

The role of the media in a democracy: Unravelling the politics between the media, the state and the ANC in South Africa.

Research Question: What is the intersection between the floating signifier, 'Democracy' and an independent press?

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Dedication

This thesis is dedicated to all independent journalists in South Africa, as well as to those in the rest of Africa, who often risk imprisonment, and sometimes even their lives, to tell the stories of the continent.

Declaration

I declare that this thesis is my own unaided work. It has not been submitted before for any other degree or examination in any other university

Glenda Daniels

Signature

Date

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Key Words: Democracy, Media, Ideological Interpellation, Subjectivisation, Hegemony, Agonistic Pluralism, Legitimate Adversaries, Social Fantasy and Resignifications.

Sub-questions

1. To what extent, and how, have the ruling party, the state, and the government attempted to restrict the free space of the media since 1994 in the name of democracy?
2. How does the ANC understand 'freedom of the press' considering that it proposed a Media Appeals Tribunal at the Polokwane Conference in 2007?
3. What are the operational functions of the signifiers 'democracy' and 'race' in relation to a free press?
4. How is the interpellation and lawsuit against cartoonist, Zapiro, to be understood within the context of the provisions of the Constitution and the ANC's stated adherence to freedom of expression?
5. In the case of the *Sunday Times* versus the former Health Minister in 2007, was the newspaper acting in the public interest; and how are subsequent ideological interpellations of the newspaper by the ANC to be understood?
6. Is the term 'development journalism' merely a dressing up of an unprogressive hegemony in the ruling party's discourse?

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Preface

While this work is an academic study, it must be stated up-front that I undertook this work from the position of a practicing journalist. I have also added my own experiences into the thesis from time to time. My multiple, free-floating and indeterminate subjectivities as journalist, woman, black, middle class, former anti-apartheid activist and presently on the Right2Know national working group, might be evident. More unconscious subjectivities may also be prevalent. So while this is an academic project, it is also a work within normative theory. It takes up normative positions. Mine is a multiple subject position, a particular stand point, *ab initio*. It does not hide under an impossible cloak of detachment and objectivity. My objective was to show that journalism makes a contribution, albeit an imperfect one, to the deepening of democracy. In the process I might not have shown precisely how imperfectly the media plays its role in this process. There are many roles of the media in a democracy. I have focused on the role of public watchdog and that of holding power to account.

The ANC fought a noble fight in exile, and inside the country, for a democratic South Africa. However, the irony is that the fight had to be strategically undertaken from exile, had to be done largely in secret because of the nature of the organisation, its military component, and because it was banned inside the country. In this analysis of the relationship between the ANC and the media in South Africa, I've drawn a picture, possibly overdrawn, of a highly contentious politics in the ANC vis-à-vis its support of the Protection of Information Bill and a Media Appeals Tribunal, of an organisation virtually turning against its own project of developing a radical democracy. It was this conundrum and complex paradox that the thesis set out to explore. Why was the ANC seemingly becoming anti-democratic? Three other issues might be raised in a critique of this thesis. First, a Freudian critic of this thesis might find my use of the unconscious and conscious inadequate at best, and at worst even inappropriate. I could have gone deeper into psychoanalysis but in the interests of wanting my work to be accessible, I limited my exploration of psychoanalytic perspectives, and simply appropriated what I considered to be useful concepts to analyse

critical issues. Second, a media studies critic and a Marxist critic would immediately find the fact that I have not covered the two following aspects of social and economic issues in sufficient depth as critical. The first issue is that of what is commonly referred to as 'Transformation and Diversity' and the second, class and ownership of the media. In my view both of these issues are vital, but each is worthy of a thesis on its own. In this study, I briefly explain what the debates around both issues are, but I do not cover them in depth. A further aspect of this critique might suggest also that the focus on politics and ideology take precedence over materialism, and class essentialism in my work. This is intentional. My focus is precisely upon the ideological interpellations that flow from the ANC's critique of the media, and vice versa. Third, rather than a chronological sequence, I have followed a thematic approach in the thesis. These themes follow the theoretical philosophical nature of the work that attempts to blend the concepts drawn from radical democracy, psychoanalysis and post-modernism.

I argue that the media contributes to democracy in South Africa as a 'floating signifier' that is always open to contestation and division. I contrast 'floating signifier' with a 'master signifier' that closes discussion and is hegemonic, in the Gramscian sense. The meaning given to a democracy as floating signifier contributes to the idea of a 'radical democracy' that speaks with a multiplicity of voices rather than oneness and closure over difference. My argument is that the independent media is an agonistic, adversarial space, while journalists are legitimate adversaries, who have a significant role to play in the creation of and deepening of a pluralistic radical democratic order. It is therefore inappropriate to gaze on them as enemies who are anti-transformation and unpatriotic.

Chapter 1

Introduction

Gratitude for liberation should not mean unending gratitude to the leading movement in that process. It is very human to be caught in the seductive embrace of one's liberators, but it is irresponsible and shirking one's duty to continue to entrust the future of ones society solely to a party or parties associated with the liberation struggle (Mamphela Ramphele: August 2010).¹

The role of the news media² in South Africa's democracy³ presents a paradox, a historically created conundrum: the South African media finds itself subjected to the ruling party's desire for more unity and consensus in the fractured social. The ruling party, the African National Congress's (ANC) desire would be met if there was a more supportive and loyal press. However, the press finds this out of kilter with its professional code of ethics⁴, its role of holding power to account, exposing abuses of power or being a 'watchdog' in the unfolding democracy. The historically created conundrum consists of the 'logic' that because the ruling party, the ANC, led the liberation struggle and was democratically elected, it therefore deserves a more sympathetic press. As Mamphela Ramphele has noted in the opening quotation to this chapter, it would be irresponsible to be 'caught in the embrace of one's liberators'. She averred in her support of a media independent from political control, that 'we must guard against the closing of the mind and inward turning of the gaze that leads to tyranny [...]

¹ Dr Mamphela Ramphele is a former anti apartheid activist, business woman, medical doctor, and an outspoken political commentator on current affairs in South Africa. This is an extract from a speech she made at the University of Cape Town at the launch of the Open Society Monitoring Index. See *Mail & Guardian*: House of Freedom is open to all: 13-19 August 2010.

² News media consists of radio, online and mobile, television and print media; however this research's primary focus is the print media in the form of English speaking newspapers and the role this section of media plays in a democracy. The print media is under more severe subjection from the ruling party than the other media sectors.

³ See also Richard Sandbrook (1996) in *Transitions without consolidation: democratization in six African cases*: 'Democracy requires much more than periodic elections. The hallmarks of democracy – accountability, transparency in decision making [...] depend upon the consolidation of an array of democratic and ancillary institutions ... Chief among these are party systems and independent mass media. Third World Quarterly, Vol. 17, No 1, .69-87

⁴ The codes of the profession are contained in The South African Press Code of 1996 in the Appendix where among other issues there is a duty for the press to report on matters of public interest. The primary purpose of gathering and distributing news and opinion is to serve society by informing citizens and enabling them to make informed judgments on the issues of the time.

We need to know how open our society is so that we have a yardstick against which to measure South Africa's progress in creating an open society' (ibid). Since 1994 various strands of the ANC have, to varying degrees, conceptualised the media in an 'us and them' formulation, or in a matrix which positions the media as outside democracy. Yet the contestations and tensions which are unravelled in this thesis are internal to democracy itself and provide a conceptual starting point. This chapter provides an introduction to the study, presents the aim and rationale, the literature review, theoretical framework, methodology and chapter outline. This thesis is a theoretical work, based in political philosophy. The literature review locates the concepts deployed in the thesis, which are further explicated in the discussion of the theoretical framework and the methodology sections of this chapter.

Ernesto Laclau and Chantal Mouffe argued in *Hegemony and Socialist Strategy* (1985) that democracy is secured precisely through its resistance to realisation, a foundational point which has been accepted by the key political philosophical works of the three authors whose perspectives have guided this thesis: Judith Butler, Chantal Mouffe and Slavoj Žižek. Laclau and Mouffe also stated that the different political spaces, and a plurality of such spaces, are part and parcel of the deepening of the democratic project, which is an expansive progressive hegemony (2000). Within this multiplicity of spaces, that are open and not hermetically sealed, there are contestations, changing meanings and constant flux. Difference rather than unity, therefore, is necessary in any democratic transition. Dissension should be accepted, and those who criticise should be viewed as legitimate adversaries rather than as enemies. This is how a radical democracy is generated, according to Mouffe in *The Democratic Paradox* (2000). In this thesis, one of the central arguments is that the media is one such space or platform for a diversity of views but, even more importantly, a medium for the contestation of meaning in politics. However, journalists are not 'enemies of the people', nor are they outsiders in a democracy: they play a role in the deepening of democracy.

The floating signifier⁵ for 'the media'⁶, not a homogeneous bloc, as well as for 'the ANC', also not a homogeneous bloc, is 'democracy' and yet both understand the concept differently. The intersection between the independent media⁷ and democracy in an unrealised democracy is under scrutiny in this project. The aim is to preserve the ideality of democracy, to ward off dissolution, and also hopefully to inform action or activism to halt the whittling away of the 'free'⁸ space of the media. The South African media professes to play a vital role in entrenching the articles of the Constitution⁹, ensuring a transparent democracy which holds public officials accountable for their decisions and actions, and exposes the abuse of power and corruption by ruling elites. The questions are to do with the concept of democracy and its realisation; the tension between the two constitutive dimensions of democracy: a) the realisation of the popular will, particularly pressing in South Africa with its history of apartheid racism, class divisions, growing poverty and failures of service delivery, housing provision and unemployment; and b) the reproduction of the condition of its 'free' articulation. This is, then, the intrinsically unstable matrix of all forms of democracy, within whose 'space' any 'free press' has to find its feet.

In Žizek's conceptual analysis, especially in a seminal text pertinent for this research, *The Sublime Object of Ideology* (1989), a post-modern twist or the self-reflexive aspect of ideology is that of the Master-Signifier which deploys imaginary and symbolic identification, the latter meaning we see ourselves in how we are seen by the 'big

⁵ A floating signifier is a signifier that does not have full meaning: one that has not been linked to another signifier, making a signified, which is different from a Master Signifier which puts an end to the chain of meaning: a transcendental signifier that anchors all meaning at the end of the day. That is why democracy *stricto sensu* cannot be a Master Signifier i.e. because democracy is the recognition that there is no 'meaning' (but this does not stop it from being treated as such).

⁶ By 'the media', in this thesis, is meant news media, journalism, news reporting, analysis and political commentating. It does not mean media as a whole, which includes branding and the advertising industry, among others.

⁷ The media can never be totally independent or totally free. This would mean anarchy. It has to be responsible and accountable to the citizenry, the Constitution and its own code of professional ethics. But it is also subject to commercial forces, i.e. it has to sell its own product.

⁸ By 'free' in this research is meant relatively free, relatively autonomous and relatively independent, with the focus on relative freedom from political pressures and state interference.

⁹ Hailed as one of the greatest documents in the world, the Constitution also has its critics. For example, it is 'so politically correct that if you sneeze you can be accused of racism or xenophobia', wrote columnist for *The Weekender* Mlungisi Zondi (19-20 April 2008). In an article headlined 'Thanks to the Constitution, many a bum is protected', Zondi wrote: 'I sure am getting a bit sick of the petulant political correctness this document seems to impose on people with anything real to say' (ibid).

other'.¹⁰ And, according to Mouffe (2006: 974), in a 'radical pluralist democracy' the media can be gate-openers rather than gate-closers. Her model of democracy not only allows for theorising the increase of pluralism within journalism, but also allows for the increase of pluralism through journalism. In South Africa, as in many other parts of the world, the media does not exist as a fixed, homogeneous entity. Although there are organisational forums and non-governmental bodies¹¹ set up where representatives of the media share ideas, debate professional issues and even outline codes of conduct, the media in South Africa does not share a collective or unitary identity.¹²

Different forces drive editorial content, from the diverse theoretical platforms from which journalists operate to the different economic and political agendas of the media owners and managers.¹³ The South African media is fractured, open-ended and constitutively undecided in its nature. It is for this reason that I have chosen to analyse this research topic through a radical democratic theoretical framework, coupled with a blend of Zizekian psychoanalysis, which goes beyond the liberal democratic paradigm. The question is, if the media is not independent and free to criticise¹⁴, what is the intersection between democracy and an independent press? A critical question is, first, how the ANC 'sees' the media vis-à-vis democracy, in other words, its gaze¹⁵, or its many gazes, some of which are narrow and unprogressively hegemonic. A second question, in contrast to the ANC's view, is how journalists' view their role, and seek not

¹⁰ See Kay (2003: 159) in *Zizek A critical introduction*: [...] 'the idea that there is an other of the other is psychotic; this is why we need to discover that the big other does not exist, that it is merely an imposter, that it is lacking or inconsistent as a result of its deficient relation to the real.'

¹¹ Examples include the South African National Editors Forum (Sanef), the Forum for Black Journalists (FBJ), the Media Institute of Southern Africa (Misa), the Freedom of Expression Institute (FXI), and Media Monitoring Africa.

¹² This issue of identifying with different signifiers, such as development, professional codes, ethics and race, are discussed in Chapter Four: The Signifier, Race and 'The Media'; Chapter Five: Ambivalence in Freedom of Expression: the Case of Zapiro: a Legitimate Adversary, not an Enemy; and Chapter Eight: Hegemonising the Social via the Construct of Developmental Journalism.

¹³ See, for example, Boloka (2003: 56): 'Media organisations all over the world have largely moved from public towards business institutions driven by profit'.

¹⁴ For instance, Sandbrook (1996) in his paper *Transitions without consolidation*, wrote: 'A less healthy trend is the mutual antagonism of elected governments and the independent press. Government leaders denounce the press for its "misrepresentations", "falsehoods" and "irresponsibility"'. The other side of the story, he commented, was that newspapers, shackled by poorly trained and inexperienced reporters, mix unsubstantiated charges with their hard news (ibid).

¹⁵ 'Gaze' in Zizek is used in the Lacanian sense, in that there is a gap between the way I see myself and the way in which the external world does. See for instance his example of the Stalinist elevation of the dignity of the 'ordinary working people': this 'idealised image of the working class is staged for the gaze of the ruling Party bureaucracy' (1989: 107).

to be 'ideologically in tandem' (Interview: 24 January 2008) with the ruling party. A third question follows, then, as to how attempts are made by the ruling bloc to unify society via foreclosures, and is there a succumbing to the ideological interpellations¹⁶ or a 'turn' away by the media from the attempted subjectivisations? Are the attempts to quilt or unify society via a *point de capiton* (Zizek, 1989: 95-100),¹⁷ succeeding vis-à-vis the interpellations against the media? These are the key questions asked in this thesis. While the focus is on the relationship of the ANC and the media vis-à-vis democracy in post apartheid South Africa, it discusses and traces the organisation's stance on the media prior to its becoming the ruling party. The research ends in 2010 when three significant events took place which, it could be argued, highlighted the greatest tension in the democratic dispensation between the media and the ANC. The events in 2010 that related to threatened closure of spaces for media freedom were: first, the desire of the ANC for a statutory Media Appeals Tribunal; and second, the Protection of Information Bill, which in its present form would create a secretive society. The third event was the arrest of a journalist, Mzilikazi wa Afrika from the *Sunday Times* on 4 August 2010, for 'fraud and defeating the ends of justice' which raised concerns about state bullying (*The Times*: 5 August 2010). These events signified the unprogressive hegemonising of the social by the ANC. The reaction of the media, according to the ANC, was 'hysterical'.¹⁸ Even before the last development, i.e. the arrest, in April 2010 of a respected monitor of media freedom in different countries, Freedom House, downgraded South Africa in its 2010 Freedom of the Press Survey, from 'free' to 'partly free', a category which harked back to the apartheid days (*Business Day* 12 August 2010).¹⁹ The reason for this downgraded status was due to the fact that ten existing

¹⁶ Interpellation in this thesis is used in the Althusserian sense of hailing: the making of an individual into a subject through labelling: it could be 'hey you' it could be 'woman' or it could be 'black'. See Althusser (1994) in Zizek (ed.) *Mapping Ideology*, pp. 100-140.

¹⁷ The *point de capiton* in Zizek is a knot, an upholstery button, which pins down meaning or ties up meaning to avoid slippages and slidings of meanings. This will be discussed in more detail later in the thesis.

¹⁸ This is discussed in the section on the Media Tribunal, in Chapter Six. The 'hysterical subject' is a critical component of Freud's theory, and was borrowed by Zizek (1989: 111-112). The hysterical subject in this thesis is the ANC, not the media. The argument here is that the ANC had become hysterical over its various exposures of corruption and so targeted the messenger, the media, when it decided it needed a Media Tribunal to curb the excesses of the independent media.

¹⁹ See editor and publisher of Southern Africa Report and deputy chairperson of the South African National Editors media freedom committee, Raymond Louw in *Business Day*: Threat to press freedom is already here: 12 August 2010).

laws from the apartheid era had not yet been abolished.²⁰ In October 2010, the country dropped five places in the Reporters without Borders²¹ annual Press Freedom Index (*Mail & Guardian*: 22-28 October 2010). The main reason cited for this decreased stature was the behaviour of senior members of the ANC towards the press. Let us turn to some of the main events in 2010 which signalled that press freedom was under serious threat from the ruling party and the state.

First, in July 2010 the ANC decided to revive the resolution from its 52nd National Policy Conference in Polokwane in December 2007, to investigate the establishment of a statutory Media Tribunal to curb the excesses of a media that was 'a law unto itself'. The ANC argued that the self-regulatory system²² of the media had become self-serving according to the discussion document, *Media Transformation, Ownership and Diversity* (ANC, 2010).²³ The envisaged Media Tribunal could entail registration of journalists and could impose punitive measures against the media for false and malicious reporting. This statutory body would be constituted by members of parliament, the near majority, or nearly two-thirds, of whom are ANC members,²⁴ and would be an appeals structure, possibly with judicial powers. The Media Tribunal was supported by the President of the ANC elected at Polokwane, Jacob Zuma, who then became the country's President after the 2009 general election. Zuma said: '[...] human rights were trampled on by the media', that it 'invaded peoples' privacy' and that 'the media must behave like everybody else [...] this media that says it is the watchdog for democracy was not democratically elected' (*The Times*: 12 August 2010).

The aim of the Media Tribunal, according to ANC spokesperson Jackson Mthembu, was to halt journalists' 'excesses and waywardness' (*Mail & Guardian*: 23-29 July 2010). 'If you have to go to prison, let it be. If you pay millions for defamation, let it be. If

²⁰ These laws are discussed in Chapter Two and Chapter Three.

²¹ Reporters Without Borders is an organisation, founded in 1985. It fights for press freedom on a daily basis and provides financial and other assistance to journalists in need.

²² The self regulatory system of the media consists of the Press Council, the Ombudsman and the Media Appeals Panel. The system is governed by the Press Code, to be found in the Appendix of this thesis.

²³ This was an ANC document produced in preparation for its National General Council (NGC) in September 2010.

²⁴ And as William Bird director of the Media Monitoring Africa noted: 'The ANC needed to prove how parliamentary appointments to the tribunal would be fair, considering that it dominated Parliament. (*The Times* ANC must back its arguments for Media Tribunal: 10 August 2010)

journalists have to be fired because they don't contribute to the South Africa we want, let it be' (ibid). Blade Nzimande, the South African Communist Party's (SACP) General Secretary who became the Minister of Higher Education in 2009, supported the Media Tribunal because: 'If there is one serious threat to our democracy, it is a media that is accountable to itself [...] we have no opposition other than the bourgeois media' (*The Times*: 2 August 2010). The subsequent Minister of Communications, Sipiwe Nyanda²⁵, a former general in the South African National Defence Force, also supported a tribunal after he had endured criticism in the press for 'high living': 'I do not understand how the purchase of cars and hotel stays amount to corruption. The media trivialises the matter by tagging as 'corruption' things done by politicians that they do not like' (*Sunday Times*: 1 August 2010). The leader of the ANC Youth League, Julius Malema also supported the Media Tribunal: 'It is important that we need to fight this media which is ruling itself, the media which is now a law unto itself. These people they can destroy the revolution. They think they are untouchable and they can write about anything they like [...] that time has come to an end [...] these people are dangerous' (*Sunday Times*: 8 August 2010).

The above rhetoric has several implications for the political philosophical discussions in this thesis. First is that all of the people quoted above: Mthembu, Nyanda, Zuma, Nzimande and Malema, it is argued in this work, present ideological interpellations against an independent media. Second, the discourse suggests closures in the social and, in addition, the ideological interpellations position 'the media' as outside democracy. Finally, the discourse and proposed statutory interventions: a Media Tribunal and the Protection of Information Bill signalled an ideological social fantasy of the ANC. The social fantasy was that through political control of the media, it could cover up its own inadequacies, its own fractious nature and the disunity of the social itself. In Zizekian philosophical discourse, ideology is used to mask antagonism. This is a key point which will be discussed in more detail throughout this thesis, but in particular in Chapter Six: The Ideological Social Fantasy: The ANC's Gaze on the Media.

²⁵ Nyanda was fired as Minister of Communications in November 2010 during President Zuma's cabinet reshuffle. Nyanda was replaced by Roy Padayachie.

The second implication is the attempted subjectivisation of the media via the Protection of Information Bill. If enacted, this would criminalise investigative journalism and would create a secret society.²⁶ Section 43 of the Bill replaced traditional concerns about national security with the need for secrecy of any information which might harm the national interest (Protection of Information Bill, 5 March 2010). This, in effect, means that any organ of state or state owned enterprise, from Telkom to a local municipality, could classify a document as secret. The defects of the Bill, particularly the overly broad definitions of national interest and national security, were widely publicised, and are discussed in Chapter Three. The impact on the world of journalism would be severe: penalties for offences would range from between three to twenty five years in jail depending on how serious the offence was. In addition, many stories would not be publishable. The Bill had been described as ‘draconian’, a violation of media freedom and freedom of expression, one which would have a chilling effect on the publication of matters of public interest²⁷ and, further, one which would not stand the test of constitutionality.²⁸ For state law advisor, Enver Daniels, however, the Protection of Information Bill was meant to ‘balance’ the Promotion of Access to Information Act (No 2 of 2000), arguing that the reactions by the press and civil society groupings²⁹ which had made submissions to Parliament, were ‘emotional and hysterical’ (*The Star*: 28 July 2010).³⁰

²⁶ ‘This legislation is clearly totalitarian in nature – and it’s a disgrace, and frankly, a national embarrassment for South Africa,’ commented director for the Centre for Investigative Journalism, Gavin Macfayden, based in London (*Sunday Times*: Read all about the info bill: 15 August 2010).

²⁷ Had the law been in place at the time, the following stories would not have been published legally according to experts polled in August 2010: The Oilgate story about the payment of R11-million in PetroSA money by a private company to the ANC’s 2004 election campaign; a story on the link between wife of Minister of State Security, Siyabonga Cwele, and an international cocaine ring; a story on the SABC official wasting R49-million on dud shows; and the 2007 expose of baby deaths at the Mount Frere hospital in the Eastern Cape (see *Sunday Times*: Read all about the info bill: 15 August 2010).

²⁸ See articles: The more things change, the more....: *Sunday Independent*: 15 August 2010; Secrets: us and them: *The Times*: 10 August 2010; No protection for us, the people: *The Star* 9 August 2010; Cutting through the confusion: *Saturday Star*: 7 August 2010; How to cover up abuse of power in a legal way: *Sunday Times*: 25 July 2010; State law advisor dismisses Information Bill concerns: *The Star*: 28 July 2010; New dog attempting to perform old tricks: *Sunday Times*: 25 July 2010; Not in the National Interest: *Mail & Guardian*: 16-22 July 2010; Knee jerk secrecy is futile: *Business Day*: 28 July 2010; More power to Nyanda; *City Press*: 25 July 2010;

²⁹ These include the South African National Editors Forum (Sanef), Print Media SA, the Freedom of Expression Institute (FXI), the Institute for Democracy in South Africa (Idasa), South African Human Rights Commission (SAHRC) and the ANC’s own alliance partner, the Congress of South African Trade Unions (Cosatu).

³⁰ See *The Star*: Info Bill will create openness: 11 August 2010 and *Business Day*: Secrecy bill declared ‘fully constitutional’: 28 July 2010.

A third implication of increasing intimidation of the free press, arises from the arrest on 4 August 2010, a *Sunday Times* investigative journalist, Mzilikazi wa Afrika, by seven plain clothes policemen outside his newspaper offices in Rosebank, Johannesburg in a manner reminiscent of the apartheid days.³¹ While the South African National Editors Forum (Sanef) was engaged in a meeting with journalists to discuss the attempts at their subjectivisation by means of the Information Bill and Media Tribunal, and how to approach the matter, the seven plain clothes policeman arrived at the newspaper head office and shoved photographers around, before they manhandled and arrested Wa Afrika for 'fraud' and 'defeating the ends of justice' (*Mail & Guardian*: 13-19 August)³². It subsequently emerged that the ANC was unhappy about the exposures of divisions and fractures in the party's leadership in Mpumalanga and the arrest was part of a strategy to stop Wa Afrika from his investigative reporting.³³

The deepening of South Africa's democracy will depend upon the acceptance and tolerance by the ANC and the government of the scrutiny by the media of its performance. Pallo Jordan, one of the ANC's leading intellectuals, made this point too.³⁴ He wrote that, in the spirit of the Constitution,³⁵ the value we place on a free independent and outspoken press in democratic South Africa cannot be overstated (*The Times*: 20 August 2010). In addition, he commented: 'The ANC has not and shall not wilt under criticism or close scrutiny,' (ibid). He stated that his argument was within the

³¹ This incident was witnessed by me, present at a Sanef meeting at the time to discuss the proposed curbs on the media.

³² Wa Afrika was in possession of an apparently fraudulent letter of resignation which the Premier of Mpumalanga, David Mabuza, was supposed to have penned to the President. The letter was subsequently traced back to the premier's office and it would seem that the journalist had indeed become a victim of power politics in the province of Mpumalanga. The arrest of Wa Afrika was a sign from the ruling bloc of sheer intimidation. (See *Mail & Guardian*: Sin doctor red faced over fake letter and the nine lives of Wa Afrika: 13-19 August 2010).

³³ See article entitled: Of spies and attacks on the media: It doesn't matter who or where you are, your government is keeping an eye on you. Just so they know 'who is who', they say (*The Sunday Independent*: 8 August 2010). See also *The Times* editorial: Journalist's arrest raises concerns about state bullying: 5 August 2010: 'Sunday Times managers believe the arrest relates to a series of stories Wa Afrika was working on relating to hit squads in Mpumalanga. And the arrest is an attempt at intimidation, sending a somewhat sinister message to the South African media'.

³⁴ Jordan is an ANC National Executive Committee (NEC) member and chairperson of the NEC subcommittee on communication, and has always been regarded as one of the organisation's intellectuals.

³⁵ The Constitution of the Republic of South Africa, 1996: Act 108 of 1996 which stipulated in The Bill of Rights freedom of speech, a Constitution which also states that the institutions of state have to ensure accountability, responsiveness and openness.

tradition of the ANC itself: 'The ANC has a long track record of commitment to media freedom. In defending a free media, we are defending the ANC's own rich heritage [...]' (ANC Today: 2010). However, a mere month later, Jordan did an about-turn. He announced at a press conference after the ANC National General Council (NGC) on 24 September 2010 that the Media Tribunal, which the organisation had resolved to take forward, was an indication of the ANC's commitment to press freedom. Then the following month, in October 2010, Jordan wrote that the media did not reflect the transition to democracy: 'When you read our print media you never get a sense that this country is moving from an authoritarian state to democracy' (*Sunday Independent*: 24 October 2010). He became even less a champion of an independent press and an open society when he later stated that 'there is no country that has no secrets. The purpose of the Bill is to protect the secrets of this country' (*Mail & Guardian*: 29 October - 4 November 2010). Here we see what can be called 'split subjectivity'.

