannesburg were merely an instance of “actually existing neoliberalism” (Peck et al. 2018), then we would expect that institutional conditions for uneven development would be overdetermined by what

are essentially global flows of capitalism. As Parnell and Robinson (2012) have argued, South African urban policy is a particularly useful starting point for theorizing beyond the “neoliberal” frame precisely because it has the conditions of relatively strong state capacity and meaningful rights-based programmatic commitments. Researchers in Johannesburg continue to find that it is a case where the confluence of race in politics and commitments to redistribution elude highly structural accounts (Mosselson 2017).

The advantage of the historical approach that I deploy here is that we can make sense of a consequential series of strategic attempts at reform, contention, and reformulation of priorities. In fact, it is striking just how durable the political imperative to address spatial division has been in Johannesburg. Throughout the past two decades, the city of Johannesburg has continued to push processes of institutional reform to alter the spatial trajectory of the city. Individual instances of deal-cutting notwithstanding, the political mandate of the city has always been to craft institutions that could redirect the spatial trajectory of the city. The strategy of former ANC mayor Parks Tau from 2012 to 2016 highlights the resilience of this political imperative: the “corridors of freedom” plan that was the flagship policy of his administration envisioned a strong role for the local state to develop land and public transportation to overcome the divides of the “Apartheid city.”

Private property developers and property owners deployed strategies that maximized their comparative advantage vis-à-vis public political power at the local level (1) in terms of imbalances between the relative centralization of fiscal and bureaucratic powers, and (2) between scales of government, in terms of unclear authority for managing land development. They then used these institutional resources to repurpose moments of reform designed to assert public authority to shift spatial inequities, to instead validate strategies for new development that reinforced existing spatial divisions.

We can therefore make out the mechanisms by which economic elite minorities subvert

the imperatives of political majorities. The first strategy of “ring-fencing” shows how private sector interests can organize around place-based interests to impede centralizing reforms aimed at achieving city-wide spatial transformations. In the second strategy of “venue-shopping,” they first played provincial and local authorities against each other. Once the conditions for this strategy were under threat, they were able to reformulate the Constitutional Court decision into a stalled reform, a pitfall of “legislating from the bench.”

The Johannesburg case carries at least two implications for the comparative study of institutional change. First, moments of political transition present very specific types of opportunities and limitations with regard to overcoming socio-economic structural divides. Legacy elites have the most to lose from reforms that are part of a transition from authoritarian to democratic institutions, precisely because they lack the political legitimacy to fight reforms directly. This is particularly relevant in understanding the ways that attempts to reduce spatial inequalities may be threatened.

It is not unusual to expect that elites will constitute themselves through place-based interests, especially in urban politics, where they form through real estate and property owner interests. The strategy of “ring-fencing” resembles the role of Tax Increment Financing in cities like Chicago, where public finances are hoarded in ways that prevent effective distribution of public goods (Weber 2010). Similarly, the establishment of enterprise zones in British municipalities has been shown to produce shifts in the geography of private investment that resembles the effects of “venue-shopping” examined here (Potter and Moore 2000). The Johannesburg case shows how even when the racial divide produces limits on the democratic legitimacy of elite demands, the relatively hidden strategies that I found can compensate for the lack of coordinated formal policy.

Second, the Johannesburg case suggests that further research could examine the ways that transitions to democracy have structured

urban politics in comparable environments. What conditions of transition enable reforms to be more or less resistant to the strategies of subversion? What role do these “weapons of the strong” at the urban scale play in structuring the national politics of transition? How does race structure the strategies of elite interests in urban space?

Knowing how institutions attempt to change provides insights into how key groups with an interest in these institutions will organize and act to achieve outcomes that remain remarkably similar across time. In this sense, the study of political transformations is the study of the social basis of both reform and counter-reform.

ACKNOWLEDGMENTS

For their comments on drafts of this manuscript, I thank Nitsan Chorev, Peter Evans, Patrick Heller, John Logan, Crispian Olver, Daniel Smith, Guillermo Toral, and the three anonymous reviewers. All errors are mine. I benefited greatly from comments received at presentations of earlier versions of this work at the Gauteng City-Region Observatory and the Public Affairs Research Institute at the University of Witwatersrand in Johannesburg, the Ash Center for Democratic Governance and Innovation at the Harvard Kennedy School of Government, the convention of the American Sociological Association, and Brown University’s Africa Workshop and Comparative Governance Workshop. My sincere thanks to the Public Affairs Research Institute for hosting me during my fieldwork for this research. I am indebted to those in Johannesburg who took time to speak with me, share their experiences, and share documents for this research.

FUNDING

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: I am grateful for extramural financial support from the National Science Foundation (Doctoral Dissertation Research Improvement Award #1802543), the Mellon Foundation/American Council of Learned Societies Dissertation Completion Fellowship, and intramural grants from Brown University’s Graduate Program in Development at the Watson Institute for International and Public Affairs, the Institute at Brown for Environment and Society, and the Office of Global Engagement.

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NOTES

1. Census data from the government statistical agency, StatsSA.
2. This argument builds on Clarno (2013) who finds that overwhelmingly white neighborhood groups in Johannesburg have rearticulated race, class, and space in the city. My argument here shows how that rearticulation plays out in the arena of politics and bureaucratic change.
3. Transvaal was the name of the province including Johannesburg.
4. Interview with the author, July 7, 2015.
5. Interview with the author, July 20, 2015.
6. Interview with the author, July 15, 2015.
7. See Note 6.
8. See Note 6.
9. Interview with the author, June 11, 2015.
10. See Note 10.
11. Interview with the author, August 10, 2017.
12. Interview with the author, July 15, 2015.
13. Johannesburg was running an annual expenditure of R8.5 billion.
14. Interview with the author, July 15, 2015.
15. See Note 14.
16. Commonly used term in South Africa for a traffic light.
17. Interview with the author, June 18, 2015.
18. A senior advisor to Tau who claimed to have coined the term told me that “corridors of freedom” was not initially a stand-alone plan, but a new slogan to encompass existing spatial and budgetary plans.
19. Interview with the author, July 21, 2015.
20. Interview with the author, August 10, 2017.
21. Interview with the author, August 8, 2017.
22. Interview with the author, July 22, 2015.
23. This was reported to me by private developers, planners, as well as city officials.
24. Interview with the author, August 28, 2017.
25. Interview with the author, June 26, 2015.
26. Interview with the author, July 7, 2015.
27. Interview with the author, July 6, 2015.

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