Indeed, split subjectivities were evident not just within individuals but the ANC as an organisation could not be seen as ideologically united³⁶, nor had it been left unscarred by the reports of the scandals of corruption exposed in the print media. Could this be why its leaders, such as Zuma, Nyanda, Malema, Nzimande and Mthembu, wanted a Media Tribunal, which aimed ultimately at political control of the media? The following graphic, (*Mail & Guardian*: 20-26 August 2010), showed the exposures of corruption in the print media, by the above leaders: Nyanda's five-star hotel binge; Blade's (Nzimande) high life; Zuma for sale; Malema's new tax dodge; and ANC leader's jailhouse rock, referring to a story about Mthembu's drinking and driving.

³⁶ See for example *Mail & Guardian* report: Zuma fears 'plot' at the NGC: 20-26 August 2010. The story said that Zuma feared he was losing support and undertook a tour of the provinces, while SACP general secretary, Blade Nzimande and secretary general of Cosatu, Zwelinzima Vavi, warned of a plot against him.

Mail + Guardian 20-26 August 2010

Actions speak louder than words

Could this be why these leaders want a media tribunal?

Research: MANDY ROSSOUW
Graphic: JOHN MCCANN

"The debate has nothing to do with the experiences of certain individuals with the media"

President Jacob Zuma

Editors and journalists are sometimes like royalty. They want everyone to kiss their royal ass

Vusi Mona, deputy chief executive officer: strategy and content management — government communication and information system (GCIS)

Mona

[We] should not allow the media to browbeat us into submission

Blade Nzimande, SACP general secretary and higher education minister

If you have to go to prison, let it be. If you have to pay millions for defamation, let it be. If journalists have to be fired because they don't contribute to the South Africa we want, let it be

Jackson Mthembu, ANC national spokesperson

[The media] thinks they are untouchable. These people are dangerous. They write gossip and present it as facts

Julius Malema, ANC Youth League president

[Journalists are] now agents for political battles. I know this because I am one of the victims of this deplorable practice

Siphiwe Nyanda, communications minister

The media has put itself on the pedestal of being the guardian. We therefore have the right to ask, who is guarding the guardian?

Jacob Zuma, president of ANC and South Africa



BLADE'S HIGH LIFE

ANC leader's jailhouse rock

Zuma for sale

Malema's new tax dodge

But what are the problems with the media and the self-regulation system? Many ANC critics of the media, with more nuanced views than Mthembu, Nzimande and Malema cited earlier, for instance, Limko Mtimde (2010), Robert Nkuna (2010) and Essop Pahad (2010) have argued that the print media skews the decisions of the Press Council towards the media. Some of the other criticisms include that the existing system does not give sufficient protection to those whose rights to dignity (also protected in the Constitution) have been violated; the Press Council is toothless, as it does not levy fines and the corrections that are printed are not commensurate in size and placement to the damage done by the offending article; and the Press Council is composed mainly of former journalists.

Franz Kruger said at a colloquium on the media and self-regulation held at the University of the Witwatersrand on 15 September 2010 that some of the arguments from critics of the media needed to be considered and there should be more self-examination by journalists. 'Some house-cleaning needs to happen and journalists need to be more careful.' Some of the issues raised in this respect include the view that leaks should be handled with more care as journalists were vulnerable to manipulation; apologies were not commensurate with mistakes made; the ombudsman's office should consist of people from the public rather than former journalists; there should be a clearer distinction between reporting and commenting and that there were far too many headlines which do not reflect the actual text of the story. These criticisms pointed out by Kruger and others at the event showed that the media was not above criticism and that there was a need for greater self-examination of the way in which it operated.

1.2. Aim

It is widely held view by media academics that intrinsic to the deepening of any democratic project is a free press.³⁷ While my aim is to examine the traditional media, in particular the print media's role in a democracy, other forms of media via new

³⁷ See Keane (1991), Gumede (2005), Jacobs (2004), Berger (1999), Hadland (2007), Mouffe (2006), Durrheim, Quayle, Whitehead, Kriel (2005), Pasek (2006), Waisbord (2007), Gans (2007), Eterna (2007), Harber (2004), Tomaselli (2004), Karppinen (2007) on democracy and the media.

technology have emerged in the last decade to make positive inroads in decentralising the control of information (Tunji Lardner, 1993; John Keane: 1991; Dumisani Moyo, 2008).³⁸ Lardner wrote in 1993 that 'today the state remains at the centre of African culture, but technology has introduced a new element in the triad relationship between the media, government and society'. This made it possible for the media to link up directly with society rather than having to go through the filter of government' (1993: 91). This is a huge area of potential research beyond the scope of this thesis. The aim of this thesis is more modest, and is to unravel the politics of the independent print media, the state and the ANC in South Africa. It aims to theorise trends, contradictions and splits, observations and reflections, and produce findings about the intersection between the independent media and democracy in order to theorise the kind of signifier democracy is in a post-apartheid South Africa. My aim is to limit the focus to particular examples of political interference. While cognisant of arguments from its detractors about the media's commercial imperatives, and how this impacts on the free space of the media, which I cover in Chapter Two, my main focus is on the ANC and the media.

The discourse of the ANC on the media is probed to examine whether there is a dissonance with rhetoric, policies and practice. The thesis examines policy shifts from the ANC's Stellenbosch Conference in 2002 to its Polokwane Conference in 2007 to ascertain if there has indeed been 'an emptying of the democratic content', to use a phrase of media activist, academic and executive director of the FXI, at the time, Jane Duncan, who analysed the issue in a paper in 2009.³⁹ My aim then is to engage with and analyse these issues with the background of democratic theory, and then beyond deploying a theory of radical democracy, through the prism of a psychoanalytical and post-modern lens. By this, I mean combining Mouffe's conception of a radical democracy with Butler's theories of power and subjection (1997) wherein concepts such as, 'reflexive turn' and 'subjectivisation', 'passionate attachments' and 'resignifications' are applied, together with the Zizekean conceptual tools of Master-Signifier and Social

³⁸ See Dumisani Moyo (2008) *Citizen journalism as Political Praxis: the parallel market of information in Zimbabwe's 2008 election* (unpublished paper), on how the use of cellphones, for example, during the run-off election helped people stay abreast of events.

³⁹ Duncan fleshed out this shift in ANC policy in a paper: *The uses and abuses of political economy: the ANC's media policy* (2009), Transformation: Critical Perspectives on Southern Africa (70), pp 1-30.

Fantasy.⁴⁰ With these tools, a discussion, reflection and analysis of events regarding the media and the ANC since 1994, ensues. In addition, I examine what 'turn' journalists made in response to subjectivisation that had already taken place and what this means for the democracy in South Africa. Were these reflexive turns, as in turns against themselves, or were they resignifications and a break from the past, as in loyalties to the ANC because it was the liberation party which freed South Africa from colonial and racist oppression?

Democracy theorists revisited include David Held, Robert Dahl, Ian Shapiro, John Keane, Adrian Hadland, Sean Jacobs, William Gumede, Guy Berger, Gibson Boloka, Lynette Steenveld, Tawana Kupe, Anton Harber, and Mustapha Masmoudi. These theorists are drawn from an interdisciplinary field of media studies, democracy theory, communications theory and journalism studies. Moving beyond these approaches towards a political, theoretical and philosophical perspective, the conceptual works of Zizek, Mouffe and Laclau, and Butler have enabled a unique theorisation of the relationship between the media and democracy in South Africa. The work of the latter theorists enables and encompasses a blend of post-modern and psychoanalytic theorisation, with the objective of offering a critique of the political within a radical democratic vision of a more humane, inclusive and equal world. Theirs is to eschew a one-sided, linear or dogmatic theoretical analysis, but does not pretend to any but a normative approach.

The aim of this thesis then is to develop intersecting theoretical concepts to engage the complex relationship between an independent media and a democracy in South Africa. This means an imaginative and creative endeavour at going beyond the enormous contribution of the approaches of other media and democratic theorists. I use several specific examples, or 'case studies', in as many different chapters, to investigate the expectations of the ANC, South Africa's ruling party in the period under review, regarding the media and how the ANC imagines the media, as well as how the media itself defines its role. I then proceed to explore how, in my view, the independence of

⁴⁰ These concepts are spelt out in the Theoretical Framework section of this chapter.

the media is under threat. The originality of this theoretical endeavour, through an analysis of the specific examples, or 'case studies' if you like, is in bringing together a radical democratic philosophy and concepts deployed in psychoanalysis to understand what is happening in the politics of contention or the 'fight' between the ANC and 'the media', here conceived narrowly as the print media.

Historically there have been difficulties in theorising media and democracy. Berger (2002) discusses how differently the media space is viewed in different contexts in African countries, how there are different conceptions of civil society and how diverse conceptions of the public spaces or public space are in their relations to the state. Berger argued for caution in borrowing concepts with 'first world' connotations, advocating instead for original theory (ibid).⁴¹ Kupe⁴² also commented on how, in grappling with appropriate theoretical frameworks for understanding the African media and media in Africa, he has, just like everybody else, 'taken particular note of the linkages and influences of the 'globalised' media environment of the 20th and 21st centuries' (2004). In other words, he was not attempting to theorise African media outside the context of its links and connections with international media structures. For my part too, I do not attempt to theorise media and democracy merely in the African context as this is narrow and inappropriate given the increasingly globalised nature of the world. Instead, I have examined particularisms, contingency and universalisms simultaneously. This is further justified given the liberal, western nature of the South African Constitution. However, I have, following the theorising of Butler, deployed the universal and particular concepts not as binary opposites. Instead the use of universalistic concepts can be deployed through an 'affirmative deconstruction' process, in other words, to interrogate and use the concept at the same time (2000: 264).

The issues of competing universalisms and particularisms are scrutinised through my interviews and discussions with journalists and editors. It must also be said upfront that I also use the terms 'the ANC' and 'the media' in an affirmative deconstructive way i.e. I

⁴¹ Lardner (1993) also argued for caution: 'We should use the term democracy guardedly, however, because democratization is not essentially the definition of what is happening in the continent today'.

⁴² Professor Tawana Kupe is Dean of the Faculty of Humanities at the University of the Witwatersrand.

use the terms and interrogate them at the same time. In other words, when I write 'the ANC' I do not mean that the ANC is one ideological entity. So I constantly attempt to show the various strands of the ANC through the various discourses, and capture the ambiguities, nuances and ambivalences within the organisation. In the same way, 'the media' is not one monolithic bloc, and this too is shown in the different issues that are analysed in the different chapters. The concepts used will be discussed in the literature review and the theoretical framework of this chapter, and will be further elucidated in the rest of the thesis.

1.3 Rationale

The most fundamental reason for undertaking this research is to preserve the free press (albeit and notwithstanding that it is one which is constrained by commercial pressures), from political interference. The thesis should enable a greater understanding of the role of an independent media in an unfolding democracy through a post-modern radical democracy lens. There was a need for 'vigilance' given media freedom's rocky year in 2008, wrote two of the country's prominent media law experts, Dario Milo and Pamela Stein, from the law firm Webber Wentzel (*Sunday Times*: 11 January 2009). They were reacting to the ANC's Polokwane Conference resolution in December 2007 to investigate the possibility of establishing a Media Tribunal. Milo and Stein opined that, should such a resolution be implemented, it would effectively allow a government body to regulate content in publications and would constitute a dramatic invasion of media freedom (ibid). They also observed that President of the ANC in 2008, Jacob Zuma, ended the year by threatening to sue Zapiro and the *Sunday Times* for R7-million for defamation for publishing a cartoon which depicted him preparing to 'rape' lady justice (ibid). Given that it is known that the space for the media to operate without political interference is an essential component of democracy, research on the possible significance of events⁴³ that appear to threaten media freedom since democracy cannot be emphasised enough. The possible pathways that could be taken by the ANC and

⁴³ The attempted buy-out (by a company, Koni, formed by politicians close to the then President Thabo Mbeki), of the *Sunday Times* in August 2008, within weeks of an exposé of Health Minister, Manto Tshabalala-Msimang, is an example of 'events' that have taken place since democracy's inception.

how media actors would respond to real infringements of media freedom in turn are not known as yet, but they are not too difficult to predict given the events, already sketched, that took place in 2010. Possible scenarios can be sketched drawing on the *a posteriori*.

In South Africa's less than 20 year-old democracy, the ANC's perspective is that the media's role needs to be clarified, contained, and directed toward the project of nation building and transformation as it has defined these processes. Thus the ANC sees itself as engineering democracy, a democracy that is transitional⁴⁴, in a society which remains unequal along racial and class lines. Should the media in fact be free and independent from political interference? Or should its primary function be to enhance 'nation-building' and democracy in the manner defined by the former liberation movement? For many journalists, the latter would be a conflation with party political interests. Rather, the national interest should be de-linked from party politics. Should the media take on the role of civic watchdog, forming part of the system of checks and balances on the misuse of political power, ensuring accountability for the actions of those in power, as is its role in conventional democratic states of the West? Should it simply be a mirror of the society in which it operates, reiterating the opinions of the ruling elite in a particular society; or should journalists embrace the role of organic intellectuals, à la Gramsci?

The growing mistrust and miscommunication between the government and editors and journalists post democracy in South Africa led, in June 2001, to a major Indaba between the Cabinet and Sanef. The president at the time, Thabo Mbeki, remarked then that there was a need for interaction, dialogue and a process of engagement 'so that we understand each other better'. What is this national interest? Mbeki asked. It was interesting that Mbeki acknowledged that the term 'national interest' was a 'troublesome one', as we all come from 'different angles, different histories and therefore respond in

⁴⁴ The use of the term 'transitional' begs the question, of course, transitional from what to what? I use the term in a Derridean way: Democracy is never fully realised, it is constantly unfolding. That is what Derrida meant when he wrote "democracy to come" (2005: 81-87) which means that democracy is a philosophical concept "an inheritance of a promise". This is the genealogy of Mouffe's thoughts on a radical pluralist democracy. In *On the Political* (2006) she writes that democracy is something uncertain and improbable and must never be taken for granted. In *The Democratic Paradox* (2000) she offers that the moment of realization of democracy would see its disintegration. I use the terms unfolding democracy and transitional democracy, then, in this Derridean and Mouffian sense.

different ways,' (Mbeki, 2001).⁴⁵ What he did not add was that we all seem to have different understandings, not just of what the 'national interest' is, but also what different understandings of 'democracy' are, including what a 'free media' means. This is the crux of the matter in this thesis, hence one of the key conceptualisations: democracy is a 'floating signifier' (i.e. open-ended in respect of its meaning). One of the significant reasons for undertaking this research, is to make a contribution such that journalists and the ANC with their plurality of views⁴⁶ begin to understand one another better. Thus this thesis offers a two-way gaze: the media on the ANC's interventions and the ANC on the media's interventions. Both appear to talk past each other in the way they understand press freedom, the role of the press and what 'the national interest' is. This thesis attempts to show how democracy is a free floating signifier in the eyes of journalists, but how the ruling tripartite alliance, primarily the ANC and the SACP, attempt to make its meaning rigid.

While over the past decade a plethora of research has been undertaken about how print media has been breathlessly trying to keep up with competition from electronic forms, not many researchers, Keane (1991) noted, are asking basic questions about the relationship between democratic ideals and the contemporary media. Furthermore, although some research has been conducted on the media and democracy in South Africa, none has taken a radical democracy/psychoanalytical/post-modern approach with a view to developing intersecting theoretical concepts to understand the relationship between the media, the ruling party and the state in this democracy. To date, research into the media and democracy in South Africa has, according to Hadland (2007), taken a culturalist approach. Writers of research into the media include

⁴⁵ At this Sanef/Cabinet Indaba in June 2001 the idea of a Presidential Press Corp was adopted.

⁴⁶ There is a lack of homogeneity of views within the ANC, for example, Jessie Duarte (2008): 'We are aware that every Thursday night a group of journalists sit together and decide what stories they will go into. This is very clear when we do our analysis. What we see is a pack approach with a story that breaks in *the Saturday Star*, then is repeated in *Business Day* with a slightly different angle, and then in *The Citizen* with a slightly different angle and slightly new perspective' (Jesse Duarte, spokesperson for the ruling party, the ANC, 2008. Source Mandy de Waal, Moneyweb. Further examples are Zuma threatening defamation suits for cartoons; Mbeki's remarks on the troublesome nature of what 'in the national interest' means; then there are articles on the media from ANC today, many of which are called: The media, lies and falsifications.

Steenveld (2004), Grove (1996), Mabote (1996), Tomaselli (1997), Berger (1998, 1999, and 2002), Krabill (2001), Boloko (2004) and Jacobs (2004).

The rationale for the use of a post-modern, psychoanalytic approach to South African politics is apposite, for its usage shows how impossible it is to predict the twists and turns that democracy is taking and may continue to take, with the only *a priori* being that the future path is undecided and unpredictable. As Giddens (1990: 46) theorised: 'Post-modernity is characterised by the fact that nothing can be known with any certainty'. This is the political situation in South Africa today.

The rationale for this research then, is to unravel the recent post-apartheid and current media-state relationships, contributing to a broader understanding of our democracy and the different trajectories it could possibly take in the future. As Jacobs (2002: 9) comments, there appears to be a deficit in a political analysis of the media and its role: 'Obvious linkages between media developments and developments in the political arena and their implication for the operation of post-apartheid democracy in general, are still largely under-researched'.

This thesis attempts to examine patterns, trends and splits that have emerged from ANC discourse and events that have taken place since the inception of democracy. The most fundamental rationale for this thesis is that it will make a contribution towards the democratic project in the country and towards the deepening of democracy and democratic procedures⁴⁷ and spaces in the country. Why a theoretical undertaking? Future paths for action or activism may be necessary by the media if their spaces are completely trampled upon. Furthermore, as Butler, Zizek and Laclau observed in their work of political philosophy, *Contingency, Hegemony and Universality* (2000), there is an important place for theory because it lays the foundation for action. If it does not, then it should.

⁴⁷ 'Democratic procedures sometimes allow the majority to decide things about which they are blissfully ignorant; but they also enable minorities to challenge blissfully ignorant majorities, to bring them to their senses. They enable some citizens to tell others what they do not want to hear. Democratic procedures enable citizens to think twice and to say no' (Keane, 1991: 178).

1.4 Literature Review

The three main texts deployed are: *The Sublime Object of Ideology* (1989) by Žižek, *The Psychic Life of Power: Theories in Subjection* (1997) by Butler and *The Democratic Paradox* (2000) by Mouffe. These works and their significance for this thesis are discussed in detail in this Literature Review and in the Theoretical Framework. However, to reach this point, many of the key works on democracy are tracked first.

On Tracing Democracy

Theorists have already provided the foundation for why an independent media is necessary and intrinsic to democracy. They have also drawn attention to the problems raised by the theorising. For example, Keane stated: 'The subject of media is neglected by virtually all contemporary democratic theorists' (1994: 244). This is so because the concept of democracy itself is contested and, he suggested, part of the problem is that the term is polluted by its diverse and contradictory meanings. Dahl (2000: 96) bypasses this seemingly contradictory conundrum by posing a pertinent and practical question: Why does democracy require free expression? He wrote:

Freedom of expression is required in order for citizens to participate effectively in political life. How can citizens make their views known and persuade their fellow citizens and representatives to adopt them unless they can express themselves freely about all matters bearing on the conduct of the government? And if they are to take the views of others into account, they must be able to hear what others have to say. Like freedom of expression, the availability of alternative and relatively independent sources of information is required (op cit: 97).

Dahl's argument is central as a backdrop to this research as it impacts on every one of the 'case studies' adopted for analysis. For example, if it were not for the media, would the public have been fully informed on the debate over the ANC's decision to disband the Scorpions, the country's specialised crime fighting unit? Research in March 2008 showed that almost two-thirds of South Africans believed the Scorpions should not be

disbanded (*The Star*: 25 March 2008).⁴⁸ In addition, would other citizens have known that nearly two out of three people were opposed to the proposed disbanding were it not for the media reporting the results of the survey? This issue of 'citizen participation' offers a link between democracy and the media. The idea of citizen participation and inclusiveness can be traced back to the earliest classical conceptions of democracy in ancient Greece, as outlined by Held (2006).

Held offered a critical analysis and assessment of the different theories of democracy and what democracy means in the contemporary world. In the 2006 edition of his book, *Models of Democracy*, Held added a chapter on 'deliberative democracy', what this means and how citizen participation forms part of democracy. Held's analysis pointed to the critical question as to whom the media serves, civil society or the state? He showed how civil society, the media and the state interact, and provided insight into the nature of the relationship (ibid). In similar vein to Dahl and Held, Shapiro (2003) in *The State of Democratic Theory*, detailed the concept of deliberative democracy. In Shapiro's view of democracy, the avoidance of domination is important. He went beyond the idea of the 'social contract', as portrayed by Jean Jacques Rousseau, and suggested that the central task of democracy was to manage power relations to minimise domination. He asked what domination was and how we would know it when we saw it (op cit: 3), and proposed a reduction of domination through deliberation. He argued that majorities can use their power to undermine democracy, particularly telling in South Africa where the ruling party holds a nearly two-thirds majority. Shapiro is critical of some deliberative theorists, for instance Amy Gutmann and Dennis Thompson's position because sometimes this deliberation can ignore the realities it creates. (op cit: 30). On-going accountability, not direct political participation, was the key to deliberative democracy. For her, this meant that accountability was a form of active political engagement, but it did not require continual and direct involvement in politics (ibid). The question of accountability in the South African context is important, as I attempt to show throughout this work, particularly in my interviews with editors and journalists regarding how they define their roles and what they perceive to be their responsibilities towards democracy.

⁴⁸ This finding was made by a Ipsos-Markinor survey, a respected social research organisation in South Africa.

But I go beyond this, to advocate that robust contestations and fights are intrinsic to the deepening of democratic spaces.

While acknowledging the value of the liberal deliberative democracy model, it is steeped in a consensus, rationalist framework, as Mouffe has also argued (2000: 45-49). I suggest that a more radical conception of democracy fits the South African case more appositely because of the fierce contestations that are embedded within this unfolding, unrealised democracy. For Mouffe, the deliberative democracy model has within it implicit suggestions of foreclosure. The intrinsic consensus-seeking is not necessarily in the best interests of democracy. Her model argues for debate, dissension, argument, pluralism and legitimate adversaries. The book, *The Politics of Radical Democracy* (2009) by Adrian Little and Moyo Lloyd, supports Mouffe's intellectual project. It elucidates radical democracy through a multiplicity of spaces, all open, not hermetically sealed and in constant flux. Little and Lloyd assert that there are few fixed meanings, but many resignifications (ibid). Both the state and civil society are central to a radical democratic politics in ways that both assist and impede the course of democracy. The primacy of disagreement and conflict in this model means that constant reinvention and renewal is possible. There is, Little and Lloyd argue, an elusive quality to radical democracy, making it slip and slide (ibid).

The idea of the politics of renewal, resignifications, critical intervention and the slipping and sliding nature of this kind of democracy provides a series of concepts that assist in analysing the empirical reality of what is happening in the South African case. For example, the concept of resignifications is elucidated in how a populist left-wing coalition, which defeated Mbeki and brought Zuma to power, then itself, began unravelling.⁴⁹ Using the theories of Laclau from *On Populist Reason* (2009)⁵⁰ I have highlighted how democracy in South Africa is characterised by contingency. Through the examples of 'Babygate' (31 January 2010) and the Budget speech (17 February

⁴⁹ For instance see a section in the penultimate chapter, Chapter Eight: Hegemonising the Social via the Construct of 'Developmental Journalism', called 'Babygate'.

⁵⁰ He dedicated the book to Chantal Mouffe on the 20th anniversary of their seminal work *Hegemony and Socialist Strategy*.

2010) by Finance Minister Pravin Gordhan, I show that that the left-wing allies did not like how easily alliances can become unsettled, especially if heterogeneous demands are crystallised in one popular figure. In this case, demands were crystallised in the figure and name 'Zuma' - a name which was beginning to prove an 'empty signifier' for the left.

On Radical Pluralism, Agonism

This work is within a radical democratic politics framework. In doing so, I deploy and adapt Mouffe's works, particularly *The Democratic Paradox* (2000) and *On the Political: Thinking in Action* (2006), which grew from her earlier groundbreaking, seminal work⁵¹ with Laclau, *Hegemony and Socialist Strategy* (1985). Mouffe (1999) argued that within the rational consensualist model of democracy, you become an enemy if you do not follow the rules of the game. In a radical democracy you can be conceptualised as a legitimate adversary. This research shows that in South Africa many media voices do not follow the rules of the game, that is to say, the ANC's game, or the voice of authority that attempts to interpellate.

In this argument for the importance of the plurality of political spaces, there is a distinction between legitimate adversaries. In South Africa, I show that the ANC sees voices that are critical as 'enemy' rather than 'adversary'. It would prefer unity with the press, which would create social harmony, in its view, which would cover up the flaws of the unfolding democracy; it would prefer to fix the meaning, tie in a knot, via the *point de capiton*⁵² of developmental journalism, to the past liberation role of the ANC. In the book, *The Challenge of Carl Schmitt* (1999), Mouffe dissected Schmitt's argument for political unity. Schmitt's thesis on consensus politics appears to have resonance with the views of the ANC on the media, as encapsulated by all three democratic presidents

⁵¹ The main reason for this work becoming famous and being hailed as 'seminal' is because it signaled a major parting of the ways for two Marxist theorists. Laclau and Mouffe rejected the class essentialism of Marxism and moved on towards developing a new framework to understand the social, and how best to create a more equal world, a democracy that was more expansive and less exclusionary.

⁵² The *point de capiton* is, in Žižek's parlance, an upholstery button which ties meaning in a knot, trying to avoid slippages and slidings.

of the country: Nelson Mandela, Mbeki and Zuma. This thesis argues against this form of unity which would, in effect, be a totalisation of the social, an essentialising, at odds with a deeper democracy.

Mouffe's analysis for agonistic pluralism and her critique of the early Habermasian model of rational consensus in the public sphere (2000: 62) has proved apposite for this thesis in a myriad of ways. I argue and show that there is no unity in the media itself: it is not a fixed, definable, single entity with a totalised identity in the same way that she argued that 'society' does not exist as a clearly defined single entity (1985; 2000; 2006). This thesis will also show the lack of unity between partners in the ruling alliance, and in fact within the ANC itself.

Zizek criticised Laclau and Mouffe's conception of a 'radical democracy'. He asserted that their 'radical democracy', merely radicalised the liberal democratic imaginary' (2000: 325). It might well be but it is only one side of the story because the liberal imaginary does not have an expansive hegemony that includes all progressive forces. In any case, Zizek himself does not offer an alternative to the market economy or to the totalising conditions within the socialist imaginary. What is the ideal political imaginary, however, is a topic for another debate, and is not within the scope of this project, although there is a tangential overlap. As a heuristic device, we are imagining that radical democracy is the ideal social imaginary.

Enemies of the People, the Gaze and Social Fantasy

Zizek's works *The Sublime Object of Ideology* (1989), *The Ticklish Subject* (2000), *Interrogating the Real* (2006), *How to Read Lacan* (2006) and *The Indivisible Remainder* (2007), contain within them important theoretical foundations for this work's conceptual, analytical approach. These texts are used to explain the analytical concepts constitutive of the theoretical framework and have been applied to this analysis. Particularly pertinent has been his work *The Sublime Object of Ideology* (1989) because his concepts of social fantasy, loyalty and the symbolic 'big other' seem to speak directly

to the current tension between the South African media and the ruling party. Equally, his concepts of 'enemies of the nation', 'the gaze', '*point de capiton*' and the 'rigid designator' are all apt in my examination of how the ANC, through its desire for a 'development journalism', actually aims at unifying society through an unprogressive hegemony around its own ideological structuring principles. These concepts, which I am about to explain, are applicable in understanding the relationship between the media, the state and the ANC.

One of the most valuable Zizekean concepts I have found to be the hystericising question: *Che Vuoi* (1989: 87) to mean what do you want? And more than this, it means: what are you really aiming at? 'You're telling me that, but what do you want with it, what are you aiming at? It is experienced by the subject as an unbearable anxiety. In this thesis both the media as subject experiences anxiety and the ANC as the subject of the media, also experiences anxiety. There is a split between demand and desire and this is what defines the hysterical subject. (op cit: 111). This application is pertinent for the ANC's hailing of the media as 'hysterical'. Hence, the psychoanalytical theoretical works and analyses of Zizek have been important. *Interrogating the Real* (2006) provided some of the key concepts I've deployed in my analysis, such as the Master-Signifier, object, subject and social fantasy, among others. Likewise, *The Ticklish Subject* (2000) gives examples of what 'surplus' and 'excess' mean, which is pertinent for my analysis of the ANC's reaction to the *Sunday Times* exposé of the Minister of Health and the chapter on the discourse of the ANC on the media. By 'surplus', Zizek means what is attached to the object, more than the object itself. Herein lays the fantasy. Zizek is a devout Lacanian.⁵³ For Lacan, the 'phantasy' is a sort of magnet which will attract those memories to itself which suit it. 'If you have only a few memories from your childhood you could ask yourself why you remember only those elements and not others', according to Leader and Groves (1995: 128).

⁵³ Lacan was himself a devout believer in psychoanalysis and a Freudian. He said in *My Teaching* (2008: 17), translated by Jacques-Alain Miller: 'When something has been said and said again enough times, it becomes part of the general awareness. As Max Jacob used to say ... 'the truth is always new', and if it is to be true, it has to be new. So you have to believe that what truth says is not said in quite the same way when everyday discourse repeats it.' So as it was with 'truth' in Lacan, so it is with this thesis, in using the terms 'media' and 'democracy', they both keep reinventing themselves.

Zizek discussed the concept of the 'unconscious social fantasy' using his favourite example of racism against Jews. Anti-Semitism became a paranoid construction and 'the Jew' became a fetish and a social symptom. There was an excess and a surplus attached to 'Jew'. It might seem at first blush that this is an extreme comparison to make: the Jew in Nazi Germany and the media in South Africa. However, the way in which 'excess' and 'surplus', paranoid construction, interpellating ideology, and 'the other', are used in Zizek to explain how anti-Semitism worked, has a direct bearing on the tension between the media and the ANC in South Africa. The 'surplus' and the 'excess' was evidenced in the discourse to describe the features of the Jew - greedy, sly, profiteer, corrupt (1989: 125) - who was then constructed as the 'other'. And thus the Jew cannot, by virtue of that identity, that difference, be part of society and must be expelled, indeed erased completely. I show how the media has become, in the discourse of the ANC, a paranoid construction, with a surplus and excess attached to it, labelled negatively to the point of a social fantasy: threat to democracy, anti transformation and enemies of the people.

According to Kay (2003: 163), by fantasy, Zizek does not mean that which is opposed to reality: 'on the contrary, it is what structures what we call reality, and determines the contours of desire. Likewise it is not escapist; rather it is shot through with the traumatic enjoyment which it helps to repress; thus fantasy shields us from the Real⁵⁴ and transmits it'. Two other Zizekean concepts used in this thesis are that of 'the rigid designator' and 'the gaze'. In explaining the rigid designator, Zizek uses the anti-descriptivist analysis of Saul Kripke, that what is in the object more than the object itself constitutes its identity, 'that is to say, what it is that constitutes the objective correlative of the rigid designator' (1989: xiii). The rigid designator, then, aims at what the object represents and when this becomes exaggerated it produces a signifying operation.

⁵⁴ The Real is one of three Lacanian registers: the other two are the symbolic and the imaginary. The real is that which resists symbolisation in the symbolic, it is outside symbolisation.

'The radical contingency of naming implies an irreducible gap between the real and modes of its symbolisation'. (op cit: 97). I have applied this abstraction in examining concrete examples from the South African media. The term gaze is used by Zizek in the sense of the gap that it creates: for example, the gap in Brueghel's paintings, idyllic scenes of peasant life, country festivity and reapers during midday rest and so on. But these paintings were removed from reality and any real plebeian attitude. 'Their gaze is, on the contrary, the external gaze of the aristocracy upon the peasants' idyll, not the gaze of the peasants themselves upon their life (op cit: 107). In attempting to explain this conceptualisation of 'the gaze', Kay sees it as an object attached to the scopic drive (2003: 164). It is an imaginary construct but it has a strong attachment to the Real. For Zizek she stresses: 'the gaze does not involve my looking but my being looked at' (ibid). This relates to inversion and projection but also, to return to the empirical in this research, the concept of the hysterical subject. For the ANC, the media's reaction to the proposals to curb its freedom is hysterical.⁵⁵ Yet, actually both parties are hysterical.

Critics of Zizek hail from a few different angles. For Harpham (2003) and O'Neill (2001), Zizek flouts standards of reasoned argumentation and tends towards non-consecutive and arbitrary sequences that can beguile and confuse. Holbo (2001) argues that Zizek does not say what social formation he proposes to replace the existing order with. Laclau (2000) in *Contingency, Hegemony and Universality* (2000) attacks Zizek's logic and thought for remaining dogmatically Marxist and out of keeping with his psychoanalytical theories. In my view, these criticisms are unfair: just because of the eclectic nature of his work, one cannot postulate a lack of coherence, nor can one for the same reason legitimately claim that it is firmly within a Marxist framework. There is; for example, no class essentialism within his work to suggest this, except perhaps in one of his more recent works: *Did Somebody say Totalitarianism* (2002) where he does indeed seem to slide back into his Marxist past. Notwithstanding these criticisms and allegations, the application of Zizek's psychoanalytical concepts have been invaluable in understanding the relationship between the media and the ANC. If this were a

⁵⁵ Essop Pahad, former minister in Mbeki's presidency and subsequently publisher and editor of *The Thinker*, said in a speech at a colloquium at Wits University, entitled *Media Freedom and Regulation* on 15 September 2010, that the ANC found the way 'the Info Bill and the Media Tribunal was being linked is hysterical'.

theoretical discussion of what sort of social formation would form the ideal for enabling the equality of humankind, then perhaps the above criticisms of his conceptualisation would be important to interrogate fully. Geoff Boucher (2008) criticises Zizek from a structural Marxist perspective, also claiming that he makes many mistakes for instance, one, in his conception of the divided/unconscious subject before subjectivisation and two, the unity of the unconscious. Boucher in his work *The Charmed Circle of Ideology: a critique of Laclau and Mouffe, Butler and Zizek* (2008) finds that Butler's work on performatives merely radicalises the liberal. Pointing further to the weakness of post-modernism of the post-Marxist types, such as Laclau and Mouffe, for him, they enter the charmed circle of ideology 'where the ideological struggle first displaced then completely subsumed the political and economic struggles [...] ideological discourse creates a charmed circle in which everything appears to be a result of political subjectivity, meaning post Marxism discourse theory necessarily gravitates towards relativism.' (op cit:10)

On Political Subjection

Butler's theories on how a subject becomes a subject have proved to be salient for this thesis. *The Psychic Life of Power: Theories in Subjection* (1997) contains important theoretical positions. These have been utilised to understand the attempts to subjugate critical media voices in South Africa through the idea of interpellation and, even more importantly, to reflect on what reflexive turns were made towards the voices of power, and why. Her concepts of 'passionate attachments', 'reflexive turns' and 'resignifications' (ibid) have been deployed to show how subjects can become attached to subjection and how an unpredictable turn can show resignifications or, if you like, detaching from past signifiers that permit liberation from the past. Her political philosophy hails from her understandings of and adoption of concepts drawn from Georg WF Hegel, Friedrich Nietzsche, Sigmund Freud, Michel Foucault and Louis Althusser. She has drawn on Hegel and Nietzsche to expound on the inner life of consciousness and how power is anchored in subjectivity. In his seminal work, *The Ideological State Apparatuses* (1984) Althusser's central thesis was that all ideology

hails or interpellates concrete individuals as concrete subjects. Defining Althusserian ideology in its broadest terms, Abercrombie, Hill and Turner (1994: 241) suggest that it is characterised as all social phenomena, of a discursive nature. This includes 'both everyday notions and experience and elaborate intellectual doctrines, both the consciousness of social actions and the institutionalised thought systems and discourses of a given society' (1994: 153).

But ideology and hegemony cannot be conflated, for 'Ideology plays a crucial role in the construction of hegemony', according to Torfing (1999: 113), whose book *New Theories of Discourse* provides a comprehensive coverage of the theories of Laclau, Mouffe, Butler and Zizek, as well as the philosophical debates and differences between them. Eagleton noted that we might define hegemony as a whole range of practical strategies by which a dominant power elicits consent to its rule from which it legitimates subjugation. Explaining the Gramscian view of hegemony, he continued: 'To win hegemony is to establish moral, political and intellectual leadership in social life by diffusing one's own world view throughout the fabric of society as a whole, thus equating one's own interests with the interests of society at large' (1991:116). This Gramscian view of hegemony – a set of ideas by which the dominant group [ANC] in society secure the consent of the groups below it [ANC] to ensure its rule - is the foundation of Laclau and Mouffe's argument too. The concept, hegemony, has proved to be particularly useful in the analysis of the intersect between the media and democracy in South Africa from the point of view of the ANC's vying for social consensus with the media, and desiring moral authority over it, in the fractured social.

Passionate Attachments, Reflexive Turns and Resignifications

Butler's theories of political subjectivisation, passionate attachments, reflexivity and resignifications (1997: 2-30) are used where the divisive role of the Forum for Black Journalists (FBJ) is explored. I scrutinise the organisation's revival, within a non-racial, democratic South Africa, and then its quick implosion in the light of the majority of black journalists stating they saw no place for such a forum in a new South Africa. For them,

race was not seen as Master-Signifier around which to unify, showing resignifications to past attachments. Justice Malala *et al*,⁵⁶ who were not in favour of the blacks-only forum, showed a lack of reiteration to norms which oppress, for example, singular, linear, race identity. For Butler, neither norms nor identities are fixed, and even within these reiterations there are possibilities that they will be repeated in unpredictable ways; that they will be re-appropriated, so to speak, showing resignifications. The case of those black journalists who did not give validity to the FBJ reflects the operationalisation of Butler's concept of resignifications. The other side of the coin, and showing the usefulness of Butler's concept of 'passionate attachment', Makoe⁵⁷ (who initiated the revival of the FBJ) embraced the very terms that injured him. He repeated the norms of racial oppression that simply returned him to a position of subjection. This reflects the operation of passionate attachment. For Butler, it is the radical dependency on norms and a reiteration of those norms that led to subjection. Butler's deployment of the concepts of attachments and resignifications is useful to show the circularity and reproduction of race-based subjection, as in the case of the FBJ. The example of journalists in South Africa with free floating, multiple, rather than fixed, identities also make the theories of Butler pertinent. These concepts are used to show that the media is not one entity which is fixed. Nor is democracy a process that has an end point: it is continuously contested and reinvented – fluid, open-ended and always in a process of becoming.

Other works that I have utilised include Diane Macdonell's elucidation of discourse theory (1986) which states that discourse has a social function. She explains the role of ideology, meaning, understanding and language in discourse. Her starting point is that meanings of words and expressions are not intrinsic but rather they are dependent on the particular contexts in which they are articulated. I have also referred to Pecheux (1982) who explained the relationship between ideology and discourse. Pecheux's view was that words, expressions, and so on, change their meanings according to the positions held by those who use them (*ibid*). Likewise, Torfing explains that there is

⁵⁶ Justice Malala is a columnist for *The Times* and publisher of the magazine division at Avusa LTD. The other journalists' views - Chris Bathemba, Phylcia Oppelt, Ferial Haffajee – were taken from their comments in newspapers.

⁵⁷ Abbey Makoe is a journalist and was political editor of the SABC in 2008.

always something that escapes processes of signification within discourse, partially fixing meaning, and this produces a surplus in meaning, which escapes the logic of discourse (1999: 92). The field of irreducible surplus is the field of the discursive, that which is not fixed. It is a terrain that is undecidable, unfixed and in flux. This is discourse, in Laclau and Mouffe's theories, which elucidates that no one signifier has a special status above all others: meaning is acquired through a particular signifier's configuration and relationship with others. This is how the term discourse is used theoretically in this thesis.

1.5 Theoretical Framework

The theoretical framework of this research is thus a blend of radical democratic theory with psychoanalysis theory, interlaced with a post-modern approach. The theories elucidated are those which argue for a radical democracy within pluralism, as do Laclau and Mouffe, Žižek and Butler. An important theoretical starting point is that democracy is secured precisely through its resistance to realisation; there is no final realisation (2000: 268). This is one of the main thesis points in *Hegemony and Socialist Strategy* (1985). But this does not necessarily mean political pessimism or that there is therefore no future in agency or activism. The theorists, Laclau, Mouffe, Butler and Žižek, have all grappled with and continue to grapple with the new globalised world, the issues of contingency, universalism and hegemony, and how to deal with what is often called a post-ideological world, in which liberal democracy seems to be taken for granted as the only system to endorse. Yet, this framework has not brought about equality in the world, nor does it provide signposts on how this might be achieved. For this reason, I have sought to explore an alternative radical democratic theoretical framework, but I must say from the outset that the focus of the thesis is the contribution the media *does* make, albeit an imperfect one,⁵⁸ to the democracy-in-process through the contestations in which we find ourselves. All four political philosophers have theorised from the

⁵⁸ Criticisms of the media are many. See, for example, Cowling and Hamilton (2010) *Thinking Aloud/Allowed* in the Journal Social Dynamics 36:1 on Public Spheres and the orchestration of debate on SAFM live, as well as Serino (2010) in his analysis of how the *Sunday Times* operated in setting the agenda for public debate, in the same journal. See also my criticisms of the media in Chapter Eight, how it played a developmental role in covering the Sakhile protests in Mpumalanga in October 2009, but a year later there was no follow up story.

framework of a desire for a more radically structured world. This is elucidated in *New Theories of Discourse: Laclau, Mouffe, Zizek* by Torfing (1999), in their debates with each other in *Contingency, Hegemony and Universality* (2000), and through the authors of the book *The Politics of Radical Democracy* (2009), Little and Lloyd.

Radical Democracy

One way to understand 'radical democracy' is in a theoretically post-Marxist, post-structuralist perspective which at the same time aims to challenge liberal democracy's lack of inclusion of all sectors of civil society. It aims for a deeper and more expansive democracy than what is currently on the table in the western world. Radical democracy emerged in response to the crisis that affected Western left-wing thought throughout the second half of the twentieth century. These crises included dissatisfaction and disillusionment with the Marxist project and the rise of social movements, which included feminist struggles, gay and lesbian issues, as well as environmental issues, among other particular micro politics, according to Little and Lloyd (2009: Introduction). Another way to understand radical democracy is through Post-Marxism as defined by Iris Marion Young, who in a chapter, *Inclusion and Democracy*, in the Little and Lloyd book, averred that it was inspired by socialism and was critical of capitalist economic processes (op cit: 2). But this achievement of equality or true democracy can never be fully realised, is open-ended and conflictual by nature, always contested and not open to final realisation or reconciliation. Civil society is important in radical democracy, as the various plural struggles and micro struggles contest unprogressive hegemonies. This thesis shows how contestations in South Africa between the ruling party's understandings of democracy, developmental journalism and freedom of the press exemplify the conditions described above. It also elucidates the overlap between radical democracy, in which contingency is constitutive, and a post-modern condition of fluidity and lack of decidability. In her argument for keeping the spaces open for the deepening of democracy, Mouffe does not argue for complete pluralism. She qualifies an embrace of total pluralism because it does not allow a challenge to unjust power relations (2000: 18-22). Moreover, within this conflictual space there has to be a shared common

symbolic space within which contestations take place, meaning there has to be some minimal consensus in the social. (2005: 131-132). For my argument, the media is precisely one such space, part of the public sphere. It is a pluralistic space where different views can be expressed and where dynamic deliberations and contestations, can and do, take place. Why a 'radical democracy' framework rather than liberal democracy or just 'democracy? Because a radical democratic framework demands acknowledging difference: the particular, the multiple, the heterogeneous, everything that has been excluded by the essentialising concept of 'MAN', in the abstract (op cit: 13).

Post Modernism

By its very nature, the term post-modern appears to be more apt as a description of a process rather than a fixed period. It describes the condition post the modern era which was characterised by rationalism and consensus politics. Post-modernism developed in the 1950s and 1960s as a breakaway from the universalism of the enlightenment, the rationalism of modernism and the class essentialism and reductionism of Marxism. There are different interpretations of post-modernism in politics. For example, McCarthy (2000) wrote that it is about how open-ended society and politics are, but also that post-modernism is indifferent to tradition, has a fuzzy logic, no absolutes like black and white, but rather shades of grey, with the key word in politics and post-modernism being 'process'. In other words, post-modernism calls for a break and rejection of modern politics, a radically different politics, a rejection of essentialism and a celebration of difference and contingency. As David West stated:

If the mood of post-modernity is defined in terms of incredulity towards meta-narratives, the politics of post-modernity is radically errant of grand projects and ambitious political programmes, which are a prominent feature of modern states and ideologies. Attempts to unify society artificially according to some grand, 'totalising' theory or ideology are no longer convincing (1996: 199).

These are, then, really more descriptions rather than full definitions of post-modernism as they mark what the post-modern condition entails, or is characterised by - fluidity, undecidability, multiple identities and dispersed identities with no fixed signifier, and a plurality of struggles within 'the social' while acknowledging the split nature of the social and the split nature of identities too. While there are weaknesses in the post-modern approach, as discussed by Boucher (2008) for instance in its neglect of the economic struggle, for a theoretical backdrop to this thesis on the media and democracy and because the focus is on ideology, it has proved quite apposite. The characteristics of plural struggles, the importance of micro politics and civil society, the dissension and contestations, and the multiple and free floating identities, all overlap with the theories set forth in radical democracy. The unravelling of the politics between the media and the ANC in South Africa appears to exemplify the condition of post-modernism within an internal fight for a radical democracy, as all the chapters show.

Psychoanalysis

The theoretical framework is not a psychoanalytical one per se. It is rather the use of Žižek's Lacanian tools that mark it as psychoanalytic. To be more precise it is the use of terms such as social fantasy, gaze, surplus, excess, and hysteria that are drawn from psychoanalysis. Žižek explained that Lacan's provocative ideas disturbed many progressive thinkers from critical Marxists to feminists.

Although, in Western academia, Lacan is usually perceived as some sort of post-modernist or deconstructionist, he sticks right out from the space that these labels denote. All his life, he was outgrowing labels attached to his name: phenomenologist, Hegelian, Heideggerian, structuralist, post-structuralist: no wonder, since the most outstanding feature of his teaching is permanent self-questioning. (Žižek, 2006: 5).

According to Žižek, Lacan's psychoanalysis itself was a method of reading texts, oral or written. It is in this sense that the psychoanalytic is deployed in this research.

The main use of Lacan's psychoanalysis in Žižek is the understanding of transference: the belief in The Other, as in the false belief that the analyst knows the meaning of his or her patient's symptoms. This is a false belief at the start of the analysis process, but, it is through this false belief at the start, that the work of analysis can then proceed. Moreover, this transferential belief can become true, when the analyst does indeed interpret the symptoms. Žižek then builds upon this process for his analysis of political beliefs and ideology. Political power, I argue, is symbolic in nature and through the roles and the masks, through the performative dimension of interpellations (naming, hailing, labelling, calling) ideological subjectivisation can take place. In this thesis two important Lacanian theoretical concepts are operationalised: Subjects are always divided between what they consciously know and say and their unconscious beliefs (op cit: 2-21). For example, in its application, the media is a signifier without a signified. And, in the same way that Žižek has argued that no one knows precisely what they mean when they talk about 'the nation' or 'the people', the ANC does not know what it means when it talks about 'the media'.

Žižek's argument against Laclau and Mouffe's conception of a radical democracy is that in their theory, as he noted in *Contingency, Hegemony and Universality*, it became no more than a radicalising of the liberal democratic imaginary (2000: 325). Laclau responded by asking Žižek what he was offering instead when he stated that he wanted something radically different. It is in Žižek's use of Lacan's conceptual tools of fantasy, gaze, rigid designator, and *jouissance* that his radical departure emerges. According to Lacan, *jouissance* might mean enjoyment but its real meaning resides in that which is too much to bear, and so most of the time it is about suffering. It is linked then to paranoia and to something outside or some agency external to it, for example television, which becomes 'The Other', as Darien Leader and Judy Groves have explained (1995). The argument developed in this thesis is that the ANC's gaze on the media since democracy has been characterised by an excess and surplus enjoyment, which is the last support of ideology. Kay suggests that, in Žižek's usage, enjoyment is usually identifiable with what Lacan calls 'surplus enjoyment' (*plus de jouissance/plus de jouir*). In other words, 'enjoyment' comes in 'the form of a surplus, or remainder that

permeates all of our symbolic institutions as their obscene underside [...]’ (Kay, 2003: 161).⁵⁹

Is the ANC aware of what it is doing? The question is, is the fantasy that the media is threatening democracy, conscious or unconscious? If Žižek were writing this, he might say, ‘yes please’⁶⁰, which means both. In the same way I argue that, for the ANC, its fantasy is both conscious and unconscious. How then does the theoretical framework of this thesis bring together concepts of psychoanalysis and radical democracy? There is indeed a convergence which is discussed in Mouffe’s book *The Democratic Paradox* (2000: 137). According to Mouffe, Lacan provided a key in theorising an ethics of disharmony called for by democratic politics. As formulated by Lacan, the psychoanalytical approach opens a new series of questions for both ethical and political reflection, questions which converge with those which are at the core of the agonistic pluralism that I am advocating in this thesis. It forces us, for instance, to face an important issue concerning the translation of the effects of the Real⁶¹ into socio-political analysis, according to Mouffe (op cit: 139). She explained that if the Real is conceived of as operating in the very terrain of the social, its forms of appearance as antagonism and dislocation is constitutive of social division. This Lacanian view of the social, adopted by both Mouffe and Žižek, recognised subjects as divided. There should not be dreams of an impossible reconciliation of the social – the kind of unity that liberalism envisages or nationalism would try to enforce.

⁵⁹ Explaining Žižek’s enjoyment, Kay suggests that *jouissance* carries stronger meanings than enjoyment because of its sexual connotation and has the benefit of gesturing towards the signified in a way similar to *jouis-sens* = enjoy meaning.

⁶⁰ See *Contingency, Hegemony and Universality* (2000:240) where Žižek explains the famous Marx brothers joke about coffee or tea? Yes, please! It is a refusal of choice.

⁶¹ ‘The Real’ hails from the Lacanian triad (ultimately from Freud): The Symbolic, the Imaginary and the Real is that which resists symbolization, that which is not part of the symbolic order, that which is excluded.

The Link between Psychoanalysis and Radical Democratic Theory

Mouffe's post-structuralist theoretical offerings were influenced by the deconstructionist approaches of Jacques Derrida⁶² and Michel Foucault, as well as the philosopher Ludwig Wittgenstein⁶³. Her theoretical work is motivated by questioning the 'logics' of the all pervasive blurring of the left and right today in the third way consensus politics that she rejects (2000: 108-110). In this regard, Žižek's criticism of her theoretical project of radical democracy as merely radicalising the liberal consensus, falls flat. Mouffe challenged the neo-liberal dogma which praised the neo-liberal consensus of the virtue of the market. It is through this kind of consensus, she argued, that popular sectors were excluded (op cit: 113-127). These kinds of theoretical dilemmas apropos the unfolding democratic project are played out in South Africa too, where the liberation forces hail from a left-wing paradigm, itself a totalising position, and thus it is not surprising that there is this struggle over different contestations of democracy.

In the elucidation of the theoretical framework developed in this thesis, it is valuable to juxtapose two different lenses on pluralism: Mouffe, who advocated it, and an ANC intellectual, Raymond Suttner, who argued against it. Mouffe's thesis on radical democracy and the media was elucidated in Carpentier and Cammaerts (2006: 974) when she commented: 'Ideally, the role of the media should precisely be to contribute to the creation of agonistic public spaces in which there is the possibility for dissensus to be expressed or alternatives to be put forward'. Suttner, looking at the origins of suspicions of pluralism in the liberation movement, asserted:

If one looks back to the 1970s and the 1980s many of us were very sceptical of pluralism because it tended to come in forms which sought to represent ethnic identities as forever frozen in time and built solutions around these. In short, it was a way of denying majority rule. The word pluralism came to represent an attempt to diminish the power of the

⁶² Derrida's work is known to be a deconstructionist development of post-modern themes found in Levi Strauss and Foucault. Incidentally, it is interesting that Mouffe, while she embraces Derrida as one of her primary influences, distances herself from post-modernism (see *The Democratic Paradox*: 2000). Derrida's famous "Democracy to come" meant a democracy not realised, and would never be realised, but is constantly a work in progress.

⁶³ It was the non-rationalist approach of Wittgenstein's political theory which captured Mouffe's imagination, standing in binary opposition to Kantian universal morality, for instance. In other words she rejected transcendental pretences.

masses, the democratic will of the people, to disperse power in a variety of ways instead of allowing the people to exercise it under majority rule (2005: 22).

Suttner's view must be seen within the context of trying to win a revolution, what then was in the best interests of defeating the enemy, the apartheid government, and what would give 'the masses' maximum leverage. For him, pluralism came to mean a diminishing of power and at the time, indeed, this was a good case against pluralism. However, this thesis examines the positive value of pluralism and plural struggles from the point of view of a national liberation war being fought and won, while the struggle for the deepening of democracy continues.

This thesis attempts to find answers about what is 'really bugging' the ANC. The empirical data, the interviews with journalists and editors of some South African English newspapers, which are dispersed throughout the thesis, show that the ANC conflates 'the people' with 'the ANC', the consequences for which are that any criticism of the ruling party translates, conflates and collapses into a construction that the critic is anti-transformation and anti-democracy. This statement is further supported by evidence drawn from *Letters from the President* on the ANC website *ANC Today*, as well as other interpellations where the media is constructed as the enemy, for example in the discourse over the proposed Media Tribunal. I show how the ANC desires consensus, harmony, or unity with the party. Through discourse analysis, I show in Chapter Two how all three post-apartheid presidents: Mandela, Mbeki and Zuma, have desired this unity, and have attached an excess to the media, with an unconscious fantasy in operation. Discussions with various editors and journalists indicated that there is a conflation of the party and 'the people', much the same as Žižek's example in *The Sublime Object of Ideology* (1989). Under Stalin, there was also a circular definition of the people:

In the Stalinist universe, 'supporting the rule of the party' is 'rigidly designated' by the term 'people' – it is, in the last analysis, the only feature which in all possible worlds defines 'the people' [...] that is why the real member of the people is only he who supports the rule of the

Party: those who work against it are automatically excluded from the people; they are enemies of the people (op cit: 87-129).

I utilise the premise put forward by Laclau and Mouffe, who argue that society does not exist as a totalised whole; it cannot be self-defined; there is no one principle fixing it. It constitutes, rather, the whole field of difference. Therefore, they echo Derrida's *Il n'y a pas de hors-texte* (there is nothing beyond the text, own translation) and society is not a valid object of discourse in his famous work *Of Grammatology* (1967: 158-159). The media too constitutes a field of difference, is diverse, and the hegemonic discourses of the ruling party are an attempt to arrest this flow. If floating signifiers, which are open, are then fixed or quilted to certain nodal points such as 'development', 'transformation', 'nation building', then totalising functions take place.

Hegemonic practices and discourses are attempts to fill in the gaps of the unfixed character of the social. The argument in this thesis is that there is a gap that the hegemonic discourses in South Africa are trying to fill or fix, this gap is 'the media'. The question has to be asked then: What stops the ANC from doing this? Some reflections come to mind here: first, there were conscious attempts to repress the media via the proposal for a Media Tribunal⁶⁴ which would punish journalists for mistakes it made and probably create a climate of self censorship. However, there is ambivalence in the ANC about doing this as it would be anti the constitutional provision for freedom of expression, and consequent international attention would embarrass the organisation.⁶⁵ Second, there is little evidence of completely unified ideological centred ANC. Rather there is evidence of disparate strands of thinking. Given this, it would be difficult for the organisation or, in fact, the ruling alliance to reach a unified decision about either the

⁶⁴ There was never any detailed proposal, not at the December 2007 ANC Polokwane Conference nor at the ANC's NGC in September 2010, on what form this Tribunal would take nor how it would be implemented by Parliament. However, see Appendix 3 from the NGC resolution on a Media Tribunal and see the discussion in Chapter Six on the issue.

⁶⁵ The World Editors Forum wrote a letter, supported by 18 000 publications, 15 000 online sites, and 3000 companies from more than 120 countries, to President Zuma in August 2010 expressing concern about the far reaching consequences that the Information Bill and the proposed Media Tribunal would have. 'It would shield the government from press scrutiny and criminalise activities essential to investigative journalism' (See *Sunday Independent*: Leading authors launch anti tribunal petition: 22 August 2010). Also see government spokesperson, Themba Maseko, who also said in August 2010 that the government was worried about increasing international coverage about the impression that the government was trying to trample on media freedom (*Business Day*: Foreign reports on media bill worrying: 20 August 2010).

Media Tribunal or the Protection of Information Bill. There is no obvious unity among alliance partners either. For instance, Cosatu has opposed the Protection of Information Bill.

1.6 Methodology

This is a work of theory, a work of political philosophy and therefore the methodology is, first and foremost, embedded in the theoretical framework. The concepts, as outlined above, will be operationalised to bring light to the complex and contradictory nature of the relationship of democracy to the media and how attempts are made to pin down 'democracy', a floating signifier, into a fixed meaning: tied to transformation and loyalty to the ANC. The empirical findings, through interview material, newspaper stories, letters from the public to newspapers, recorded meetings, panel discussions, protest action, and the range of ANC and other documentation, have been examined through the prism of the conceptual analytical tools discussed above. This has enabled the drawing together of reflections, the identification of patterns or attachments, the splits and contradictions, and the ambivalences on both the part of the media and the ANC. Critical discourse analysis has been used primarily to understand the ideological workings in the tensions between the ANC and the independent media.

However, a few other methods are deployed for a rich, full and hopefully unique analysis. As Ritchie and Lewis (2003) have remarked, different methodological approaches are underpinned by particular philosophical assumptions and researchers should maintain consistency between the philosophical starting point and the methods they adopt. By contrast, they say, others believe that in methods associated with a range of philosophical positions each has something to offer, thus better quality work is produced: that is, if a full range of research tools is considered (*ibid*). This work adopts a multi-pronged integrative strategy. This is to use interviews, accounts of particular events as case studies, newspaper data and documentary material, and to analyse them with the conceptual philosophical tools in order to provide a richer and fuller, as opposed to a linear, interpretation of the relationship between the media and the ANC.

First, events that have occurred post 1994 have been elucidated and a historical context has been provided. While these 'events' can be called case studies, they are not in the classical and traditional sense case studies, nor will they be used for any traditional empirical or quantitative purposes. Rather the methods of discourse analysis will be used to foreground the ideological underpinnings that help us to understand the positions adopted by different actors. Media and cultural studies as well as communications and journalism studies offer useful approaches to discourse and textual analysis. In this respect, this methodology has been incorporated, for example, in Chapter Eight: Hegemonising the Social via the Construct of 'Developmental' Journalism. There is a section in this chapter which analyses the texts in newspapers regarding the story of President Zuma fathering his twentieth child, but this one out of wedlock.

Besides the theoretical conceptual method, critical discourse analysis has also been deployed throughout the thesis. To discuss the role of the media in democracy, via the negotiation of the contradictory nature of spaces, it is necessary to outline what discourse analysis is and how meanings are constructed. Norman Fairclough (2001) argued the case for critical discourse analysis as it provides a way of moving between close analysis of texts and interactions to analysis of various types. 'Its objective is to show how language figures in social processes. It is critical in the sense that it aims to show non-obvious ways in which language is involved in social relations of power and domination, and in ideology' (2001: 229). For Lacan, according to Žižek, in *How to Read Lacan*, language was everything, and 'psychoanalysis itself is a method of reading texts, oral (the patients speech) or written'. (2006: 5). The critical discourse method, then, is intrinsic to this research project, as both speech and the written word from both the ANC and the media are used to make findings. It is through language that subjection takes place and, according to Lacan, 'hysteria' emerges when a subject starts to question or feel discomfort in his or her symbolic identity (op cit: 35). For the ANC, the media's reaction to the proposed Media Tribunal has been 'hysterical', as mentioned already, and is discussed in detail in Chapter Six: The Ideological Social

Fantasy: the ANC's Gaze on the Media. The psychoanalytical method, based upon a close analysis of the 'texts' deployed through particular conceptual tools is apposite for this thesis given the strident contestations between the media and the ANC's ruling alliance (minus Cosatu) in 2010.

Macdonell (1986) also explained in *Theories of Discourse: an Introduction* that the field of discourse is not homogeneous. Discourse is social, and the 'statement made, the words used and the meanings of the words used, depend on where and against what the statement is made' (1986: 54). She drew on the works of Pecheux, for whom 'words, expressions and propositions, change their meaning according to the positions held by those who use them'⁶⁶ and 'conflicting discourses develop, therefore, even when where there is supposedly common language' (op cit: 50). She cited examples of the words 'rights' and 'liberty' and shows how, within different ideological frameworks, liberal and conservative, these terms take on substantially different meanings (ibid). In sum, words do not have universal meanings but change over time. At any given moment, the same word can hold different meanings. Pecheux, according to Macdonell (op cit: 46) argued that meanings are part of the 'ideological sphere' and discourse is one of ideology's principal forms. He constructed his argument on the basis of Althusser's concept of 'Ideological State Apparatuses' and proposed that 'ideological struggle traverses the whole of discourse' (ibid). For Pecheux and Macdonell, meaning is not intrinsic but exists antagonistically: it comes from positions in struggle, so that words change their meaning according to positions from which they are used.

Third, the interview method, which comprises a reflective commentary, is an important component of the research. A sample of journalists was interviewed from the English speaking newspaper media. They were over the age of 35 which enabled them to look backwards towards their days as reporters under apartheid, during the transition to the new dispensation, to the present, and forwards to future pathways, in more perceptive ways. The interviews were conducted through a specific 10-point questionnaire (See

⁶⁶ See also Norval (1996: 3) who argued that 'discourse is not a passive medium which merely reflects pre-discursive experiences or objective interests [...] no discourse succeeds entirely in concealing its socially constructed and, therefore, ultimately contingent nature'.

Appendix 2). In addition, a selection of media academics, lawyers and non-governmental activists were also interviewed.

Besides the theoretical texts already discussed in the literature review, other sources of information came from newspapers; letters from the public, as an indication of the views of civil society and citizenry; academic journals; *Letters from the President*; *ANC Today*; statements from the FXI and Misa, among other media bodies; and official policy documents, as well as attendance and recordings of panel discussions and seminars on media freedom, such as the Right2Know Campaign launch and colloquium. Media figures from the ANC's communications department, as well as SACP intellectual Jeremy Cronin, were interviewed on the subject of developmental journalism. These interviews and recordings enriched the project with 'real, live' voices from the discursive in the unfolding democracy in the country.

As stated, many methods are needed for a rich analysis towards understanding a problem. A plurality of methods enriches rather than detracts from a study such as this. The theoretical conceptual research method adopted in this thesis aims to deepen our understanding of the significance to a democratic society of a self-regulating and independent media. Concepts of 'Hegemony', 'Enemies of the People', 'Social Fantasy', 'Master-Signifier' 'Legitimate Adversaries', 'Interpellation', 'Subjectivisation' and 'Ideology' become the tools in assisting us to theorise the manner in which the media is constructed by and in turn constructs the relationship with the ruling party in South Africa. The analytical tools or concepts that are operationalised throughout the research unearth a complex dynamic of power in the contested terrain that makes of democracy a constant process 'in-formation'. The choice of the theoretical conceptual methodology as the core method resides in the fact that this is a work of political philosophy rather than an empirical piece of work. Research that is politically philosophical in nature has rich possibilities to be a creative, eclectic work of art, fluid and nuanced, rather than one that is rigid and narrow.

It does raise the status of theory. Is it pie in the sky? Butler also questioned the value of theory in *Contingency, Hegemony and Universality* (2000). She then answered her own questions by turning to Aristotle, who reflected: 'As the saying goes, the action that follows deliberation should be quick, but deliberation slow' (2000: 265). The philosophical arguments between Butler, Žižek and Laclau are united by the foundation that they are 'motivated by a desire for a radically more restructured world, one which would have economic equality and political enfranchisement imagined in much more radical ways than they are' (op cit: 277). However, the question is how to make the translations between philosophical commentary in the field of politics and the re-imagining of political life. Likewise, my work is motivated by a commitment to media freedom; wanting to see this aspect of social life in South Africa flourish; for it to be a dislocation in the social; an agonistic force, while believing that media independence makes a difference to the deepening of the unfolding and unrealised democracy in the country. The intention is to make connections between the *a priori* and the *a posteriori*.

Virtue, in the Aristotelian sense, is that which determines what the end of action should be, and, practical wisdom is that which orientates our judgment and our action towards doing what is right, according to Butler's interpretation of the philosopher's wisdom. For her, action is not divorced from knowledge by which it is conditioned, but is composed of that knowledge, and is the mobilisation of knowledge (op cit: 265-266). I agree. In addition, Butler's support of 'affirmative deconstruction' resonates with what this thesis seeks to do. As, while I have to use terms 'the ANC', 'the media', 'the social' 'independence' and 'free', I acknowledge that these are split and not unified, monolithic wholes. 'A concept can be put under erasure *and* played at the same time', as Butler averred in defence of her work, citing Derrida, Spivak and Agamben who have also done so (op cit: 279). For example, there is no reason not to continue to interrogate and to use the terms 'universality' or 'truth' at the same time. Her reason: critical interrogation of the term will condition a more effective use of it, and using the terms is an affirmative 'reinscription' (ibid). I have used the terms 'independence' and 'free' while acknowledging that 'the media', also not one bloc, can only be relatively free and relatively independent. It has to be responsible and accountable. However, by this I

mean it has to adhere to a code of professional ethics, be accountable to the citizenry, and not to a ruling party's idea of what is responsible and ethical. This resonates with the opening quotation to this chapter, by Ramphele (2010), that gratitude for liberation should not mean unending gratitude to the leading movement in that process. She said it was irresponsible and shirking one's duty to entrust the future of one's society solely to a party or parties associated with the liberation struggle.

1.7 Chapter Outline

Chapter one introduces the reader to the literature and to the method deployed. I outline how the print media contributes to maintaining democracy in South Africa as a 'floating signifier' that always is open to contestation and division. A 'floating signifier' is contrasted with a 'master signifier' one that closes discussion and is hegemonic. The meaning given to democracy as a floating signifier contributes to the idea of a 'radical democracy' that speaks with a 'multiplicity of voices' and accepts an 'agonistic pluralism'. Democracy is not about oneness, unity, and closures, but about acceptance of difference. This is my fundamental principle, adopted from post-Marxist post modernists.

Chapters two and three provide the historical background to the structure of the press in post-apartheid South Africa. They outline the rapid diversification in the structure of power within the press over the last 20 years, and outline how expeditious technological changes have made the quality press highly vulnerable to market trends and prospective legislation (the Protection of Information Bill and a Media Tribunal). These two chapters lay the groundwork that will allow a contextualization of the conflict over press freedom raised later in the thesis.

Chapters four and five look at specific instances where editors and government have tried to reign in the freedom with which members of the print media express themselves. The two 'case studies' are the Forum for Black Journalists which examines journalists being interpellated on the basis of race and their rejection of this, and the second, the

case of Zapiro being sued by the president of the ANC over a cartoon. The latter examines the issue of free speech and asks the question about democracy and humour.

This leads to an examination of the ANC's 'gaze' on the print media in chapter six. Here the argument is made that the governing party has created a 'social fantasy' that constructs the media as an opponent or enemy. The object of this 'social fantasy' is to divert attention from the short-comings of government and to unify the nation in the struggle to 'transform' South Africa into a developed country. There is a displacement at work.

Chapter seven focuses on one specific instance when the press successfully defied government proscriptions on reporting: the case of the minister of health, Dr Manto Tshabalala Msimang, described by the country's largest newspaper as 'a drunk and a thief'. In this interpellation of the former health minister the newspaper and its editors and journalists were subjected to the term "enemies of the people", and those who were outside the democracy.

In chapter eight I return to themes first raised in chapters three and four: the reasons why government wants to turn the meaning of democracy into a 'master signifier' through its control of the press. Here the stress is on the ANC's notion of the need for 'a common set of understandings' that will contribute to the process of nation-building and economic development. The resistance to this understanding of democracy, and the closure it brings to freedom of expression, on the part of the press, is again referred to (in this case, the Sakhile service delivery issue and president Zuma's fathering of a child out of wedlock).

1.8 Shortcomings.

One shortcoming of my thesis is that it does not sufficiently focus on some of the serious inadequacies of the media itself. These are wide and varied and have been

researched by others. For instance Hadland addresses the lack of senior and experienced journalists in the newsroom, what he calls the 'juniorisation' of newsrooms. Another shortcoming may be perceived as the question of the self-regulatory system of the media. Whereas I believe that self-regulation is the best system, it has its flaws in the way it operates in this country. For instance, I am in agreement with the ANC when it says that apologies for mistakes made are not prominently placed, that often journalists are not careful enough when writing stories, that there is a neglect of rural areas in reporting, that there is no clear distinction between reporting and commenting and that sometimes headlines are out of sync with the story itself. Notwithstanding this, a Media Tribunal is not the answer. Finally, my own anxiety, hysteria even, at possible government intervention, in or closure for press freedom, breaks to the surface when I conclude following the argument of the thesis that the ANC is unmasked as having regressive tendencies, and through its paranoia and hysteria is itself blocking transformation when it wishes to push through the Protection of Information Bill and impose a Media Tribunal.

Chapter 2

The Relationship between the Media and Democracy

Secrecy obstructs democracy by keeping the public ignorant of information that it needs to make wise policy choices (Robert C. Johanssen: 1994).

This chapter sets the scene for all the other chapters and seeks to argue that the media are legitimate adversaries, rather than enemies of the people, in a fluid, changing, unrealised and imperfect democracy. First, the chapter contextualises the media's role in South Africa's transitional democracy, and suggests that certain discursive interventions from the ANC subvert the democratic project, which is a theme carried throughout the thesis. I provide a background into the history of the term 'democracy', and then I discuss the relationship between democracy and 'the media'. The chapter then analyses two conflicting theories of democracy: deliberative, which emphasises consensus, and radical, which emphasises dissensus. I argue that in the context of South Africa's transition to democracy, many leadership figures in the ANC align themselves with the former which does not sufficiently accept the reality of a more radical politics in the divided and split social. Thus my argument is that the 'free'⁶⁷ media poses something of a challenge to the ruling alliance's hegemonic discourse, which shows its desire to limit the polymorphic voices embedded in a diverse media.

Second, an outline of the history of the subjection and control over media under apartheid and the new kinds of tensions that emerged in the democratic transition between the new hegemonic, but democratically elected, ANC government is explored. The chapter then examines the content of the transformation of the media in the post apartheid context. However, in order to do this, a brief sketch has to be made of ANC media policy. The chapter provides the backdrop to Chapter Three, entitled: 'Subjection of a different kind: legislation and commercial imperatives'. However, it must be noted,

⁶⁷ Free here used in the sense of free from political interference, control and state interventions. Freedom from economic, cultural or social interference has not been scrutinised here and would entail another study.

that I use the terms 'democracy', 'the media' and 'ANC' in an affirmative deconstructive way. That is, I use a term and interrogate it at the same time, while recognising that each is not a fully formed, closed-off monolithic entity: the terms used do not mean one thing. As Judith Butler noted, embracing the arguments of Derrida, Spivak and Agamben, 'there are conditions of discourse under which certain concepts emerge, and their capacity for iteration across contexts is itself the condition for affirmative reinscription', (2000: 279). Butler's examples were 'truth' and 'universalism'.

2.1 Media Subjection in South Africa: Then and Now

In a democracy the role of the media is varied but my emphasis will be that of the 'watchdog', bringing accountability into public life, as well as being bearers of information that can guide decision-making, provide a vehicle for freedom of expression, be gate-openers, and play a facilitating role in public debate (Mouffe, 2006; Waisbord, 2007; Durrheim, Quayle, Whitehead and Kriel, 2005; Berger 2007; Pasek, 2006; Ettema, 2007; Harber, 2004; Hadland, 2007; and Cowling and Hamilton, 2010).⁶⁸ This is also the role envisaged for the media under the new Constitution (1996). In article 16 of the Bill of Rights it states: 'Everyone has the right to freedom of expression, which includes a) freedom of the press and other media.' But does freedom of expression mean you are totally free to write and say whatever you like? In fact, this freedom is juxtaposed alongside other rights; the Constitution protects you against violence, racism and sexism, for instance.

However, a dissonance has crept in between the Constitution's ascription to independence of the media, on the one hand, and the state's actions on the other hand. This has created a tension in the relationship between the media and the ruling party. One of the main problems the ANC has had with the media is what it conceived as inadequate and negative representation of its views as the ruling party. For example, at

⁶⁸ However, Cowling (2010) argued in a paper, entitled *The Media and the Production of Public Debate*, that what has been neglected from analysis is the media's role in the production of debate, adding that media debate does not simply arise from issues out there. In my argument then, this would be the activist role of the media, and is not necessarily out of sync with its role in a democracy.

the launch of the ANC's online publication *ANC Today* in 2001, the *Letter from the President* noted:

Historically the national and political constituency represented by the ANC has had very few and limited mass media throughout the 90 years of its existence. During this period, the commercial newspaper and magazine press representing the views, values and interests of the white minority has dominated the field of the mass media. This situation has changed only marginally in the period since we obtained our liberation in 1994 (ANC Today, 2001).

One of the issues raised throughout this thesis is the compulsion that characterises these discursive interventions, arguing that they are in many respects inappropriate to a constitutional democracy. While this tension between the ruling party and the media is not a recent development, it became increasingly pronounced during the first decade of the new millennium. One example of this tension was the fact that a Media Tribunal to regulate the media was proposed at the ANC National Policy Conference in Polokwane in December 2007. This occurred against the backdrop of the ANC wanting a media which would act in the 'national interest', one which would reconcile conflicting interests towards national consensus.⁶⁹ In July 2010, it was announced⁷⁰ that the Gupta Group which was closely linked to President Zuma would fund a daily national newspaper, *The New Age* which was due to launch in mid-September 2010⁷¹. Although the main player behind the paper, Essop Pahad,⁷² denied that the paper would be affiliated to the ANC, it was clear that it would in fact be more than sympathetic. For example, the editor of the paper, Vuyo Mvoko said on 23 July 2010, on Radio 702: 'We will show the positive side

⁶⁹ See the comments made on the ANC website by Zuma (2008): 'We are faced with the virtually unique situation that, among the democracies, the overwhelmingly dominant tendency in South African politics, represented by the ANC, has no representation whatsoever in the mass media. We therefore have to contend with the situation that what masquerades as "public opinion", as reflected in the bulk of our media, is in fact minority opinion informed by the historic social and political position occupied by this minority. There are many examples we can cite to illustrate this point. Every day brings fresh instances of a media that, in general terms, is politically and ideologically out of sync with the society in which it exists'. (ANC Today 2008).

⁷⁰ See *Business Day*: Gupta Group to fund 'ANC sympathetic paper': 6 July 2010.

⁷¹ However, by mid September 2010 the paper had not launched citing technical difficulties with the new technological systems from India and a new date for the end of October 2010 was set. The paper launched on 6 December 2010 after a few shaky starts.

⁷² Pahad was minister in the presidency under former President, Thabo Mbeki. He then left the presidency during Zuma's reign and started the magazine *The Thinker*. He also threatened to withdraw advertising from the *Sunday Times* in protest against its coverage of the government scandal involving former Health Minister, Manto Tshabalala-Msimang, in 2007. In 2010, Pahad was director and senior advisor to TNA Media, publisher of *The New Age*.

of government; it cannot be that our nation is just about crime and corruption' (Mvoko, 2010).

The struggle for freedom of the press (i.e., freedom from state control) was a continuous one during the apartheid years, which culminated with press freedom becoming firmly entrenched and encapsulated in the 1996 Constitution. In 2005, South Africa received a favourable rating on a renowned international free press scale, *Reporters without Borders*.⁷³ The country was ranked 31st in the Worldwide Index of Press Freedom. However, by October 2007, it was ranked 43rd on the same index, ranking lower than Mauritius (25th), Namibia (26th) and Ghana (29th), according to the Worldwide Press Freedom Index (2007).

In October 2007, editors in the country gathered through the South African National Editors' Forum (Sanef) to hold the third Media and Society Conference at which the independence of the media from state control was discussed. This took place thirty years after Black Wednesday, 19 October 1977, when the apartheid government banned *The World* and *The Weekend World* newspapers, together with 19 black organisations, and detained anti-apartheid activists. The day was termed "Black Wednesday". The two-day conference of editors, held on 18-19 October 2007 in Johannesburg, focused on debates about media freedom in the country amidst the background of simmering tensions between the media and the government. October 2007 was a significant or milestone month in media history in post-apartheid South Africa. It was the month in which the ANC, in preparation for its Polokwane Conference in December 2007, drew up proposals to investigate a Media Tribunal,⁷⁴ citing that self-regulation of the media was not working. It was also the month that a new media company was formed, Koni Holdings, all of whose shareholders were politicians close to the President at the time, Thabo Mbeki. Koni made a R7-billion bid to buy out the company, Johncom, which owned the *Sunday Times*. This bid ironically emerged a

⁷³ Reporters Without Borders is an organisation, founded in 1985. It fights for press freedom on a daily basis and provides financial and other assistance to journalists in need. The top ten countries, ranked in this order, were: Iceland, Norway, Estonia, Slovakia, Belgium, Finland, Sweden, Denmark, Ireland and Portugal.

⁷⁴ The proposal for a Media Tribunal is discussed in detail in Chapter Six: 'The Ideological Social Fantasy: the ANC's Gaze on the Media'.

month after the threatened arrest of its editor and a senior journalist after the paper printed an exposé of the then Health Minister, Manto Tshabalala-Msimang, in August 2007.⁷⁵ The Koni bid also emerged a month after the Mvelaphanda Group, headed by businessman Tokyo Sexwale, former Umkhonto we Sizwe commander, first Premier of Gauteng and also a presidential hopeful before the Polokwane conference, bought a 30% share in Johncom (now Avusa). Also in that month, the President of the ANC and the then sacked Deputy President, Jacob Zuma, (who subsequently became President of the country in April 2009) had launched several law suits against various media for defamation, among other charges. These, then, were some of the issues between the media, state, and ANC during the discussions among editors in 2007.

Thirty years before, in October 1977, Jimmy Kruger, the then minister of justice, banned *The World* and *The Weekend World* for 'publishing inflammatory material that threatened the nation's security' (Biz Community: 2007). The newspaper's editor Percy Qoboza and other journalists were then arrested and jailed. The President of the South African Society of Journalists at the time, John Patten, was quoted as saying: 'In a free country, the government does not tell the press what it may or may not publish' (ibid). It was not a free country in 1977. In 2007, however, the government's criticism of the *Sunday Times* was that it infringed on the human dignity of the Health Minister, it was *anti-ubuntu* and anti-transformation. In short, it should not have published the article on the minister of health. This is a case of the ANC's discursive interventions imposing itself in ways that subvert democratic freedom of expression. Applying Žižek's theories on ideological subjection, we must recognise that the excesses attributed to the media (for instance, that it is anti-ubuntu, enemies of the people, a threat to democracy), inverts the truth. The truth is that it is the ANC that through its ideological interpellations, i.e. labeling, is threatening democratic freedoms. This argument is explored and examined in detail in Chapter 7, 'Ideology, Excess and Subjectivisation: the *Sunday Times* versus Manto Tshabalala-Msimang'. In a snap poll of 872 votes, conducted by Biz Community after the furore between this newspaper and the government in

⁷⁵ This expose is the subject in Chapter Seven: 'Ideology, Excess, and Subjectivisation: The *Sunday Times* versus the former Minister of Health'.

November 2007, over 82% of respondents voted 'yes' when answering the question: Is media freedom in South Africa under threat? (Biz Community: 2007)

During the apartheid years there were three distinct streams of media: the mainstream media made up, first, of the national broadcaster and, second, the English and Afrikaans language newspaper blocs (Jacobs: 1999).⁷⁶ A third stream existed too - an independent or alternative press, consisting of smaller print publications such as the *Weekly Mail*, *Vrye Weekblad*, *South* and *New Nation*. The first two separate streams had very different approaches to reporting on the government of the day. The mainstream media tended either to toe the government line ideologically or to support the then whites-only opposition party (Berger, 1999; Tomaselli and Muller, 1989; Steenveld, 2007; and Hadland, 2007). Any criticism of the government was in the context of accepting the status quo and voiced from within the confines of that status quo. The English language newspapers tended to take a liberal perspective that criticised certain aspects of the apartheid policies, but in a way that did not challenge the status quo outright. The role of the SABC and Afrikaans language newspapers was much more obvious – to support the National Party government and its policies. During this time the voices of the majority, the oppressed, were seldom heard via the mainstream media and outright dissent was rare. Although there were newspapers and radio stations aimed at black South Africans, these tended to have little impact on the perceptions of those in power. Except for the 'alternative or independent press',⁷⁷ the net effect was that the bulk of the media did little to challenge apartheid. In essence, according to Berger (1999), Tomaselli and Muller (1989), Steenveld (2007) and Hadland (2007), the South African mainstream media promoted apartheid and the government supported the mainstream, commercially-driven media.

The political climate during apartheid before 1994 did little to encourage journalists to challenge the status quo overtly. If a journalist criticised apartheid, its policies or its

⁷⁶ The South African print media was made up of a duopoly split between the Afrikaans and the English conglomerates of Naspers and Perscor, and South African Associated Newspapers and Argus Holdings.

⁷⁷ Newspapers such as the *Weekly Mail* called themselves 'independent' at the time, not so much for being independent from political parties but for being commercially independent. In other words, they were not part of the big newspaper conglomerates, (e.g. Perscor, Naspers, or the Argus Group), and were not profit driven.

effects, he or she faced severe repression, harassment and even detention.⁷⁸ Over and above the prohibition of information that came from the banning of political opponents and the general milieu of repression, the National Party government also introduced a host of legislative acts at various times during its rule that impacted on the media either directly or indirectly.⁷⁹ It created an environment which both controlled the information reaching the public and violated freedom of the press. Between 1950 and 1990 over 100 laws were introduced to regulate the activities of the South African media. The most prominent of these was the Publications Act of 1974 (Durrheim, Quayle, Whitehead and Kriel, 2005), outlining the rules and regulations imposed by the state on the media. According to Steenveld (2007), three Acts ensured the political climate of media repression: the Internal Security Act of 1982 which prohibited the circulation and debate of ideas relating to alternate social and political policies for South Africa; the Protection of Information Act of 1982 which prohibited the obtaining of forbidden information and its disclosure to any foreign state or hostile organisation; and the Registration of Newspapers Act of 1982, which gave the press the option of falling under the Directorate of Publications (the state censorship machinery) or subjecting themselves to self-regulation under the Media Council.

In addition to the constraints imposed on the media by the political climate, economic imperatives and ownership of the media also affected the independence and the role of the media. Until 1990 the print media was a duopoly, split between the Afrikaans and the English conglomerates of Naspers and Perskor and the South African Associated Newspapers and Argus Holdings (Jacobs, 1999). This concentration of ownership in the hands of one or two conglomerates also acted as a threat to media independence. Among other media academics,⁸⁰ Gumede (2005: 3-4) argued that it was necessary to include financial independence in a discussion of media freedom, and not just political independence, in any discussion of democracy and the *media*. For him, although there

⁷⁸ For example, the editors of the *Weekly Mail* faced prosecution about a dozen times for contravening State of Emergency regulations. Lloyd (1990), too, lists examples of journalists being hindered by the state in carrying out their jobs. This included journalists being injured by security forces while covering stories, the expulsion of foreign journalists from South Africa, and the arrest of journalists. Lloyd also refers to prohibitions on freedom of speech (ibid).

⁷⁹ One example of the indirect impact of apartheid legislation was that the source of fuel could not be reported on.

⁸⁰ See also Berger (1998; 1999; 2002), Kupe (2004), Harber (2003; 2004) as well as Hadland (2007a) *The SA Print Media 1994-2004: an application and critique of comparative media systems*.

has been a proliferation of new newspapers and radio stations throughout South Africa since the inception of democracy, often as a result of the interplay between old and new technology, the real danger in the media being free to report as it saw fit was that content was increasingly shaped by economic imperatives. His argument was that the pressure to remain profitable can result increasingly in urban, consumer- focused media with a declining concern for the voiceless who cannot pay and the race for profits (op cit: 11). These issues: legislative framework, commercial imperatives and new media, are dealt with more fully in the next chapter. In order to understand the ANC and the media, it is necessary to sketch the ANC media policy and note the shifts that this has seen over the years. The question I pose in the thesis is why the ANC, given its stated commitment to the democratic objectives of the Constitution, should be so ambivalent, if not downright opposed to, the freedom of the media. The negotiated settlement that led to the compromise of a liberal constitutionalism, albeit with critical social democratic elements to it, reflected the triumph of one ideological strand, the liberal one, but was a far cry from the revolutionary concept of a socialist democratic centralism that had become at least a critical feature of other ideological tendencies in the movement.

The Shifts in ANC Media Policy

It could be argued that not all members of the ANC supported a negotiated settlement. There was disagreement and ambivalence between the hawks and doves in the ANC, some arguing for an armed insurrection via Umkhonto we Sizwe, the military wing of the ANC, as a means to end apartheid, while others were in favour of peaceful negotiations. These differences were also reflected in media policy. Ruth Tomaselli pointed to the distinction between these two positions as reflecting, on the one side, a more militant position and, on the other, the more pragmatic approach of the doves (Tomaselli, 1994). The ANC first discussed media policy in November 1991. There is a small clause in the Draft Workers Charter, also of 1991, which states, 'Big business and the state must ensure effective workers access to all sections of the media' (ANC, 1991). Prior to this date, 'media' policy or issues, were like a 'second cousin' to the ANC, Tomaselli observed, noting that there were bigger issues of concern for the ANC at the time, such

as housing, social welfare and education but also the South African Broadcasting Corporation (Tomaselli, 1994: 78-81). The discussions on media in November 1991 were then drafted and adopted in January 1992. The Media Charter stipulated the following broad guidelines: basic rights and freedom, democratisation of the media, public media, media workers and society, education and training, and promotional mechanisms. Tomaselli noted that the focus was on the broadcast media and the SABC, but she also observed that the Charter was framed in 'idealistic terms' and should be seen as a philosophical statement of intent (op cit: 78). The document did not specify how a future ANC-led government would fulfill such terms in any concrete way. However, what was happening politically at the time had a bearing also on how media policy was viewed by the ANC. 'In media policy, as in other policy debate, ANC pragmatists came to realise, by late 1992, that the traditional hardline assumption that the liberation movement would ascend to government in the form of a 'people's assembly' following a seizure of power through 'mass insurrection'⁸¹ was an unlikely scenario' (op cit: 85). The reality, she pointed out, was a stand-off situation in which the National Party and the ANC had to negotiate at every level of policy planning. Also, having researched ANC media policy in depth, Jane Duncan (2009) pointed to the shifts from the broad guidelines of the Media Charter, adopted in 1992, to the changes in the 2000s. Upon a careful reading, the shifts are not for more liberalization, nor for more democracy, but in fact some of the events that have taken place between the media and the ANC signal a definite shift for tighter state control over the media. Duncan noted that the evolution of the ANC's media policy was closely linked to the transformation of South Africa's apartheid media (ibid). In the run up to the 1994 elections, the ANC 'focused on the need to establish independent media institutions rather than to exert its own control over the media' (2009: 3). This culminated in the Media Charter. She pointed out that the ANC's 49th and 50th conferences in 1994 and 1997 did not focus on media policy, suggesting that it was not a serious issue at the time. Her paper shows how the critical political arguments were since used by the ANC selectively but the two were not a perfect fit (op cit: 2).

⁸¹ Tomaselli was quoting Mzala (1985), a writer and radical within the ANC, who penned some of the ANC's analysis and strategy and tactics.

For Duncan, the ANC policies of 2002 and 2007, using political economy arguments⁸² were expedient and in the end showed a poverty of strategy. A decade and a half after the ANC first discussed media policy, Duncan instructively noted that, in fact, there seemed to be a swing back to wanting more state control rather than its past focus on diversification (op cit: 20). For my argument in this thesis, Duncan's observations make complete sense, as my empirical research shows in chapters to come. In addition, as I observe in Chapter Three, the Protection of Information Bill, which came before Parliament in 2010, was in a more draconian form than ever before, despite submissions from civil society that highlighted the dangers to democracy. Civil society warned of the dangers of a closed and secretive society, the penalties for journalists who could be sentenced to jail for being in possession of 'classified' information, and of the consequences for the public who would not have access to stories related to corruption and the abuse of power, for example. In addition, in July 2010, the ANC began again to talk about a Media Tribunal to regulate the print media.⁸³

Ambivalence

In its renewed call for a statutory Media Tribunal in 2010, point 58 of the ANC's discussion document, Media Transformation, Ownership and Diversity, in preparation for its national general council on 20-24 September 2010, stated that a ' cursory scan of the print media reveals an astonishing degree of dishonesty, lack of professional integrity and lack of independence' (ANC, 2010). Yet research by Media Monitoring Africa (MMA): The State of South Africa's Media, presented to Sanef's Media Summit on 30 August 2010, showed that it would require a significant study involving a variety of quantitative and qualitative methods carried out across a substantial sample of media to prove the statement made by the ANC. William Bird, director of MMA observed: 'To

⁸² See Chapter Six: 'The Ideological Social Fantasy: the ANC's gaze on the media', in which I examine the discourse of the ANC on the media and how certain issues are conflated far too easily and conveniently.

⁸³ The ANC's Jackson Mthembu was interviewed on SABC 3 on 19 July 2010 when he said that the ANC would re-look at its proposal from the ANC's Polokwane Conference to have a Media Appeals Tribunal as self regulation was not working. The Media Tribunal is discussed in Chapter Six: 'The Ideological Social Fantasy: the ANC's gaze on the media'.

then be able to make an informed claim to the extreme of, an “astonishing degree” would require a comprehensive study and not a “cursory glance”. To our knowledge a comprehensive study of this nature has not been carried out in South Africa. No evidence for these claims is presented in the document’ (MMA, 2010). The MMA’s research found in its survey of election coverage, for instance, that 84% of stories were fair, without any bias towards any political party, while the media’s role during the 2010 World Cup was to encourage social cohesiveness and was overwhelmingly positive (ibid). The ANC’s argument’s that the media needed control because of its ‘false reporting’, ‘irresponsible reporting’, ‘consistent anti-ANC bias’ (ibid) was belied by the total number of complaints to the ombudsman by the ANC and government officials of 24 in the previous year (ending August 2010) out of tens of thousands of stories published.

On the other hand, according to the ombudsman four stories about the ANC or ANC Youth League were found to be unfair or inaccurate in the past three years, from eight complaints lodged (*Sunday Times*: 29 August 2010). A fifty percent success rate by the media is hardly acceptable.

The ANC and the South African Communist Party’s (SACP) calls for a Media Tribunal did not remain static before the September 2010 NGC. The SACP’s general secretary Blade Nzimande, Minister of Higher Education and one of the main proponents within the alliance calling for curbs on the print media’s excesses, did an about turn after the Party’s Central Committee meeting in Johannesburg on 30 August 2010. He announced that a Media Tribunal should not be used for pre-publication censorship, and should not be appointed by Parliament, but rather from a range of representative structures from society to guard against political manipulation (Umsebenzi Online:2010). Cosatu’s general secretary Zwelinzima Vavi announced the week before the SACP’s about-turn that the Media Tribunal would be a refuge for the corrupt and the federation would not support it (*Mail & Guardian*: 27 August-2 September 2010). While Cosatu’s view on an independent media could be seen to be consistent, as there was no history or evidence of the workers federation hailing the media as ‘enemies of the people’, the SACP’s

about-turn showed ambivalence. For example, just three weeks earlier, Nzimande had stated that the media was a threat to democracy: 'If there is one serious threat to our democracy, it is a media that is accountable to itself [...] we have no opposition other than the bourgeois media' (*The Times*: 2 August 2010).⁸⁴ In another, more glaring, example Pallo Jordan wrote that the 'value we place on a free media, independent and outspoken press in democratic South Africa cannot be overstated [...] I cannot imagine an ANC government that is fearful of criticism' (*The Times*: 20 August 2010). Yet, it was the same Jordan who made the announcement to the press at the end of the NGC on 24 September 2010 that the organisation had adopted a resolution to forge ahead with the Media Tribunal, commenting that this was an example of the ANC's 'commitment to press freedom'⁸⁵ (See Appendix 3 for the resolution adopted). And, in October 2010, he told the Pan African Parliament that the media was not reflecting the transition to democracy (*Sunday Independent*: 24 October 2010). There most certainly is ambivalence, but is there a fetishistic split too? Kay explained the fetishistic split in Zizek's theorizing, using his example of Tony Blair: We voted for Tony Blair in Britain because he is deceitful and a master of spin, even though we also believe he is sincere (2003). The fetishistic split that ensured his success ran something like this: 'We believe he is upright and moral, but all the same, we know he is scheming and underhand and thus can be relied upon not to change things much, though he may make the status quo work a bit better.' (Kay, 2003: 137). How can we apply this to the media and the ANC in South Africa? We can do so simply by suggesting that the ANC believes in media freedom and supports it, as it states frequently, but that it wants a Media Tribunal anyway, because it is insecure and afraid of press freedom. While this split might not be so obvious at this stage in the thesis, what is clear is that there was ambivalence.

I use Zizek's psychoanalytic concept of 'the gaze', whether conscious or unconscious, to analyse the ANC's gaze on the media and its somewhat ironic ambivalence with respect to its view of the media's role in a democracy. The ANC's gaze on the media displays 'an ambivalence' which also characterises the swings in Zizek's theories too.

⁸⁴ A note about this headline: the newspaper was inaccurate. Nzimande did not say 'jail journalists'. He received an apology for this error.

⁸⁵ The press conference was recorded on SABC 3 and ETV on 24 September 2010

For example, in *The Sublime Object of Ideology* (1989) Zizek argues, from a fairly liberal perspective, for freedom, while in his later work, *Did somebody say Totalitarianism?* (2001),⁸⁶ he argues for more state intervention and control, which limits democracy. His theoretical ambivalence reflects the lived experience of confusion and ambivalence reflected in the ANC's approach to freedom of expression and democratic culture. A possible explanation for the ambivalence is the history of democratic centralism embedded both in Zizek's theoretical background as an intellectual and in the ANC's past as an underground organization marked by Soviet Marxist influences. This is the undecided nature of the ANC today, as indeed is the undecided nature of Zizek's theoretical framework too, both with one foot in a Stalinist past and the other in liberal democracy. Before delving too deeply into psychoanalysis and exploring the relationship between the idea of democracy as a floating signifier (meaning, a lack of fixed meaning to 'democracy') and an independent press in South Africa, we need first to turn to the origins of democracy and democratic theory in order to understand its varied manifestations historically.

2.2 The Origins of 'Democracy' and the Debates about Democratic Theory Today

In order to discuss fully the relationship of a 'free media' or an 'independent press' to democracy, or the intersection between the two, it is necessary to delve into the history of democracy, its origins and then its contemporary meanings in South Africa vis-à-vis the media.

In the 21st century the democratic system is regarded as the most fair and humane system of governance because it strives to incorporate all its citizens in a social contract between the state and its people. This is especially true of social democracy and even more so in a radical democracy, as asserted by Mouffe (2000). It is also a well-known fact that democracy first began in ancient Greece in a participatory democracy model

⁸⁶ See Kay (2003) - the last chapter in *A critical introduction to Zizek*, in which she notes the swing of Zizek as he hurtles backwards and forwards to totalitarianism. Also see Laclau on Zizek in a chapter in *Contingency, Hegemony and Universality* where he accuses Zizek of the same thing. He also accuses him of incoherence, as in the Lacanian, Hegelian and Marxist blend do not have an easy fit.

which was 'a system of decision-making about public affairs in which citizens were directly involved' wrote David Held (1994: 15). It was probably the Greeks who coined the term 'democracy', according to Robert Dahl (1998: 11), as the word hails from the Greek word, 'demokratia' which, in turn, hails from the word 'demos', meaning people and 'kratos', to rule.

There are many forms of democracy and different meanings attached to the term, as well as differences in theory and practice in different countries around the world. If this were not so, why would democracy be traced to Athens, when that 'democracy' excluded women and slaves? The forms of democracy range from direct or participatory democracy, liberal or representative democracy, social democracy, deliberative democracy and radical democracy. Whereas the deliberative democratic model is the most discussed in liberal theoretical frameworks and is the current trend alongside social democracy, in fact, this form of western democracy began in Athens, as part of the participatory democratic model. In the East, the polis can be traced to Mesopotamia. The Athenian model in terms of the ideals it stood for still forms the basis of the inspiration of further democratic models in their refinements.

Held, in tracing models of democracy cited the political ideals of Athens as 'equality among citizens, liberty, respect for the law and justice' (1994: 16). He explained that the Athenian city state was ruled by citizen-governors, while citizens were at the same time subjects and creators of public rules and regulations. Citizens are intrinsic to democracy: but not all people are citizens and this was true for Athens as much as for modern forms of democracy. So Aristotle was not a citizen – he was from elsewhere. Women were not citizens either, nor were certain categories of 'commoner' (ibid). Direct democracy, Held commented, encompassed the idea that citizens could fulfill themselves through involvement in the polis, a commitment to civic virtue towards the common good, in an intertwining of the public and the private, he argued in a later work (2006).

Still, as mentioned not all people were included in the original 'democratic' project. Women and slaves, for example, were excluded from citizenship. While some theorists still insist on dating democracy to the Athenians, and maintain democracy is as old as the hills, over 2 500 years old, it was clearly not real democracy, because of its exclusion aspects of society, or its elitist and sexist nature. Women and slaves combined would have been more than half the population during Athenian 'democracy'. Democracy has travelled a significant journey towards greater inclusiveness since then, according to Dahl (1998: 43) but the journey is not over. For many post-structuralist theorists: Derrida, Mouffe, Laclau, Butler, and Zizek, the journey can never end,⁸⁷ hence my theoretical framework which supports radical democracy.

Mouffe elucidated in her book *The Paradox of Democracy* that the commonest trend, and the most talked about model of democracy was the deliberative democratic model but, in her view, this was merely the revival of the 5th century Athenian model or a process of deliberation between free and equal citizens (2000). She argued that the so-called 'new' paradigm was a model of deliberative democracy that had come full circle. However, the renewed interest lay in the fact of problems facing democratic societies in 2009. 'What we see today is therefore the revival of an old theme, not the emergence of a new one' (2000: 81). Her thesis was a critique of the deliberation of free and equal citizens, with its end point being rational and consensus politics a la Habermas et al (op cit: 46-47).

The starting point of Mouffe's critique in an earlier work, *The Challenge of Carl Schmitt* was that liberal democratic theorists argued that we live in a post-political age. By this she meant an age in which left and right did not exist, giving impetus therefore to an inclusive consensus, under the name 'deliberative democracy'. But for Mouffe to deny antagonisms did not make them disappear (1999: 3). Schmitt's central assertion, she averred, was the necessity of seeing conflict as the crucial category of politics, which could not be ignored. Democratic debate then, for her, was not a deliberation aimed at

⁸⁷ See also Dahl (1998: 43) *On Democracy*; Mouffe (2000) *The Democratic Paradox*; and Mouffe (2006) *On the Political*. See Laclau (2005) *On Populist Reason*; and see also Little and Lloyd (2009) *The Politics of Radical Democracy*, among others, on democracy to come or an unrealised imperfect democracy.

reaching the one rational solution to be accepted by all, but a confrontation among adversaries. Mouffe argued against positions offered by theorists such as Alain Touraine, for instance, for whom democracy was connected to modernity where a rational subject emerged to formulate universal principles, laws and rights which recognised and preserved the liberty and equality of individual subjects, the upshot being that democracy must reconcile conflicting tendencies (Kellner, 1997). Instead, for Mouffe: 'The adversary is in a sense an enemy, but a legitimate enemy with whom there exists common ground ... adversaries fight each other, but they do not put into question the legitimacy of their respective positions' (1999: 4). What she advocated in which her assertion for radical democracy was 'agonistic pluralism', with the central argument that social division was constitutive of democracy (2000: 104). Antagonism, therefore, was ineradicable and pluralist democratic politics would never find a final solution. This was the democratic paradox. 'What the deliberative democracy theory denied was the division of undecidability and ineradicability of antagonism which is constitutive of the political. A well-functioning democracy called for a vibrant clash of political positions' (ibid). She argued that deliberative theorists negated the inherently conflictual nature of modern pluralism. Mouffe explains the meaning of agonistic in her work: 'An agonistic approach acknowledges the real nature of its [democracy's] frontiers and the forms of exclusion that they entail, instead of trying to disguise them under a veil of rationality or morality' (op cit: 105). Because there is the ever-present temptation in the deliberative model of democratic societies to essentialise identities, the radical democratic model is more receptive to the multiplicity of voices that contemporary pluralist societies encompass. This argument is important for this thesis in explicating the role of the media in South Africa's democracy, because it provides the possibility of theorising the key spaces that capture the multiplicity of voices in this emerging democracy.

To explain this difference with the consensus or deliberative models of democracy, it would be apt to explain the Mouffian terms 'antagonistic' and 'agonistic'. Antagonism proper, she said, took place between enemies, that is, persons who had no common symbolic space. Agonism, on the other hand, involved a relation not between enemies but between adversaries or friendly enemies. They shared a common symbolic space

but they were also enemies because they wanted to organise this space in a different way. Thus the radical pluralist democracy model advocated a positive status to differences and questioned homogeneity (op cit: 46-53). So then, her argument with deliberative theorists, such as, liberal democratic theorists Rawls and Habermas, was that their approach, far from being conducive to their aim of a more reconciled society, ended up jeopardizing society. This was so because the struggle between adversaries became, rather, a struggle between enemies (op cit: 88-100).

The above distinction is pertinent to my analysis of the role of the media in democracy in South Africa to show how the ANC seeks consensus with the media, how it attempts foreclosures and how it exemplifies an unprogressive and narrow hegemony. This could be seen in its proposal at the 2007 policy conference in Polokwane for a Media Tribunal that would regulate the media. This led to a robust argument that appeared to have no possibility of consensus. Was this antagonistic or agonistic? In this example, I would agree with Mouffe that there could be no rational consensus for a true democracy. There is a qualification in her argument nevertheless. There has to be some minimal consensus, without which a society cannot function. She has stated that there has to be a shared common symbolic space within which conflict takes place (2006: 20). However, to avoid unnatural foreclosures, we should relinquish the very idea of rational consensus.

Mouffe's argument with Schmitt was his advocacy for homogeneity and political unity as a condition of possibility for democracy. With both arguments she saw an unprogressive hegemony, and this thesis shows how this applies to the unraveling of the media, ANC and democracy relationship in South Africa. It is also important to note Mouffe's distance from the Rawlsian and Habermasian universalisms, which she felt made assertions which were independent of historical and cultural context. This point will be debated when I discuss what various journalists and editors in South Africa argued in relation to whether the independence of the media was contingent on a particular historical context - in this case, early stages of democracy in South Africa, or a transitional democracy. Mouffe recalled Seyla Benhabib (2000: 86) who used

Habermasian philosophy⁸⁸ to explain what the features of deliberative democracy were: it was governed by norms of equality; all had a right to question, to interrogate and in open debate, to assign topics of the conversation; all had a right to reflexive arguments about the rules of discourse procedure (op cit: 87). For Habermas, the more equal and impartial, the more open the process, but there had to be a lack of coercion. However, for Mouffe, the shortcoming was the search for a rational resolution. 'Democratic individuals can only be made possible by multiplying the institutions, the discourses, the forms of life that foster identification with democratic values' (op cit: 96).

Her argument for a radical democracy is useful when I discuss the ANC's use of 'us and them', as well as the ideological interpellations or the labelling the media as 'enemies of the People'. Her conceptualisation of an agonistic pluralist democratic project grasped this tension in South Africa where there was an inability to distinguish between adversaries and real enemies. Agonistic pluralism advocated viewing the 'us and them' in a different way, not as an enemy to be destroyed, but as legitimate opponents. Both Mouffe and Zizek would tend towards a Lacanian definition of democracy in which there would be a socio-political order in which 'the People' did not exist – certainly not as a unity, embodied in a unique representative. In this argument, to which I would incline, and used in the forthcoming analyses, the radical difference in a democratic society is intrinsic and constitutive of the social. The complete opposite of this would be totalitarianism or the complete closing off of spaces. In this mode of thinking, totalitarianism then consisted of an attempt to re-establish the unity of democracy. The argument for radical democracy, adapted from Mouffe and Zizek is that because of the open character of the social, there would naturally be conflict and there could not be a 'unity of the people'.

Mouffe commented in *The Challenge of Carl Schmitt* (1999) on the hatred of otherness, the absolute otherness, the impossible thing, the ultimate threat to our identity, or this

⁸⁸ The Ideal Speech Situation of Habermas (1979; 1984) is a situation in which everyone would have an equal chance to argue and question. This, the argument went, would mean that those who were powerful and confident or would not dominate. Shapiro writes that this ideal speech situation in Habermas appeals to a model of un-coerced speech that is divorced from power considerations (2006: 33)

thing which had to be annihilated, if we were to survive. She used the terms 'excess' and 'subjective excess' which gel with the psychoanalytical theoretical Zizekian theme which this thesis deploys to examine the role of the media in South Africa's democracy. Radical democracy is a more apposite model to adopt for a discussion of the intersection of the signifier democracy and the media in the country because, as Mouffe has noted, '... democracy is something uncertain and improbable and must never be taken for granted. It is an always fragile conquest that needs to be defended as well as deepened,' (2006: 6). The empirical in this research will show the fragile, contradictory and ambivalent nature of South Africa's democracy and in fact, the fragile and ambivalent nature of the independence of the media too. For example, even though a resolution was taken by the ANC to investigate a Media Tribunal in December 2007, by 2010 there was still no certainty about it; whether it would indeed be implemented, if it were to be, who would oversee it, and what form would it take. But the threat remained.

2.3 The Flaws in Deliberative Democracy

The problem then with deliberative democracy seems to lie precisely in the fact that through deliberation society can reach consensus. It is not that deliberation is a problem but, rather, that it had an end result that suggested foreclosures. For example, if one examined the Gutmann and Thompson model, as discussed by Ian Shapiro, we see this. He elucidated in *The State of Democratic Theory* that the pair argued for a view of deliberation that was designed to minimise disagreement when this is possible, and to get people to accommodate themselves to one another's views (2006: 23). The challenge the deliberative model was to find ways of deepening the democracy by enlarging the scope of deliberative processes, which would then have real consequences in the social. This is not to say that all deliberation is about consensus. As Shapiro noted:

As Gutman and Thompson concede at one point, sometimes deliberation can promote disagreement and conflict. The cases they have in mind are moral issues that arouse intense passion,

paradigmatically the issues liberals have sought to defuse politically since the seventeenth century wars of religions [...] (op cit: 25)

So then deliberation can thrive on clashes of competing views but there is more of emphasis on rational consensus than radical democracy would allow for. The question of dissent, competing clashes and robust fights, rather than rational consensus is pertinent to finding answers on what the role of the media in South Africa's democratic transition is. And while Mouffe and Gutmann and Thompson might disagree on the best model for a more equal society, both their arguments and views were apposite and significant for my thesis in my discussions and explorations of the relationship between the media and democracy in South Africa. However, I go further to argue that democracy is also the floating signifier in South Africa today but there are attempts to rigidify its meanings. Democracy as the Master-Signifier in Lacanian terms is that tension between the empty Master-Signifier and the series of 'ordinary' signifiers which struggle to fill in the Master-Signifier with particular content: the struggle for democracy (today's Master-Signifier) is which kind of democracy will hegemonise the universal notion: this is in opposition to the floating signifier which is not fully fixed, but ambiguous (Laclau, 1996: 37). It is the lack of fixity which confers on democracy its ambiguity. This has bearing for the struggle between the powerful ruling alliance in South Africa and the independent media. In South Africa, the issue of democracy is compounded by the racial discrimination of the past, when media was owned by whites, and media houses were run by whites, therefore news was very one-sided. The fact of the matter is that this situation changed: however imperfectly, transformation had taken place.

2.4 Transformation of the Media in Post-Apartheid South Africa

Transformation of the media post apartheid meant to the ANC, and its alliance partners, deracialisation and diversification of ownership of the companies, of the newsroom (i.e. the journalist), and of content (i.e. who and what is written about).

The changes in the media landscape of 2000 compared to 1994 were exponential. Berger (2006) plotted the changes in ownership and staffing by race, class and gender

in a paper *Deracialisation, democracy and development, transformation of the South African media 1994-2000*. He argued that the transformation contained new challenges which were part of global changes. He showed the growing global cross-ownership of media and telecoms, entertainment or computer software companies; outsourcing and multiskilling of media workers; internationalisation of supply and market-chains; technological convergence and the Internet; satellites and broadband networks; and the decline of classical journalism in the face of rising entertainment (ibid).

Media has emerged from the post-apartheid era significantly transformed from what it was before. Racism exists in South Africa, but it no longer rules in either politics or media. Democracy and development are part of the daily diet of a transforming society. The media is powerfully positioned, at least in potential, to be part of further deracialisation, democratic and socio-economic transformation. (Berger, 2006)

Berger, however, did point out that the end point of transformation was doing away with racial distinctions altogether. His paper examined transformation in the media deploying the categories of race, democracy and development, and scrutinising ownership, staffing, conceptions of political role, content and audiences. The point is, and Berger was correct, the final destination of the transformation was not meant to be a re-racialisation. However, if you look at newsrooms today, the racial composition changed anyway, as the majority of reporters and editors are black, according to editors interviewed for this thesis. According to an ANC document in 2002:

Considerable progress has been made and some significant milestones achieved with regard to ownership patterns, licensing of new media, increasing of black and women journalists, repositioning of the SABC, a measure of diversity in ownership with black empowerment groups and union funds controlling some of the assets ... These are putative first steps towards the transformation of the media industry (ANC, 2002).

In an unpublished paper on the tabloid newspapers Anton Harber observed of the ANC's comment above: 'It is apparent that the ANC's definition of transformation was based on three elements: diversity of ownership, particularly the need for black owners;

more representative staffing and management; and content less hostile to the ANC-led transformation project' (Harber: 2009).⁸⁹ The argument of this thesis is that the ANC's philosophy on transformation of the media has been met vis-à-vis diversity of ownership, particularly in terms of black owners and more representative staffing, but the third requirement from the ANC has not, that is: content less hostile to the ANC-led transformation project. The argument that race in the media should be a master signifier is deconstructed in Chapter Four in a discussion on the Forum for Black Journalists and its ultimate failure to re-launch.

2.5 Transformation in Ownership

In Berger's critique of the changes and concentration in media ownership, he suggests some ambiguity in the effects on competition and democratic outcomes (1999). On the one hand, plural democracy itself might be compromised by concentration, he found, yet the competition prompted the launch of more diverse newspapers that added to the deliberative quality of the media (ibid). There were other changes that came in with the new democratic era: Irish businessman, Tony O' Reilly, in 1994 bought 35% of the Argus Company (Berger, 2000: 2). The company name changed from Argus to Independent Newspapers, under whose umbrella reside *The Star*, *Cape Times*, *Natal Mercury*, *Pretoria News* and *Sunday Independent*. By 1999 O' Reilly had bought out the whole company.

Considered in terms of concentration, this foreign investment was not a positive development from the vantage point of pluralistic democracy, in that in Cape Town and Durban the same company now owns both morning and evening papers. However, at the same time, the entry of international capital saw a noticeable increase in competition in the newspaper industry – even if this was only at the higher end of the market. It took the form of more vigorous competition by Independent titles with those of other groups [...] (ibid)

⁸⁹ This paper entitled *Tabloids* was presented to a Politics and Media Discussion group, in Johannesburg, May 2009

There were other changes regarding the trend in foreign ownership, he noted: English company, Pearson PLC, bought half of *Business Day* and the *Financial Mail* from Times Media Limited, (Times Media LTD, then became Avusa at the end of 2007). Partnerships with foreign investment also occurred in 1998, when *The Guardian* in London bought 62% of the *Mail & Guardian* which prevented the closure of the paper. It subsequently sold most of these shares in 2001 to Zimbabwean newspaper mogul Trevor Ncube, who, in 2010, was still the majority owner and publisher. Another foreign ownership-cum-partnership occurred when Swedish group Dagens Industry bought 24% of black-owned Mafube Publishing during the period. Berger noted the irony that liberation in South Africa saw the death of the liberation movement's media as funding dried up because donors felt the country was now 'normal' (op cit: 3). Besides the *Mail & Guardian*, the other small newspapers, *South*, *Vrye Weekblad* and *New Nation*, met their demise.

There were, in addition to the above foreign partnerships and ownership trends, also significant racial changes in ownership, according to Berger. The five main developments, he noted, were: First, Dr Nthatho Motlana formed New Africa Publishing (owned thereafter by New African Investments Ltd or NAIL) and in 1993, bought the *Sowetan*. This was then bought by NAIL, a black economic empowerment (BEE) company. Second, 34% of the holding company of Times Media LTD, Johnnic, was sold to a BEE group, with ANC politician and subsequent business man Cyril Ramaphosa, spearheading the deal. This group, the National Empowerment Consortium, consisted of: NAIL, the National Union of Mineworkers (Num), and the SA Railway and Harbour Workers Union (Sarhwu) - pre-cursor to the Transport and General Workers Union (T&G) which became the South African Transport and Allied Workers Union (Satawu). Third, he noted, a partnership between Kagiso Media and Perskor in 1998 occurred but this split in 1999. Subsequently, Caxton bought Perskor which took ownership of the *Citizen*. Then the Union Alliance Media (UAM), a subsidiary of Union Alliance Holdings representing the two major union federations, Cosatu and Nactu, each with over two-million members, at the time, acquired shares. These were major changes in media ownership. They included blacks and workers, and were a shift from the old patterns

under apartheid, of white, male, capitalist owners. According to Duncan (2008)⁹⁰ this period could be described as 'the golden season of diversification'. She outlined the three main shifts thus: First, between 1994 and 1996, transformation of the media ensued, with attempts to unbundle the three major newspaper groups, which were owned mainly by the mining and finance houses. Attempts were made to introduce some level of black ownership. Second, Duncan said, the financial crisis of 1996 led to the introduction of Gear.⁹¹

Credit became more costly and spend contracted, with much of it going below the line. Many black empowerment deals unwound owing to the fact that they relied largely on debt as a form of financing, rather than equity. This led to a reconsolidation of media into three big groups once again, Johncom (now Avusa), Independent Newspapers and Media 24/Naspers. And the third shift involved media convergence. The convergence of broadcasting and telecommunications led to the establishment of entirely new media platforms, with news and entertainment becoming more available through the Internet and on handheld devices. (Email interview: March 2008)

The shifts that Duncan highlighted showed that as quickly as diversification took place, as quickly did these deals also unravel, while consolidation took place too. Importantly, she also observed that due to these concentrations taking place after diversification, the government used the opportunity to call for measures to curb concentration while at the same time trying to muscle in to the free space of the media. She pointed to the 'growing executive control' of the media:

Government advertising is also used as a means of exerting political pressure on media; recently the government threatened to withdraw advertising from the *Sunday Times* newspaper after it carried reports critical of the Health Minister. Media freedom is also under pressure from commercial sources as well, with growing advertiser pressure affecting the editorial integrity of some media. Media consolidation is also becoming increasingly evident in South Africa, leading to calls from the ruling ANC to develop measures to curb concentration. The ANC is

⁹⁰ Duncan provided this analysis in an email interview in March 2008 for Enterprise magazine: The Media's Political and Economic Landscape

⁹¹ GEAR stands for the Growth Economic and Redistribution – the growth strategy of the ANC under Mbeki, which replaced the Reconstruction and Development Programme (RDP) which was in place in the Mandela era.

also investigating the setting up of a media tribunal to address the 'deficits' in the self-regulatory system, which may well lead to greater statutory control of the print media, considered to be a thorn in the side of many in positions of power (ibid)

As this thesis unfolds it becomes clearer how the ANC has used the concentration of media ownership as an excuse for its political subjections. The media landscape outlined above has served to show, albeit briefly, forms of transformation and diversification which took place in the new democracy. The question of commercial pressures alluded to in the above extract has a fuller explication in Chapter Three.

2.6 The Intersection of Media and Democracy in South Africa

Since September 2010, the idea that the media is as robust and as independent as ever,⁹² because it continues to report without fear or favour⁹³ is less clear because of the threats that have ensued since the ANC's national general council. Two years before this council, media academic and former journalist Robert Brand while advocating vigilance, optimistically reflected on the media and democracy in South Africa.

Even as the chorus of anti-media sentiment from the government and the tripartite alliance gathered volume last year, the media emerged stronger rather than weakened. Two newspapers and a television saw the light of day, and a progressive court ruling rewrote the rules around pre-publication censorship. But the price of freedom, as the saying goes, is eternal vigilance (2008).

For him two issues dominated debates in the media landscape in 2008: the management crisis of the SABC and the issue over whether it was a state broadcaster or a public broadcaster; and the proposed Media Tribunal emanating from the ANC's Polokwane conference of December 2007 (ibid). Brand quoted constitutional law expert

⁹² This robustness will be shown at the end of this chapter, using the example of the interpellations by the media against ANC Youth League leader, Julius Malema, in February and March 2010.

⁹³ Albeit with some "orchestration" in public debate and some "agenda setting", if one accepts the arguments put forward by Cowling and Hamilton (2010) and Kenichi Serino (2010) in their analysis of how the media operated in AM live and how public debate is orchestrated at the *Sunday Times*.

Pierre de Vos from the University of the Western Cape, who pointed out that any attempt at state control over print media would be unconstitutional. 'History shows that it would also, probably, be ineffective' (ibid). The above issues raised in the chapter so far, elucidate some of the main tensions about the media in post apartheid South Africa. But how are we to understand these tensions theoretically?

Using the conceptual analytical tools of theorists Mouffe, Laclau, Butler and Zizek, my argument is that the trend of the interpellations against the media were based in ideology which is meant to mask antagonism within the ruling party itself: it deflects attention away from its own short comings by focusing on the media's shortcomings. These interpellations, which began with Mandela, became quite intense during Mbeki's reign as President. During Zuma's presidency we see legal interpellations in the form of law suits against media groups and individuals, for example the cartoonist Zapiro, and we see the Protection of Information Bill, hailed as the Secrecy Bill which would impede the work of investigative journalists, as well as the proposed Media Tribunal. The Bill stood in binary opposition to the Promotion of Access to Information Act (2000).

Having said that the interpellations began with Mandela, it is noteworthy that while the first democratic President was not paranoid about the media, he too made ideological interjections against the media, showing misrecognition of the media's role in democracy and a misunderstanding that because you were a black journalist you would necessarily be soft on the ANC and its flaws. He said to a group of South African National Editors Forum (Sanef) editors in 1997: 'While there are a few exceptional journalists, many like to please their white editors' (cited in Rhodes Journalism Review, 1997). From this discourse, it could be said that Mandela desired unity with the press, and expected it of black journalists. This kind of unity suggests foreclosures according to the argument put forward in this thesis. These foreclosures are ideal for a radical democracy which is characterised by heterogeneity, open spaces, and fluidity. The discursive intervention by Mandela is an attempt to create hegemonic unity out of irreducible heterogeneity, and an attempt to hermetically seal off the multiplicity of space, but using race.

Mbeki's first interpellations against the media were recorded by journalist, Mark Gevisser (2007) in his book, *The Dream Deferred*. He recalled how the 'first volley' against the press took place in 1994 by Mbeki just after his appointment as Deputy President. In an address to the Cape Town Press Club he mounted a critique of the media, accusing it of 'harbouring a tendency to look for crises and to look for faults and mistakes', an allegation that became his pattern and then that of the ANC's to date, well into the year 2010. Gevisser wrote that by September 1995 Mbeki was branding any media criticism of the ANC as racist (2007: 644).

The interpellation took place on two levels: one, against black journalists and another against Anton Harber, former editor of the *Weekly Mail*. Looking at Harber, Mbeki said: 'Now criticism and complaining is what I expect from him. This forum, on the other hand, has to see itself as change agent, and not just criticise. The message to black journalists, I wrote at the time, was clear: Roll up your sleeves and stop whingeing like a whitey. Get with the programme' (ibid). In Mbeki's understanding, or misunderstanding, of the media's role in a democracy, there is a complete non-recognition of its role as a relatively independent agent, independent from the ruling party. In addition, the rationale is: if you are black you will automatically heed the ideological interpellations of the ruling party. In other words, you will recognise that you are indeed an enemy of the people and you will begin to toe the line ideologically rather than report critically.

I would also argue, drawing on Mouffe, that Mbeki did not make a distinction between a legitimate adversary such as Harber and an antagonist; he viewed the editor as an antagonist, in the sense of enemy. Mouffe's critique of Carl Schmitt is that his argument did not permit a differential treatment of conflictuality but could only manifest as in the mode of antagonism, 'where two sides are in complete opposition and no common ground exists between them. According to Schmitt, there is no possibility for pluralism – that is, legitimate dissent among friends' (Mouffe, 1999: 5). In this sense, Mbeki's interpellation of Harber was indeed Schmittian.

If Laclau and Mouffe's thesis, *Hegemony and Socialist Strategy* (1985) is applied, Mbeki's ideological interpellation was an attempt to essentialise or totalise the social. By 'get with the programme' surely he meant get with the ANC's programme. In their argument for a democratic revolution Laclau and Mouffe asserted that politics, rather than be founded on the dogmatic postulation of an 'essence of the social', should be founded 'on affirmation of the contingency and ambiguity of every essence, and on the constitutive character of social division and antagonism' (1985:193). The trend in the discourse of the ANC, to be demonstrated more fully in Chapter Six: 'The Ideological Social Fantasy', is to place political unity above all else; this political unity is to be inclusive of journalists. This is what Mouffe argued against in her analysis of Schmitt. In placing political unity above all else, she commented, the space for pluralism, and therefore more tolerance in a democracy was closed off (1995: 5). Mbeki, by singling out Harber as a bad subject, then turned towards black journalists in the hope that they would turn against their professional roles and towards favourable coverage of the ANC.

A further misunderstanding or even deliberate misrecognition of the role of the media in a democracy can be witnessed from the discourse of the President of the ANC, Jacob Zuma when he said on the ANC website in 2008:

We are faced with the virtually unique situation that, among the democracies, the overwhelmingly dominant tendency in South African politics, represented by the ANC, has no representation whatsoever in the mass media. We therefore have to contend with the situation that what masquerades as 'public opinion', as reflected in the bulk of our media, is in fact minority opinion informed by the historic social and political position occupied by this minority. There are many examples we can cite to illustrate this point. Every day brings fresh instances of a media that, in general terms, is politically and ideologically out of sync with the society in which it exists (*ANC Today*, 2008).

In Zuma's gaze the media should be 'ideologically in sync' with society. How does he know this? That is how does he know what the whole of society thinks? It seems to be a conflation: society equals ANC. It is within this discourse that we can see what Torfing meant, in *New Theories of Discourse: Laclau, Mouffe and Zizek*, when he described the

difference between discourse and the discursive (1999: 92). There is always something which escapes processes of signification within discourse, and the partial fixing of meaning produces a surplus of meaning, which escapes the logic of discourse. This then produces a field of irreducible surplus, a field of the discursive. There is surplus attached to the media in all three discursive interventions: Mandela, Mbeki and Zuma. Their expectations are in excess of the role of the media. Both the former presidents of the ANC and the present President of the ANC, show within their discursive interventions a surplus is attached, or an inappropriate compulsion. They had not grasped the role of a media in a democracy.

Their words show an attempt to create a hegemonic unity out of irreducible heterogeneity. But a radical democracy is exemplified by the acceptance of the multiplicity of spaces (and the media would be one such space): all open and not hermetically sealed, with fierce contestations and engagements all in flux. In such a democracy, disagreement is of prime importance, whereas consensus and unity are not. A positive embrace of conflict and of disputes which we find in the media, albeit in an imperfect way (and will be shown in Chapter Eight: 'Hegemonising the Social via the Construct of 'Developmental Journalism') is precisely what the intersection between the media and democracy is. From the ANC presidents' words and their interpellations on the media, it can be seen that they would prefer a media that is at unity with the ANC, but this is not the role of a media in a democracy. This brings us back to the topic at hand: what is the role of the media in a democracy? It is to not to be in sync ideologically, or to curry favour with politicians, and it is not, contrary to what the ANC desires, a media which should be involved in 'nation-building'.

However, in all fairness to the ANC, if one examines closely the discourses of the past presidents, it is clear that there is also ambiguity and ambivalence in operation. On the one hand, there is support for an independent media, while on the other it appears as though they find the media go too far in their criticisms. Take, for instance, Zuma's lawsuits against Zapiro, totaling R7-million for defamation: Zuma says he supports the

free press, and yet persists with the lawsuits, saying this is his right as a citizen (*The Weekender*. 15-16 August 2009).

The media's responsibility is to report news truthfully accurately and fairly, according to the South African Press Code (see Appendix 1), and to keep the public spaces open for debate and dissension, according to democratic theory visited in this chapter. 'Truth' here, is to be understood in journalistic terms rather than in any transcendental philosophical way: that is, reporting the facts, and giving the citizenry as many different angles as possible to stories through varied sources. By playing the role of watchdog and holding power to account and by exposing corruption, the media plays a critical role in the social, as part of civil society. However, is it that easy and is it that simple? It is worth pausing here, lest the reader finds that this is an angelic view of how the media operate; lest the reader thinks that this is all that journalism does. For the other side of the story, I turn to three journal articles in *Social Dynamics* on public spheres,⁹⁴ by Cowling and Hamilton (2010), Cowling (2010) and Serino (2010). The latter article by Serino discusses how topics for debate enter the South African public sphere, using the *Sunday Times* as his example. This takes place through, his research shows, professional journalistic norms, for example, what is newsworthy, but also through the *Sunday Times'* notion of what is in the public interest, in the context of its role in transformation and democracy. Through the selection or non-selection of stories and use of expert opinion, the *Sunday Times* sees itself as an agenda-setter; therefore there is some orchestration of debate (Serino, 2010). Serino also noted that there is a level of self importance attached to the way in which this is done and conveyed (ibid). Cowling and Hamilton (2010) agreed with Serino on the 'orchestration' question, arguing that while it is an accepted practice in journalism there is not enough responsibility attached to it. 'The idea of public interest is thus a fuzzy but critical concept at the heart of journalistic practice' vis-à-vis choices of topics for debate, governed by public interest, but it is undefined and learnt by journalists from their engagement with the news production process, and through negotiation and discussion, the writers observed

⁹⁴ See Cowling and Hamilton (2010): *Thinking aloud/Allowed: Pursuing the public interest in radio debate*; Cowling (2010) *Media and production of public debate*; and Serino (2010) *Setting the Agenda: the production of opinion at the Sunday Times*.

(2010). However, it could also be argued that perhaps even more should be left undefined and fuzzy in order to make the process of news selection more authentic. A point that Cowling and Hamilton raised was that given that the paymasters were the SABC, who shared ideas of the ANC on the developmental state and nation-building, or as they put it, 'the national project of development', journalists nonetheless acted according to their own professional standards (ibid). This was surely an optimistic moment for the intersection of media and democracy in the country. A further point that they raised was that in this selection and production process there is a lot taken for granted and not critically engaged.⁹⁵ The question of 'orchestration'⁹⁶ needs more qualification from the authors, as orchestration implies deliberate, almost cynical and sinister, undertakings. Yet in my experience of newsrooms in the last two decades, as an employee and freelancer, it is more random than this and selection has much more to do with the production process: deadlines and what 'fits a page', rather than any coherent and conscious ideological positioning as such. Then there is the question of 'self-importance'⁹⁷ that Serino raised. 'It is because of this self-perception of importance that the *Sunday Times* will select topics that it believes can advance the discussion of issues of relevance to South Africa' (Serino, 2010: 110). It was interesting and thought-provoking. I now turn towards a piece by Peter Bruce, editor of *Business Day*, which might show this tendency of 'self-importance'. On the other hand, it could be argued that he is merely observing certain facts. I prefer to look at it with this latter lens. Here, then, is an extract from Bruce's column, *Thick End of the Wedge*:

I think there's a case to be made for newspapers not being owned by public companies at all. When you consider the contribution they make to democracy it may be worth ruling that only newspapers owned by trusts or something similar can register as newspapers with the Post Office. Having said that, it was a newspaper (*City Press*) owned by the mother of all local listed media companies (Naspers) which for the

⁹⁵ This lack of critical reflection they refer to I have also experienced in my own involvement as a journalist in South Africa over many years, having worked at most of the major newspaper companies in the country.

⁹⁶ Cowling and Hamilton write that, on AM Live, their research showed that presenters played a key role in constituting the show's form; the mode was carefully orchestrated, finding the 'right' guest was important. Therefore, their argument goes, why was there such a hullabaloo about the SABC banning certain commentators? (2010).

⁹⁷ Serino quoted Mondli Makhanya, in 2007, then editor of the *Sunday Times*, starting off his news conferences asking: 'What will the highest court in the land say this week?' (2010: 110). Makhanya was referring to his paper as the highest court in the land, probably facetiously.

second or third week in a row yesterday gave us some insight into how Julius Malema has made his millions, and, in turn, added to the insight into why he feels he can't be contained. Why? Because with R54m in your bank account no one can tell you what to do. Only, thanks to *City Press*, we know now that Malema hasn't paid any tax on his ill-gotten millions and that could mean he goes to jail. Fantastic! But will it happen? [...] By cheating the government, by "winning" tenders to be paid for with public money even though you have no chance of meeting the conditions of the tender, you are robbing the public purse and, therefore, you are robbing the poor. Looked at that way, Malema is a thief, but he is treated like a hero by the poor (*Business Day*: 8 March 2010).

Bruce was celebrating the uncovering by the media in February 2010 of ANC Youth League leader, Julius Malema, having been caught with having several companies registered in his name through alleged fraudulent tenders and having R54-million in his bank account, while his salary was R20 000 a month.⁹⁸ The stories showed details of his fraudulent tenders, and the media interpellated him as a 'tenderpreneur' and remorselessly subjected him to scrutiny. This exposure, causing dislocation in the social because 'truth' is sought, is the role of the media in a democracy. The public was given the chance to question where taxpayers' money was going to: into the pockets of corrupt youth league leaders or to solving the country's crime, unemployment and flailing infrastructural problems. If South Africa had a media that was ideologically in sync with the ANC, there would not be such exposure of fraud and corruption. As Bruce said in his column, quoted above, it's the exposure of 'cheating' the government and 'winning' tenders and the 'thieving' (*Business Day*: 8 March 2010) that made him proud of being in the profession. Malema, 'talked back', which in Butlerian political philosophy⁹⁹ exemplifies refused identification or a lack of appropriating the injurious

⁹⁸ See other headlines, for example *The Star*: Mystery of Malema's companies: 23 February 2010; *The Times*: They're out to get me: 23 February 2010; *Business Day*: Big spender rounds on his enemies: 23 February 2010; *Sunday Independent*: Back off Malema: Sars: 28 February 2010; and in *The Star* again: Speedy Malema crosses fine line: 1 March 2010; *Business Day*: ANC courts danger by letting Malema's twisted history slide: 3 March 2010; *The Times*: Malema's men go head to head with media: 3 March 2010; and, on the letters page of *The Times*: Preferential procurement breeds 'tenderpreneurs': 5 March 2010; and the *Mail & Guardian*: Early Moves to oust Julius: 5-11 March 2010.

⁹⁹ See Birgit Schippers' chapter on Judith Butler, Radical Democracy and Micro Politics in *The Politics of Radical Democracy* (2009: 78): 'By using the injurious term which constitutes the addressee and turning it around, resignifying it and giving it new meaning, the injured subject can challenge the injurious interpellation he or she is subjected to'. Nonetheless, in this case, however much Malema refused the identification of a corrupt crook he had no concrete evidence to back out of the injurious terms that he was interpellated by.

term (Schippers, 2009: 78). He said he was just a 'poor child' and the media was jealous of him; he was not guilty of corruption and that he had nothing to hide from the South African Receiver of Revenue (SARS) (*Sunday Independent*: 28 February 2010). He also accused journalists of being opportunistic and having a conspiracy against him (*The Times*: 3 March 2010).

The minute details of Malema's corruption is not the focus for this discussion, but the fact that he was exposed and that there was the space for this to occur signalled something optimistic for the media's role in this democracy. What all this showed was the media playing the professional role according to the South African Press Code: 'The primary purpose of gathering and distributing news and opinion is to serve society by informing citizens and enabling them to make informed judgments on the issues of the time, and, the freedom of the press allows for an independent scrutiny to bear on the forces that shape society.' There are shortcomings in the way the media operates, as noted by Cowling, Hamilton and Serino (2010), for example, that a lot is taken for granted and not critically engaged with, while there is some self-importance attached. Nonetheless in playing this role, albeit in a less than perfect way, it does hold power to account, while at the same time being loyal to democracy itself, and professional ethics, by and large.¹⁰⁰

In the Butlerian, Mouffian and Laclauian sense, this chapter highlighted three theoretical reflections. First the discursive interventions of the ANC presidents show that they are inappropriate vis-à-vis a constitutional democracy. While there was ambivalence and ambiguity, there was also a conscious desire to hermetically seal off spaces and to create more unity out of irreducible heterogeneity. Second, the ideological interpellations on the media by the ANC failed, if the exposure of Malema is anything to go by. Third, the fierce contestations with political leaders through exposure of

¹⁰⁰ From my experience, journalists can sometimes be lazy with a penchant for desiring freebies, more than they should. They can also be unethical, (but this is really not so in most cases), for instance, in June 2010, Ashley Smith, a *Cape Argus* journalist admitted to having taken monetary payment from former ANC provincial leader, Ebrahim Rasool, in the Western Cape to write stories favourable to the ANC. The press body condemned this, made it a big story in the newspapers and broadcast media, and also condemned the fact that the government appeared to be going ahead with its plans to appoint Rasool to the US as ambassador.

corruption in the media show conditions under which a radical democracy thrives. Fourth, and most critically, this chapter has elucidated, through the Malema example, how secrecy can obstruct democracy by keeping the public ignorant of important information. In the case of South Africa, there is little secrecy,¹⁰¹ because the media appears to be playing its role to be loyal to its professional codes and to democracy. There appears to be impossibility for reconciliation of the social, *a la* the theories of Žizek and Mouffe, that is unity, between the media and the ANC, and this is good news for the unrealised democracy. Moreover, as Johansen, quoted at the beginning of this chapter, observed, 'Secrecy obstructs democracy by keeping the public ignorant of information' (1994). As discussed in Chapter One, the Protection of Information Bill, or the 'Secrecy Bill', aimed to 'balance' out the Promotion of Access to Information Act (No 2 of 2000), according to state law advisor Enver Daniels (*The Star*: 11 August 2010). However, the fact of the matter is that, if enacted, it will keep the public ignorant of information. This is discussed in Chapter Three: 'Subjection of a different kind: legislation and commercial imperatives'.

¹⁰¹ However, this thesis ends at the end of 2010 and the Protection of Information Bill had not been enacted in the form which civil society objected to - the form which would create a society of secrets. In addition, the Media Tribunal proposal was handed over to Parliament to investigate how it could be implemented. How the media would play a role in a democracy in the future if the bill and the tribunal become concretised is not clear.

Chapter 3

Subjection of a Different Kind: Legislation and Commercial Imperatives

The Protection of Information Bill currently before Parliament is meant to replace an apartheid-era law dating from 1982 ... it would virtually shield the government from the scrutiny of the independent press and criminalise activities essential to investigative journalism, a vital public service. (Extract from a letter to President Jacob Zuma by the Committee to Protect Journalists: *Business Day*: 17 August 2010)

While the focus of this thesis is on the process of the political subjection of the media as a consequence of the ruling party's ideological social fantasy to create a (false) unity in the social, this chapter first examines specifically how the legislative apparatus left over from the apartheid period hinders the work of journalists, but remains because it suits the democratically elected leaders of the post-apartheid era. Second, it examines how the growing uses of technology, coupled with commercial imperatives, impact on the media's role in a democracy. The argument here is that these forms of subjectivisation and interference have had a negative impact on the 'free' and 'independent' 'media'. The chapter delineates the raft of legislation that has an impact on journalism with a specific focus on the ANC's efforts to promote and explain its own insidious creation, the Protection of Information Bill. As the Committee to Protect Journalists¹⁰² said in the opening quotation, the activities of the independent press would be criminalised while the government of the day would be shielded from scrutiny.

The chapter proceeds with an overview of the South African media, to provide details of how the media has grown from a small and narrow set of players, three decades ago, to a more diverse, amorphous and fluid media landscape in the new dispensation. However, this chapter also shows the shifts from concentration of media ownership to fragmentation and then back to concentration again. Secondly, the chapter describes the legal conditions under which journalists have to operate and how, in some

¹⁰² The Committee consists of leading media houses, including the *New York Times*, *NBC News* and the *Washington Post*. See *Business Day*: Top US Media body opposes tribunal plan: 17 August 2010.

instances, the laws have changed to accommodate the free flow of information while, in others, the legislation is deliberately obstreperous: The Promotion of Access to Information Act (2000), for example, stands in stark contrast to the Protection of Information Bill, which went before Parliament in July 2010, and again in September 2010, then again in November 2010, and finally postponed for 2011¹⁰³. The Bill does not have a public interest defence, which is the main reason for the opposition against it. However, because the ANC does not have a two-thirds majority in Parliament, it would need one extra party to support it, before the Bill could be enacted.

Thirdly, there is a discussion on commercial imperatives and new media and the impact this has had, and continues to have, on the world of traditional journalism.¹⁰⁴ This section also shows how the meaning of the term 'media' has changed from the traditional sphere of television, radio and newspapers, providing the public with information and a public sphere for debate and analysis, to a broader view that encompasses citizen journalism, blogging, on-line publishing, social networking sites¹⁰⁵ as well as cell-phone technology used to pass on news to fellow citizens and to the traditional media.

Nick Davies'¹⁰⁶ book, *Flat Earth News* (2009), which subjects the profession to critical scrutiny, argues that journalism has been short-changed throughout the world. Due to subjection by commercial imperatives, newsrooms have been slashed to half their original sizes in some cases, and desk journalism¹⁰⁷ is all pervasive rather than reporters physically going out to interview people; journalists write more stories in a shorter space of time, with no time to check the facts; and they often regurgitate press

¹⁰³ In 2011 the ad hoc committee had a new deadline of 24 June to finalise the Bill.

¹⁰⁴ Traditional journalism is now taken to mean what has always, in the past, been known as journalism, that is, newspapers, radio, magazines, television. New media would differ: this would encompass citizen journalism, as in citizens sending in photographs and stories via their cell phones to newspaper offices, blogging and social networking (on sites such as Facebook, for example) are considered new media. The use of the internet to access news is also part of new media.

¹⁰⁵ Twitter (a site to send short messages) blogging, for instance where one can have ones own opinions on various matters posted to all your contacts - are all considered 'new media'.

¹⁰⁶ Nick Davies is a journalist at *The Guardian* newspaper in London

¹⁰⁷ Desk journalism means a reporter sitting at his or her desk and 'dialing a quote' rather than venturing out to the site of the scene or to interview someone personally. Desk journalism also means reporters rehashing stories from press agencies and press releases rather than acquiring their own fresh interviews.

releases from public relations companies, all amounting to what he calls 'churnalism' (2009: 70). In other words, stories are being churned out mindlessly, with the deadline rather than the accuracy of the facts in mind. While his research is based primarily in the United Kingdom there are also interesting overlaps and differences with the situation in South Africa, as this chapter will show. Indeed, Anton Harber observes in the introduction to the book *Troublemakers: The Best of South Africa's Journalism* (2010), edited jointly with Margaret Renn, that indeed there has been a juniorisation of newsrooms, with age and experience levels having dropped in the post apartheid era. However, he argues, this view romanticizes journalism under apartheid, suggesting that some unspecified universal high standard of journalism was set. It is indeed, as he also argues, debatable that coverage was once more accurate or substantial (ibid). The next section turns to the South African media landscape, with a particular emphasis on newspapers, and examines the issues of concentration of ownership, state interventions, and commercial imperatives, arguing that these are all different kinds of pressures which, it can be argued, are subjections.

3.1 The South African Media Landscape: an Unprogressive Concentration of Media therefore a Lack of Diversity?

The following section sketches the media landscape in South Africa and then deals with the argument that there is too much concentration of media ownership, which then necessarily means a lack of diversity. This in turn, according to the argument, means there is a need for state intervention to curb its excesses. My argument expresses the contrary view, opining instead that the media is amorphous and fluid, lacking in unity and cohesion, with as many views as there are journalists in a newsroom: there is no ideological agenda in 'the media' and journalists, by and large, exercise agency and act within the codes and ethics of their profession.

The media grew significantly in the last quarter of the 20th century, and again from 2000 to 2007. What the figures below highlight is the growth from a small, narrow field of operators to a broader more diverse landscape. According to Media Club South Africa

(2010) the media landscape in 2007 consisted of 71 television stations, whereas in 2000 there were 56, and in 1975 there were none. Similar growth trends can be seen in the number of radio stations. In 2007, there were 124 radio stations, in 2000 there were 105, and in 1975 there were 7 (ibid). The Media Club South Africa¹⁰⁸ website in March 2010 estimated that about 14.5-million South Africans buy the urban dailies, while community newspapers have a circulation of 5.5-million. There were 22 daily and 25 weekly urban newspapers in South Africa in 2010, most of them published in English (ibid).

- *Beeld* is an Afrikaans-language daily, owned by Media 24
- *Die Burger* is an Afrikaans language paper, owned by Media 24
- *Business Day* is an English daily owned by *Business Day/Financial Mail* in association with Avusa LTD and the London-based Pearsons PIC
- *Business Report* is an English language business publication owned by Independent Newspapers and is circulated through the Star newspaper
- *Cape Argus* is an English daily circulated in Cape Town, in the Western Cape province and is owned by the Independent Newspaper Group
- *Cape Times* is an English language daily, owned by the Independent Newspaper Group
- *The Citizen* is an English newspaper published six days a week, distributed in Gauteng province and owned by Avusa/Caxton
- *Daily Dispatch* is an English speaking newspaper based in East London, in the Eastern Cape province and is owned by Avusa
- *Daily News* is an English language daily, based in KwaZulu-Natal, and is owned by Independent Newspaper Group
- *Daily Sun* is the largest newspaper in South Africa, is a tabloid and is owned by Media 24
- *Daily Voice* is a tabloid based in Cape Town, and is owned by Independent Newspaper Group
- *Diamond Fields Advertiser* is based in Kimberley in the Northern Cape and is owned by Independent Newspaper Group
- *The Herald* is based in the Eastern Cape and is one of the country's oldest newspapers, launched in 1845, and is owned by Avusa
- *Isolezwe* is an IsiZulu newspaper published Monday to Friday, based in KwaZulu-Natal, and is owned by Independent Newspaper Group
- *Kaapse Son* is an Afrikaans language, Western Cape tabloid owned by Media 24
- *The Mercury* is an English language, Durban morning paper, owned by Independent Newspaper Group

¹⁰⁸ The MediaClubSouthAfrica.com is a website for the latest trends in media facts and figures. The website <http://www.medioclubsouthafrica.com> was accessed on 24 March 2010 for this information

- *Pretoria News* is an English daily based in Pretoria but also distributed in the provinces of Mpumalanga and North West, and is owned by Independent Newspaper Group
- *Sowetan* is a daily English language newspaper aimed at a literate black readership and is owned by Avusa
- *The Star* is an English daily published in Johannesburg but circulated throughout the country and is owned by Independent Newspaper Group
- *The Times* is one of South Africa's newest papers, is an English language tabloid, is the sister paper to the Sunday Times, and is owned by Avusa
- *Volksblad* is an Afrikaans language daily based in the Free State and is owned by Media 24
- *The Witness* is an English language daily newspaper based in Pietermaritzburg, also serving inland KwaZulu-Natal, and is owned by Media 24

The weekly newspapers are: *City Press* owned by Media 24; *Saturday Star* and *Independent on Saturday* owned by Independent Newspapers; *Isolezwe nge Sonto* owned by Independent Newspapers; *Mail & Guardian* owned by Mail & Guardian Media; *Post* owned by Independent Newspapers; *Rapport* owned by Media 24; *Soccer Laduma* owned by Media 24; *Son* owned by Media 24, *Sunday Independent* owned by Independent Newspaper Group; *Sunday Sun* owned by Media 24; *Sunday Times* owned by Avusa; *Sunday Tribune* owned by Independent Newspaper Group; *Sunday World* owned by Avusa; and *Weekend Post* owned by Avusa. In an analysis of the above list a number of different trends emerge. While there are a variety of newspapers, the majority in English, they are geared towards different readerships. For example a middle class readership is targeted by *The Star*, while *Business Day* targets the business sector, and soccer fans are targeted by *Soccer Laduma*. Some tabloids target niche markets, for example those interested in sex and scandal, as reflected, for instance, in *Kaapse Son*. Secondly, although there are many newspapers, there are very few owners. Thirdly, a note pointing out, is that the reading public is widening if the growth of the tabloid the Daily Sun is to be considered, according Harber (2009). This is the country's biggest newspaper, aimed at black, working class people offering local news and gossip, focusing on everyday lives and struggles of people, rather than on intellectual debate. The *Daily Sun* is the most widely read daily newspaper in the country, Harber (2009) said. He observed that daily papers aimed at an intellectual market, on the other hand, do not survive. He provided the example of the attempt of

the *Weekly Mail* in 1990 to launch a daily, *The Daily Mail*. This paper could not sustain itself and lack of funding meant that it met its demise less than two months after launching. *ThisDay*, a national intellectual daily aimed to compete with *The Star* newspaper, lasted a year, from October 2003 to October 2004, when it ran up debts of up to R14-million (Bizcommunity.com: 2004). The problem was that neither was able to capture a sufficiently large advertising market and nor were they able to reach a broad enough audience. Sales did not match their need. The same pattern experienced by the *Daily Mail* and *ThisDay* was followed by the most recent casualty, *The Weekender*, which shut down in November 2009.

The Weekender was launched in March 2007 by *Business Day/Financial Mail* (BDFM). It serviced an intellectual readership, and at its second birthday in March 2009, according to the All Media and Products survey (AMPs), the paper showed a significant following of 71 000 readers per issue (AMPs: 2009A). However, by November 2009, the management of BDFM closed the paper because of financial constraints. In this case too, it was a case of not enough advertising and not enough sales. In the meanwhile, the lower end of the market, the tabloid the *Daily Sun*, launched by Media 24 in 2003, sold 508 000 copies daily in March 2004, when it was not yet one year old (Harber 2009). The AMPs survey 2009A, showed growth in the number of readers, from 1.4 million in 2003 to 3.4 million by 2005.

A fourth trend, evidenced by the last point, is that newspaper readership's decline has been arrested, according to the South African Advertising Research Foundation (*Business Day*: 1 April 2010). Newspaper sales stabilised, according to the research, and the number of South Africans reading newspapers had increased to 15, 324-million people (ibid), compared to the figure produced by Media Club South Africa, cited earlier in this chapter, which said that 14.5-million South Africans bought newspapers. A fifth trend to be gleaned from the above listing of the newspapers is that there is a concentration of ownership of newspapers by four main players: Avusa, Independent Newspaper Group, Caxton and Media 24. The question this poses is whether this necessarily means that a concentration of ownership constitutes a limiting factor for a

developing democracy. Does this concentration translate into an unprogressive hegemony by big capital? According to the ANC, in its discussion document for its September 2010 national general council: 'Free, independent and pluralistic media can only be achieved through not only many media products but by the diversity of ownership and control of media' (ANC, 2010). This is a curious statement, given that the ANC wishes to exercise political control of the media via a Media Tribunal. It can be argued that the ruling party's argument for diversity and transformation is a spurious one, it is self serving and it is a disguise for its more insidious intentions of controlling the free flow of information and criticism. In fact, readers of newspapers have pointed to arguments for diversity as a 'guise' to mask its efforts to control and limit the role of the media. I have used letters to newspapers below to show how some people responded to the ANC's position. According to a reader of *The Times*:

It is an open secret that the ANC realises that its inevitable decline in power and control of the country has arrived, now the only option it has is to close access to information. It is not by coincidence that the Protection of Information Bill and the media appeals tribunal are being proposed simultaneously (*The Times*: 16 August 2010).

3.2 Is this Concentration of Ownership an Unprogressive Hegemony?

The commercial print media is owned by a few big companies. This concentration of ownership¹⁰⁹ does not translate into four views in the media. This is not to suggest that this is the view of the ANC, but it is sometimes implied. I will argue that this assumption reflects reductionist logic and is an over simplistic and inaccurate answer to the question of the concentration of ownership. My argument in this section is that the issue of concentration of ownership, while not ideal, is being used by the ruling party to try and limit the free space of the media. The argument about the strangle-hold of big media companies has provided a platform for the government to initiate laws and policies under the guise of development, transformation and protection of privacy and

¹⁰⁹ Media 24, Caxton, Avusa, Independent Newspapers are the four big companies which own the print media. However there is also the *Mail & Guardian* owned by Newtrust Company Botswana Limited

state security, which threaten to close the discursive spaces for open deliberation and criticism that are germane to developing a democratic culture and society. The next six chapters in this thesis show that the media lacks unity, is plural in composition and constitutes a multiplicity of spaces. This serves to deepen and sustain democracy in a myriad of ways, especially in the sense of being the space for robust contestations and conflict, all necessary for the democracy 'to come', to use Mouffe's conception that democracy is constantly in the making (Mouffe, 2000: 137).¹¹⁰

There are different ways of looking at what 'diversity' means in relation to concentration of ownership. In response to the long-held belief that ownership and control of commercial media translate into determination of content, veteran journalist, columnist at *The Times* and the public editor at Avusa Media, Thabo Leshilo argued, 'The idea that such concentration of ownership is a threat to democracy is far-fetched and can only succeed in inflaming passions'. He pointed out that the big four did not form a news cartel. 'They all compete fiercely for market share, even to the point of wanting to kill one another's titles' he argued (*Sunday Times*: 8 November 2009). Leshilo was responding to the Media Development and Diversity Agency (a section 21 company set up by the government in the new democracy as the MDDA Act No 14, of 2002) to investigate media ownership and lack of diversity. The stated aims of the MDDA were to give adequate space to women, children and people with disabilities, and for the self regulatory mechanism for newspapers, to be aligned with legislation [...] Leshilo explained that in South Africa there was little correlation between shareholders and the stories that appeared in papers, radio or television.¹¹¹ He wrote, 'What shareholders care about is the return on their investment. They do not scrutinise papers to check if they do a good job on covering women or people with disabilities, for example' (*Sunday Times*: 8 November 2009). In South Africa, he further expounded, shareholders appoint

¹¹⁰ Derrida's famous 'democracy to come' was adopted by Mouffe when she theorized that democracy was unrealizable. 'Perfect democracy would indeed destroy itself. This is why it should be conceived of as a good that exists only as good as long as it cannot be reached'. There is, in other words, a conceptual impossibility of a democracy in which the ideals of harmony and justice are realized (Mouffe, 2000).

¹¹¹ See also editor of the *Mail & Guardian*, Nic Dawes, in the *Daily Maverick*: 2 October 2010: 'Editors I know and respect would resign if given instructions by management, advertising and shareholders on what news content should be. In all major SA newsrooms, at least those that I know of, they keep a strict Chinese wall between advertising and editorial.'

a board, which appoints management, which then appoint editors. While Leshilo conceded that papers could do a better job of covering marginalised communities, women and children, it was not for some government agency to be policing newspapers or the news. He added that some methods proposed at the MDDA meeting were hugely problematic:

They betrayed a veiled desire by representatives of government, state organs and the ruling alliance to impose their own set of values on society and determine what is acceptable to publish. Their suggestion to resuscitate debate on the ANC's ill-conceived idea of subjecting independent media, privately funded media to a state Media Tribunal or some other government agency is a dead-giveaway of their intentions (*Sunday Times*: 8 November 2009).

In theoretical terms, what Leshilo was describing was the unprogressive hegemony of the ANC and the attempted closure of media spaces. The idea that a government agency, under the guise of wanting more diversity to sympathetically reflect the concerns of neglected rural people, blacks, women, children and people with disabilities, is deployed as a disguise for more political control of the media. This constitutes an unprogressive hegemony¹¹² in disguise as openness, which would ironically limit and hinder free speech and freedom of expression which are hallmarks of what is required to sustain democracy, even more than the so called concentration of ownership issue. Attesting to this view would be the following point made by Mondli Makhanya *en passant* in an interview: 'Cyril Ramaphosa¹¹³ has greeted me a few times as we've passed each other by on the escalator, not once has he called me in for a chat, nor has he visited me in my office ...' (Interview: 24 January 2008).¹¹⁴ Yet Ramaphosa is one of the owners. While the area of ownership and media concentration is not the focus of my argument, it has been raised here to show that there are different ways of looking at diversity. In particular, the argument for a direct relationship, or even a correlation, between ownership and journalistic freedom of expression, is too

¹¹² The term hegemony is used in the Gramscian sense as in the ascendancy of all social, economic, political, moral and ideological spheres.

¹¹³ Cyril Ramaphosa is a national executive member of the ANC and is also an Avusa shareholder.

¹¹⁴ Black economic empowerment mogul businessman and member of the ANC NEC, Ramaphosa, has a big ownership stake in Avusa which owns the *Sunday Times*.

reductionist and conflates ownership with control of information and opinion dissemination. Moreover, it does not add up to the real experience of journalists within a particular newspaper. This is not to deny that the world of journalism is affected by profit motives of owners, as the closure of newspapers suggests, nor is it to deny that rural areas are inadequately covered and that the majority of newspapers have a middle class bias. In addition to this, the new world of technology has made the old world of newspapers struggle for its space.¹¹⁵ The traditional media world has been subjected to significant competition, an onslaught, if you like, over the last decade with the wave of new technology which has rolled in to compete for its space. However, if you remove cell phones from the equation of new media, media analyst Paula Fray, in an interview (March 2008) pointed out that only a small percentage of South Africans had access to the Internet: 'Fewer than 10 per cent of adult South Africans surf the Internet but its impact is still significant.' Certainly, technology has changed the way our children consume information, she said:

Increasingly news needs to be more interactive, shorter, targeted and media now face the challenge of building relationships with their online users. The flood of information on the Internet actually promotes targeted media because people are looking for products that serve their needs. In the last year particularly, I've seen the online websites of print products become more interactive and multi-media (Interview, 17 March 2008).

What Fray observed was the fact that the traditional world of the media was changing from one in which media meant radio, television and newspapers, to an expanded view which embraced a range of technology, including the Internet. In this new technological age the consumption of information has spread and expanded. So despite rapid technological changes, the question remains about who has access to these developments. Former *Weekly Mail* editor and the first journalist in South Africa to begin online publishing, Irwin Manoim, commented on the results of internet usage in South Africa in the wealth trends survey in Gauteng (*Sunday Times*: 22 June 2008). His research showed that 493 000 people had accessed the internet over the four weeks

¹¹⁵ See Arianna Huffington (2009), editor of the Huffington Post, in the next section of this chapter: It's the Consumer Stupid!

monitoring period, and of this, 21% had read the news online, 11% had read a daily paper on line (ibid). Manoim commented that the wealthy were probably reading business news online, which the Internet provided as it unfolded, but which print can only provide the day after. 'Internet news can be read on your office computer while you are working. It even prompts you when news that is of interest to you comes up,' he said (ibid).

While this was the trend in the upper end of the wealth scale, or living standards measure, The Gauteng Wealth Survey also showed that printed news was doing better than ever at the lower popular tabloid end of the market (*Sunday Times*: 22 June 2008), as mentioned already, which reflects the same trend in other developing countries in Africa and the East, for example, China and India. Nevertheless, South Africa's newspapers were affected by the global economic recession of 2008 and the move away from advertising in print to advertising on the Internet, which is cheaper according to Manoim (ibid). Many publications, newspapers and magazines, have closed down. For example, *Maverick* magazine folded in October 2008, *Ymag* in November 2008, *Enterprise* magazine in December 2008, *The Weekender* in November 2009, and *Femina*, South Africa's oldest women's magazine, in February 2010. Before a more detailed discussion of the complex question of commercial imperatives and the intersection between media and democracy, this chapter now turns to an overview of the legislation, a severe form of subjection which hinders the work of journalists, the free flow of information, thus signifying significant closures for democracy.

3.3 State Subjection via the Law and Civil Society Reaction

This section argues that the media world in South Africa's democracy is under significant pressure through a myriad of laws, which hinder the work of journalists. Two of the country's most prominent investigative journalists, Stefaans Brummer and Sam Sole who led the *M&G* Centre for Investigative Journalism, amaBhungane¹¹⁶

¹¹⁶ AmaBhungane means dung beetle in isiZulu: the aim of the investigative unit is to get to the bottom (dung) to expose corruption and abuse of power.

commented on exactly how the law foreclosed possibilities in their investigative work. The section proceeds first with exploring the guarantees provided for the Freedom of Expression in Section 16, the Bill of Rights, of The Constitution of the Republic of South Africa, 1996. It then proceeds to outline the various pieces of legislation that affect a free media.

A free media is guaranteed in Section 16 of the Constitution under the principle of Freedom of Expression. The Section reads:

- (1) Everyone has the right to freedom of expression, which includes –
 - (a) freedom of the press and other media
 - (b) freedom to receive or impart information or ideas
 - (c) freedom of artistic creativity
 - (d) academic freedom and freedom of scientific research

The Constitution also states that no right is absolute. It would be within this context that the media's fight for independence from political control, as in the Protection of Information Bill and the proposed Media Appeals Tribunal, would take place should the issue reach the Constitutional court. The scrutiny of the independence of the media did not begin only in 2010, as we saw in Chapter Two. The civil society watchdog body, the Freedom of Expression Institute (FXI), in a booklet entitled *The Media and the Law* (2008) pointed out that while media freedom is constitutionally protected and the country has one of the freest media in Africa, as the 'honeymoon phase of our new democracy fades, so it becomes clear that attacks on media freedom are increasing'.

Over the past few years, the FXI has charted a trend of increasing censorship of the media and individual journalists. This censorship is not only directly applied through laws and lawsuits, but also indirectly, through a withdrawal of advertising and self-censorship. A favoured method to silence the media is the defamation lawsuit. Media freedom is also under threat from the courts in the form of interdicts brought by aggrieved parties against the media. This amounts to pre-publication censorship and, although the interdicts are temporary, by the time the interim period lapses, the news story is out of date and the banned copies must be pulped, with severe financial implications. Another

increasing threat to media freedom has been the pressure brought to bear on journalists and media to reveal the confidential sources of their information. (FXI *The Media and the Law*, 2008)

In the above extract, there were three main issues of concern to the FXI: increasing censorship through laws and lawsuits, particularly the defamation lawsuit;¹¹⁷ interdicts to prevent publication; and, finally, the pressure to reveal confidential sources. The legislation that impacts on media and non-media freedom of expression is discussed below. This includes the two bills that have not yet been passed in Parliament. Should the two bills be enacted they would profoundly affect the work of journalists.

- **Promotion of Equality and Prevention of Unfair Discrimination Act** (No. 4 of 2000). The aim of this Act was to prohibit hate speech but it also raised freedom of expression issues. According to the Act, no person may publish, propagate, advocate or communicate words based on one or more prohibited grounds against any person that could reasonably be construed to demonstrate a clear intention to be hurtful, harmful or to incite harm; or promote or propagate hatred. This raises the question of how journalists would report about issues that might offend. The most likely effect on editors and journalists would be self-censorship.
- **Films and Publications Act** (No. 3 of 2009). The aim of this Act was to protect against child pornography. However, it could also be used as a form of pre-publication censorship which would counter the media freedoms guaranteed in the Constitution. Three media organisations, the FXI, Sanef and the Media Institute of Southern Africa (Misa) felt that there was no record of newspapers or news broadcasters having contravened the common law crime of displaying child pornography or of exposing children to pornography. In the event, the Bill was enacted without the government having consulted adequately with the media. Subsequent to complaints from media NGOs, a clause was included to protect bona fide newspapers but, according to Raymond Louw,¹¹⁸ about 700 publications and magazines were not included and have to comply with the Act (*Business Day*: 12 November 2009). Dene Smuts, a Democratic Alliance MP, and former editor of a woman's journal, said: 'No one at all should be conducting pre-publication inspection. That is censorship of the most primitive kind, whether imposed on broadcasters or print media and it is plainly unconstitutional' (*Sunday Times*: 6 May 2007). In a public survey conducted by TNS Research, citizens were asked whether new laws were needed to clamp down on the media to curb

¹¹⁷ For example, the lawsuit by President Zuma against cartoonist Zapiro, for R7.m is the largest lawsuit in the world against any cartoonist or journalist. This is discussed in Chapter Five: Different meanings of freedom of expression.

¹¹⁸ Raymond Louw is deputy chairperson of Sanef's media freedom committee, publisher and editor of *Southern Africa Report* and former editor of the *Rand Daily Mail*.

child pornography, and 73% of South Africans said that it was ‘-important to have independent TV stations, radio, and newspapers so that we get unbiased news’ (*Sunday Independent* 6 May 2007). Out of a total of 2 000 respondents in Johannesburg and Pretoria, 87%, agreed on the need for independent uncensored news; 77% from Soweto agreed; 72% from Cape Town and Durban. Bloemfontein came in lowest with 60% (ibid).

- **National Key Points Act** (No. 102 of 1980). This Act prevents publication about security arrangements at key strategic installation points called national key points. The law prevents reporters and photographers from reporting and taking pictures of, for example, the security wall built around the president’s and cabinet ministers’ homes in Pretoria. Any state department or public entity could be declared a national key point by the Minister of Safety and Security in the interests of national safety and security. Hopewell Radebe observed that, ‘Sanef is struggling to get laws repealed and as Justice Pius Langa warned if editors don’t let the law be promulgated, it’s hard to have them repealed. In effect the National Key Points Act means you could get into trouble for taking a picture of a Post Office!’ (Interview: 25 January 2008).
- **Protection from Harassment Bill** (B1 – 2010). In October 2009 this Bill was approved by Cabinet and was due to go before Parliament, but by October 2010 it had still not been enacted. The aim of the Bill was to protect victims from stalkers, an aspect not covered by the Domestic Violence Act. However, investigative journalism would be impeded as this work sometimes requires what could be conceived as ‘stalking’. In effect, for doing their work as a journalist, journalists could face criminal charges or damage claims. Sanef made submissions opposing the Bill on the basis that this would have the unintended consequences of impeding investigations by journalists. The definition of harassment was wide enough to include methods that journalists used daily to obtain information in investigations, wrote journalist Chantelle Benjamin (*Business Day*: 26 October 2009). In October 2010, the media was still overlooked in the definition of harassment. A year later, Ilham Rawoot reiterated that making repeated phone calls and door-stopping people to get an interview – and an accurate story – was part of a journalist’s daily activity (*Mail & Guardian*: 22-28 October 2010). ‘But if a new Bill aimed at preventing stalking is passed, those phone calls and visits could constitute stalking and harassment, punishable by imprisonment’, she wrote (ibid).
- **Protection of Information Bill** (B6 – 2010). This Bill was before Parliament in 2009, and for most of the second half of 2010. If enacted, this Bill would prevent certain stories from being published as it allows a broad range of information to be classified as secret. Owing to the wide outcry over this bill that its

classification is too broad and that too much power was vested in the minister of security to decide what classified information is, it was withdrawn temporarily in 2008, to return in 2009, and again in 2010. In June 2010, the Bill came before Parliament with 23 submissions from civil society groups and editors concerned about the implications for journalists gaining access to state information. The editors were concerned that a journalist could be jailed for up to 25 years for publishing classified information. 'If anything, Sanef believes that many of the changes that have been made have tightened the state's grip on maintaining secrecy of information and have extended the powers of politicians over the classifying of information' deputy chair of Sanef, Henry Jeffreys¹¹⁹ said about the draft put forward to Parliament in June 2010 (*The Star*: 1 July 2010).

The Bill, however, seemed to suit the ruling party's hegemonic purposes and one can argue that they reflect an agenda for what one could define as an unprogressive hegemony, a closing of the open and free spaces for civil society action, to create a society where there is secrecy rather than transparency. The curtailing of media freedoms if the Protection of Personal Information Bill were to be enacted would criminalise investigative journalism and jail sentences of between three to twenty five years would be imposed for those in contravention. If enacted, it would mean that newspapers would not be able to question whether a president is fit for office, nor expose misconduct and corruption by public figures. In fact, the media's function, as discussed in earlier chapters, of holding power to account and exposing abuse of power would be curbed. Let us consider one of the most serious pieces of legislation that would hinder the work of journalists, that would create severe restrictions and jail terms for those who do not accept their subjection, who do not self-censor and for those who will speak out – The Protection of Information Bill, dubbed the Secrecy Bill.

The Debate and the Subjectivisation Contained in the 'Secrecy' Bill

The main focus of this section is to present evidence of a selection of the public discourse around the Bill through letters to some newspapers, rather than to unpack clause by clause the legislation itself. First, if the Protection of Information Bill dubbed

¹¹⁹ It is interesting that a few months later, in October 2010, Henry Jeffreys seemed to have turned his back on independence in the profession when he joined the ANC aligned newspaper, *The New Age*, as editor. However he said in the launch edition that the paper was not aligned to any party but would be generally sympathetic to the government, *The New Age*: 6 December 2010.

the 'Secrecy Bill' became law, it would create a secret society as it would stop the free flow of information as stipulated in the Promotion of Access to Information Act of 2000. According to a 'Civil Society statement' (2 August 2010)¹²⁰ the Secrecy Bill, if enacted, would mean that any state agency, government department, even a parastatal and a local municipality could classify public information as secret; anything could be classified as secret at official discretion if it was deemed in the 'national interest' to do so; commercial and government information could be made secret, making it difficult to hold business and government to account for inefficiency and corruption; anyone who passes on information, i.e. a 'whistle-blower', and any journalist caught in possession of a document classified as secret could be prosecuted and imprisoned.

Civil society groupings launched a campaign entitled 'The Right2Know', to oppose the Secrecy Bill, in Cape Town on 31 August 2010 and in Johannesburg on 16 September (*Mail & Guardian*: 3–9 September 2010). In the launching statement, the Right2Know said that, if enacted, this Bill would create a 'society of secrets', would criminalise whistle blowers and would impinge on press freedom in South Africa. It would become close to impossible to investigate those in positions of power for corruption or abuse of office. It would lead to self-censorship by journalists who would be afraid of imprisonment. There were many articles written by the media itself, as well as by political analysts in the media, about the Bill.¹²¹ I would like to turn to letters from the public to show how some citizens felt their lives would be affected by a media clampdown. The majority of these letters showed that many members of the public could see that these controls were political. The letters variously described the purpose of the Bill as ideological obfuscation and constituted a desire to cover up the ruling

¹²⁰ Some of the organisations which opposed the bill consisted of: the AmaBhungane of the Mail & Guardian, Cosatu, the FXI, Sanef, the Institute of Security Studies, Media Monitoring Africa, the Committee to Protect Journalists (international), the Alternative Information and Development Centre (AIDC), Anti-Privatisation Forum, Equal Education, the Lesbian and Gay Equality Project (LGEP), Social Justice Coalition, the Open Society Foundation, the Media Institute for Southern Africa (Misa), Print Media SA, the Freedom of Expression Institute, (FXI), the Institute for Democracy in South Africa (Idasa), and the South African Human Rights Commission (SAHRC).

¹²¹ See *Saturday Star*: Cutting through the confusion: 7 August 2010; *The Star*: ANC must come into the open: 16 August 2010; *The Star*: Laws that stifle transparency: 12 August 2010; *Sunday Independent*: The more things change, the more ...: 15 August 2010; *The Times*: Secrets: us and them: 10 August 2010; *The Star*: No protection for us, the people: 9 August 2010; *Sunday Times*: How to cover up abuse of power in a legal way: 25 July 2010; *Sunday Times*: New dog attempting to perform old tricks: 25 July 2010; *Mail & Guardian*: Not in the National Interest: 16-22 July 2010; *Business Day*: Knee jerk secrecy is futile: 28 July 2010; and *City Press*: More power to Nyanda: 25 July 2010.

party's own inadequacies and tarnished image due to the many exposures of corruption. I have used letters to *The Times* and the *Daily Sun* as examples. The letters serve to show that many did not believe in the ideological social fantasy that the 'bourgeois commercial media' was merely serving the interests of their capitalist bosses' (Mthembu, 2010),¹²² or that the 'neo-liberal media' was a threat to democracy. Many disagreed with the comment made by Blade Nzimande, the Minister of Higher Education that 'We have a huge offensive against our democracy...the print media is the biggest perpetrator. (*The Star*: 11 October 2010).¹²³

Letters from *The Times*.

1. ANC wants grip of iron

President Jacob Zuma's contention that the media are suspect because they were "not democratically elected" (August 12) once again shows how misguided the ANC's conception of democracy is. Democracy means to be able to exercise choices. No newspaper forces me to buy and read it. It is the proposed Media Tribunal that is undemocratic because it removes choice [...] (Louis van Rooyen, Klerksdorp, 16 August 2010).

2. We've no one to blame but ourselves

All this chaos about the Media Tribunal and the Protection of Information Bill started the day President Zuma and his supporters were voted into power [...] Now, despite Zuma's promises to preserve the freedom of the media and freedom of expression, his attention-seeking police chief, Bheki Cele, is arresting and harassing reporters and newspapers. How could the media pose any threat to the revolution? [...] (Sabelo Mkhali, Johannesburg, 12 August 2010).

3. We must protect public's right to know

Our government's proposed controversial Protection of Information Bill and the ANC's plans for the establishment of a Media Tribunal that would regulate the media are against the Constitution [...] Freedom and access to information are some of the main features of a democracy.

¹²² Spokesperson for the ANC Jackson Mthembu at a *Mail & Guardian* Critical Thinkers Forum to discuss The Media Siege in August 2010 in Johannesburg, The same sentiments have been echoed by SACP leaders such as Blade Nzimande and Jeremy Cronin. See Nzimande (2010) Red Alert, newsletter of the SACP: 'Tenderpreneurs' of a special type? South African media on trial: 'It's the capitalist media bastard. What else do you expect of it?' said Nzimande.

¹²³ See Jane Duncan in *The Star*: Stalinist attack on the media: 11 October 2010, quoting Blade Nzimande at the National Health and Allied Workers Union national congress after the ANC's NGC, on why there needed to be a Media Tribunal – it was necessary to protect socialism.

Democracy centres on investigative and fearless reporting, and independent media that are truly free from any interference. Critical and probing questions are essentials of good journalism. A free media also helps prevent abuse of power, and promotes accountability and transparency. Media independence from the government is crucial to encourage public discussion and participation. Democracy requires an informed populace. Freedom of the press is something we should not forego (Abdullah Saeed - no place provided- 10 August 2010).

4. We should be opening up our democracy

The proposed Media Tribunal and the new classification [of information] laws set a dangerous precedent. It is the fine detail and the letter of the law that count. Control of the media is a disaster. We do not need an army of officials classifying documents. We should be opening up and relying on a mature and democratic public to see its way through. The ANC should withdraw the bills and look for other ways to open debate, discussion and action in a democracy (Graeme Bloch, by email 10 August 2010).

5. Elites want to seize control of media

In view of the bid by the ANC to establish a Media Tribunal, and the mafia style arrest of Sunday Times journalist Mzilikazi wa Afrika, I am reminded of Marxist sociologist Ralph Miliband [...] "They share power with others only when it is in their interest, and they never voluntarily surrender power. To rule their society, elites employ techniques such as dominating the economy, using the police and military forces, and manipulating the educational system and the mass media," He said elites often believe that leadership by an elite is the natural state for people to live in and that people are easily led. For me, this view accurately explains the government's attitude to the media (Tshilidzi Tuwani, by email, 10 August 2010).

6. Tribunal a bid to keep a lid on top-level rot

I am quite disturbed by the ANC's proposed Media Appeals Tribunals and the Protection of Information Bill. Though the party might claim that the Media Tribunal would adjudicate complaints from citizens about the press, it has become quite apparent that it is the ANC's strategy to stop the media from exposing the corruption of top officials. It seems the ANC wishes to build a state in which people are not allowed to know the evil deeds and mischief of the leaders they have elected. (Thalukanyo Nangammbi, Pretoria 11 August 2010).

One of the most important points to note is that the citizens quoted above have made the link between the Protection of Information Bill and the Media Appeals Tribunal (letters 2, 3, 4, 6). For them, these were not isolated or random proposed regulations and laws, but understood that they would work together to close the spaces for democracy. Averting to the point made about democracy, Louis van Rooyen found that the ANC's argument that the media was not democratically elected showed the misguided conception of the ANC's understanding of democracy. Nobody, he pointed out, forced him to buy a newspaper. Tshilidzi Tuwani suggested that the proposed controls were about elites wanting to preserve power and would use all means to do so. He quoted Miliband: 'They share power with others only when it is in their interest, and they never surrender power. To rule society, elites employ techniques such as dominating the economy, using the police and military forces, and manipulating the educational system and the mass media'. Another reader, Abdullah Saeed, felt that freedom and access to information were cornerstones of democracy, which helped to prevent abuse of power and to promote accountability.

What was apparent from these readers' commentary in *The Times* was that a connection was being made by many in the public that there was, on the part of the ANC, ideological obfuscation at play and the media were used as a scapegoat for the ruling party's problems. There are resonances with Žižek's explanation of the 'symbolic over-determination' invested in the figure of the Jew in Nazi Germany. He wrote that the basic trick of displacement was to displace social antagonism into antagonism between the sound social texture, social body, and, in his example, the Jew as the force corroding it. Thus the force of corruption was located within a particular entity, the Jew. (1989:125). In an explanation of how surplus supports ideology, he wrote that the displacement is supported by a condensation of features: Jew as profiteer, Jew as schemer, Jew as seducer of innocent girls, Jew as corrupt and anti Christian and so forth, so that a series of heterogeneous features and floating signifiers became condensed, and it is this very surplus which becomes the last support of ideology (op cit: 124). In South Africa, we have a similar ideological interpellation or hailing of the media as unsupportive of transformation (see Chapter Two), as capitalist bastards (see

Blade Nzimande's statement in Red Alert quoted above), as enemies of the people (see Chapter Seven in the fight between the *Sunday Times* and the former Health Minister in 2007) and as a threat to democracy and a law unto themselves, who if 'they need to be jailed then they need to be jailed' (Jackson Mthembu quoted in *Mail & Guardian*: 23-29 July 2010). The function of ideological fantasy, deployed from Zizek's theory, is to mask inconsistency. It is precisely the way antagonistic fissure is masked. Fantasy is a means for an ideology to take its own failure into account in advance. Coupled with Mouffe's theory about society not existing as a whole, this harmonious entity explains the ANC's gaze on the media. The ANC needs to close the media spaces in order to create a mirage of unity, so that it seems as though the social is a united and harmonious one. Just as Zizek described the figure of 'the Jew' in Nazi Germany as perceived from the totalitarian gaze, as a certain kind of blockage, so it is in South Africa with respect to the media. Hopewell Radebe¹²⁴ described the phenomenon journalistically:

The ruling party just wants happy stories, finish and klaar. We try and put all sides of the story together, and so they call us enemies of the people. We once reported on a housing story in Mpumalanga's Bushbuckridge area. The people were happy they received houses, yes, but they were not happy with the type of houses they got. It had changed their culture of living and builders had just looked at cost effectiveness. The housing department took exception to the story (Interview: 25 January 2008).

From the fantasy gaze of the ANC, the media is the cause of social antagonism, which prevents society from achieving its full identity as a closed, homogenous totality. As some of the letters from the public showed, citizens were not blinded by the ANC's ideological stratagems. They tell of a paranoid construction of 'the media' with a symbolic over determination invested in it. As Ferial Haffajee¹²⁵ commented in a Special Assignment programme on SABC 3 on August 17, 2010: 'I really wonder why the ANC is not as obsessed about poverty, the delivery of housing, and unemployment as it is about the media.'

¹²⁴ Radebe was foreign editor of *Business Day* when he was interviewed for this thesis in 2008.

¹²⁵ Haffajee was speaking as member of Sanef. She was the former editor of the *Mail & Guardian* and in 2010 she became editor of *City Press*

Returning to my theoretical task, when Žižek referred to Stalinism in the Soviet Union, as well as to the use of a social ideological fantasy with reference to Nazism in its positioning of the Jews, he noted in *The Sublime Object of Ideology* (1989) that those who disagreed with it, 'the Party', as representatives of the people, were positioned ideologically as traitors or enemies of the people. 'Fantasy is a means for an ideology to take its own failure into account in advance' (1989:126). It is an *a priori* space in Lacan, and it constitutes the frame through which we experience the world as consistent and meaningful. The letters from the public showed that they understood that the ANC was indulging in an ideological social fantasy and was attempting to structure the media as outside democracy to suit its own purposes, masking its own inadequacies and inconsistencies. So then, we give houses to the poor but do not let anyone know that the poor were not happy with those houses - that would make you an enemy of the people. Clearly, from the letters above, not all in the social have accepted the ANC's ideological interpellations of the media as 'enemy'. These I would call cases of rejection of the ideologically interpellating voice of the ANC.

The letters below, from the *Daily Sun*, show a similar trend.

1. Tribunal a warning

The ANC's Media Tribunal is uncalled for and must not be allowed to happen. The tribunal's main objective is to hide the corruption of under-performing politicians. Why can't the ANC first establish a tribunal into corruption by political office-bearers? [...] (Julius Sadiki, Joburg, 4 August 2010)

2. We DO need a Media Tribunal

I would like to add my voice to the call for a government regulated Media Tribunal. We have seen in the past how the media has failed to use self-regulation mechanisms like the press ombudsman. A lot of people's rights have been infringed in the name of freedom of speech and freedom of the press. Let me remind my fellow South Africans of Kgalema Motlanthe's love-child saga, and of Zapiro's cartoons depicting our president pulling his pants down and getting ready to rape Lady Justice. These are just two examples of how the media targets and

demonises people they don't like. If a false story makes headlines, it's read by millions. A retraction is normally a small column that goes unnoticed. The media is being used by certain individuals to distort the image of their rivals to further their own agendas. We need a Media Tribunal – finished and klaar!
(Sipho Nsibande, Pretoria, 2 August 2010)

3. Media bill a bad idea

The proposed Media Tribunal is a very bad idea for a country like ours, where corruption is common. [...] Those who have a lot to hide will support this tribunal. But those who have nothing to hide will understand that journalists are the ears and mouths of ordinary people. If you know that a newspaper story about you is true, you will want to form a Media Tribunal that will consist of your political allies, who will cover up for you
(Patrick Sekgala, Kanana, 11 August 2010).

4. Media bill a cover-up for corruption

I am strenuously opposed to the proposed law calling for a Media Tribunal and the Protection of Information Bill by the ANC and its alliance partners. To me this smacks of a total abuse of power. Those who argue that media self-regulation is not enough either have skeletons in their closet and fear the media will expose them or do not want the masses to know how their tax money is being spent. Why is it only the media that is being targeted with this tribunal? [...] the ruling party does not want them to know about their public – shenanigans. Service delivery is horrible but the ruling party conveniently isn't calling for a tribunal to deal with their failure to provide basic services! [...] (Puleng Mmila, Seokodibeng, 11 August 2010).

5. ANC wants to keep us all in the dark

Why does the ANC insist on this Media Tribunal? Why do they hate a free press? Why do they want to turn SA into Zimbabwe? What are they trying so hard to hide from the public eye? Do they prefer the dark? The media is there to inform the public on matters that concern them as South African citizens. According to the ANC, the media is their biggest enemy at the moment. Is this because it is spilling the beans on the corruption of party leaders? This attempt to gag the press has nothing to do with protecting the dignity of South Africa or the needs for journalistic accuracy, as the ANC claims. Free speech and access to information are the lifeblood of our democracy. Why is government trying to take that away from us? [...] (Zama Mhlambi, Pretoria, 3 August 2010).

6. Media face major threat

The media in our country face a massive threat if the proposed Media Tribunal law is passed. This is a poor decision by untrustworthy politicians who want to manipulate the media in order to praise their achievements, conceal their crimes and promote their questionable agendas in the full knowledge that they will not be found out. [...] The media are a mirror of society and should continue to cast light in the dark corners, exposing all wrongdoings regardless of the powers involved (Jerry Pingurai, Port Elizabeth, 3 August 2010).

7. The media must not knock ANC

Although the proposed Media Tribunal might not be the perfect solution to the shoddy and biased journalism in this country, few would deny that we need an effective regulation mechanism to curb the excesses of some of our media. The SA media has positioned itself against the ANC. There seems to be desperation to link every Tom, Dick and Harry to the ANC. For a ruling party that has enjoyed a two-thirds majority, it is inevitable that most people will be linked to them. Print media hire males to slander the ruling party. Personal opinions and conservative columns rubbishing the ANC cause major irritation – hence the calls for a fairer system to regulate these excesses. Rubbishing and denigrating the ruling party is the work of the political opposition, not the media! (Patrick Rampai, Klerksdorp, 16 August 2010).

8. ANC doesn't have monopoly on truth

In 1994, Nelson Mandela proclaimed that no person or group could claim to have a monopoly on the truth. He further warned that any prejudice that hampers freedom of expression is a disservice to society. Indeed, Madiba was spot on! At the root of media freedom lies a mirror through which the as it says in the concepts of accountability, transparency and openness – are to be realised. Constitution – Why fear media criticism if your affairs are above board? [...] (Puleng Mmila, Seokodibeng, 17 August 2010).

9. Media Bill to protect corrupt ANC cadres

The ANC has two major problems. One: keeping their promise of bettering the lives of the people. Two: corruption is rocking the mighty Titanic in all sorts of undesired directions! The ANC of Oliver Tambo has in recent years been infiltrated by greedy, unpatriotic and insensitive men and women. [...] The liberal media of our country, a product of the democracy fought for by the ruling party, have gone to great lengths to hold government accountable, with high professional standards. That has meant reporting on stories of corruption within the ANC, which has led to the downfall of a few cadres. Is the media getting

too close to even bigger wrong-doers? It seems so. Why else would we need a Protection of Cadres Bill – sorry, I mean the Protection of Information Bill? For the ANC to continue with its proposal for a Media Appeals Tribunal would be to concede that corruption has won the day and we must shut up and watch soapies! (Christopher Mazibuko, Soshanguve, 26 August 2010)

10. SA a democratic state no more

Censoring the SA media is a big mistake by President Zuma and his political cronies. It not only undermines freedom of speech but the integrity of journalists to be transparent in their work. [...] Ironically, the people who are pleading for a tribunal have made headlines for mismanaging taxpayers' funds. If the Information Bill is passed, corrupt officials will have no boundaries. [...] The media only tells people about information, not what to do with it. [...] South Africa is slowly sliding off the democratic radar! (Thabo Mthombeni, no place provided: 19 August 2010)

11. Evil lurks in ANC

[...] Untrustworthy politicians are proposing a bill that will protect them from being exposed by media when they steal from government coffers. Tender irregularities will then go unpunished, as we will never know about it. The proposed Media Tribunal could be good as long as independent people are appointed to run it and they aren't accountable to Parliament. The real evil now is the proposed Information Bill, which I suspect is meant to cover up corruption. [...] (Patrick Sekgala, Ndhambi Village, 26 August 2010).

One of the letters (letter 2) in support of the ANC's proposed legislation to curb the 'excesses' of the media, points to a good example of irresponsible journalism when the Independent Group ran a story of the then president, Kgalema Motlanthe's love child. This story proved to be false. It was indeed irresponsible reporting. The retraction, the reader correctly pointed out was very small compared to the hurt and damage the big front page story must surely have caused. This was a reason for more control of the media, according to the writer, "finish and klaar".

Another member of the public felt, in the same way that the ANC feels, that the media was positioning itself as an opposition party. The statement that the print media hire

'males to slander the ruling party' is, nonetheless, quite inexplicable. However, the other letters showed that many readers were not so easily hoodwinked by the ANC's proposed actions on the media. The views against the Secrecy Bill and the Media Tribunal showed an awareness that the ruling party wanted to cover up corruption, for example tender irregularities (letters 1, 5, 9, 10, 11); that those who wanted it "had a lot to hide" while the Secrecy Bill was a Protection of Cadres Bill (letter 3 and 9); that the media was the 'voice, ears and eyes' of the people (letter 4); this would instil fear in journalists (letter 5); free speech and access to information was the lifeblood of democracy (letter 5); democracy was under threat from the ANC and not the media and it smacked of abuse of power (letters 4,6 and 9); and that 'South Africa was sliding off the democracy radar' (letter 10); the ANC does not have a 'monopoly on the truth' (letter 10); wanting to hide the incompetence regarding the provision of service delivery was the real issue (letter 4); the public had the right to know what was happening in their country (letter 6); and the agenda is self-enrichment (letter 9).

How are we to understand these letters theoretically? Some members of the public (except for letters 2 and 7) saw through the ideological obfuscation of the ANC. They showed that the social reality is conflictual by nature and that the ANC had deliberately created an 'us' (the ANC and 'the People') and a 'them' (the media) formula, without recognising the legitimate role of a critical and independent media in a democracy. Mouffe, who argued for the necessary conflict in a plural society, also stated that there needed to be some kind of consensus (2005: 131-32). Consensus, she said, was needed on the institutions constitutive of democracy, and on the ethico-political values informing the political association (ibid), but there will always be different meanings attached and to the way they will be implemented. In the case of these letters, it is clear that some readers could see that certain meanings were attached to suit the ruling party's hegemonic purposes.

3.4 The Media is caught in a Deep Slumber

Prior to 2010 there appeared to have been considerable complacency within the journalist profession about media freedom and attempted subjectivisations, for instance in their response to the Protection of Information Bill. By 2010, however, the media profession had begun to realise that a different challenge existed, and exercised considerable resistance following the three events alluded to in the first chapter: the further push for the Media Tribunal by the ANC, the Protection of Information Bill before Parliament, and the arrest of a *Sunday Times* journalist, Mzilikazi wa Afrika outside the newspaper offices on 4 August 2010. Sanef and journalists then formed a civil society coalition and launched a public campaign in August 2010, the Right2Know campaign. Since August 2010, following the ANC's NGC (20-24 September 2010), the media had begun to exercise more agency in engaging in activism concerned with media repression.

This earlier 'complacency' has been referred to by Haffajee when she observed that the media do not 'scream' loudly enough, when it feels its independence is at stake (2008). Haffajee was a speaker at the Second International Media Forum South Africa, held on 21-22 May 2008, in a panel discussion entitled: 'Is the media free in South Africa to report what it wants?' She argued: 'Our media should get constructive criticism awards. The National Police Commissioner¹²⁶ has been suspended after a series of articles exposing him. The media should be marketed as a key component of freedom.' To the chair of the panel session, John Perlman's, question as to whether 'the media scream too loudly when it thinks that press freedom is under threat'? Haffajee answered, 'No, we don't scream too loudly. Look what happened in Zimbabwe, in tiny fractions democracy disappeared and it all started with media freedoms being whittled away. Now it's all gone. We must not apologise for screaming loudly'. Concurring with Haffajee, a senior lecturer in Wits University's Journalism Department and also *Mail &*

¹²⁶ The police commissioner, Jackie Selebi, became former police commissioner after a series of exposures in the *Mail & Guardian*. He was found guilty of corruption, and in July 2010, was sentenced by Judge Meyer Joffe in the South Gauteng High Court to 15 years imprisonment. Selebi was granted leave to appeal and has petitioned the Supreme Court of Appeal.

Guardian ombudsman, Franz Kruger, suggested in an interview that there seemed to be a lack of resistance to attempted subjections. He reflected, for example, that with regard to the possible Media Tribunal, that the ANC could 'couch it in terms of development, transformation and democracy. In many ways the ANC feels it owns these terms because it was democratically elected, having won the struggle' (Interview: 13 July 2009). Kruger commented about the ANC: 'It hasn't taken on what it means to have an independent media. Yes, there would be a constitutional challenge, there will be reaction, but will it be enough?' (ibid). The concern from Haffajee and Kruger about the closure of spaces and their fears about whether there would be a strong enough reaction signalled a possible pessimistic moment for the future of democracy.

However, there were also cross-cutting moments of optimism, if one considers the formation of a new non-racial organisation, Projourn, formed at the end of 2009, which aimed to tackle precisely such closing interventions by the state, as well as to address other concerns related to journalism. Projourn, according to steering committee member, Michael Schmidt, is an organisation for journalists by journalists because most in the industry were tired of decisions being made for them by either Sanef, or NGOs not directly involved in the day to day working lives of journalists (Interview: 21 July 2009). By the end of 2009, the organisation had already attracted 300 members. For Schmidt the reason for the existence of this organisation was to protect media freedoms and he concurred with Kruger's concern when he observed that:

Things can change with the Constitution and we need to be organised. We held a dialogue on the issue of Media Appeals Tribunals and we said this would be the first issue we would take up as state interference would be intolerable. We do need to find a way on how to acquire teeth (ibid).

Projourn is open to all working journalists, freelance journalists, community journalists, broadcast journalists, print, radio, magazine, traditional and new media. 'We don't want to look after just our own interests but the interests of democracy in general' (Schmidt: 2009). The view above showed the intersection of professional codes with the ideal of democracy. While there was some hope reflected in the formation of a new

organisation, Projourn, there were others who felt that there was a sense of inertia and lack of awareness about the state's hindering of a free media in the country. Leshilo made an apposite observation that not too many journalists wrote about the implications of the Protection of Information Bill which was before Parliament in 2009, then again in 2010. The Bill, if enacted, would have direct bearing on the work of the media. Yet, Leshilo wrote, there were no protests inside or outside parliament by journalists, nor many stories written about it (*Sunday Times*: 25 October 2009). He observed a most curious and inexplicable fact that on the occasion of Media Freedom Day, October 19 2009, none of the newspapers sent their reporters to cover the event held at the University of the Witwatersrand (ibid). For him it was an important historic event but it went largely unnoticed by its own industry. He wrote:

I am dejected because of the scant regard our newspapers gave to the celebration of Media Freedom Day on Monday. Am I missing something here or do such occasions no longer matter? Is it not important to take stock and ponder how well we use and protect our freedom of speech? Does our nation not deserve to know why the South African National Editors Forum (Sanef) continues to urge vigilance against threats to press freedom, given that we have the freest media on the continent? (ibid)

Besides reporters not covering the event, Leshilo also pointed out that newspaper editors did not bother to attend either, an event that Sanef, their own lobby group was party to organising. There were indeed just a paltry four paragraphs on the wire service, the South African Press Agency (Sapa), on the event and even more ironically, *The Sowetan*, which co-hosted the event, completely ignored it too. It can then be said that it is very possible that a state of inertia existed within the journalistic profession with regard to their freedoms. They took it for granted. It was an opportunity for the media to talk to its citizenry about the issues of media freedom, freedom of expression, Constitutional guarantees, and new laws which threaten this, among other issues. The Protection of Information Bill provided the ideal news angle, and was put before Parliament in the very same month as Media Freedom Day. It was a missed opportunity and signalled complacency and lack of resistance within the media industry in 2009.

Partner at the M&G Centre for Investigative Journalism (nicknamed amaBhungane¹²⁷) Stefaans Brummer put it bluntly when he reflected that the media was 'caught in a deep slumber'.

I am very, very concerned about the impact a number of legislative developments may have on journalists' ability to do their work. Last year it was the Protection of Information Bill, which would have handed the power easily to classify documents to a very wide array of functionaries and would have imposed very stiff penalties which journalists or their sources could have suffered just for possessing such documents. The Bill was withdrawn, but may be back soon. This year we have the Protection of Personal Information Bill and the Protection from Harassment Bill, each with features which are likely to impede the flow of information to journalists or prevent them doing things they habitually do in democratic societies. So this is about the defence of hard-won democratic space and yes, I am concerned that the media has been caught in a deep slumber. I am not suggesting that journalists should toyi-toyi yet [...] But unless we engage and make ourselves heard, these consequences may well become part of the legal arsenal available to public figures who do not like the media's probing attention (Interview: 28 October 2009).

Brummer was concerned that there were very few voices from within the journalist profession protesting about the Bill and no sense of urgency or outcry, save for legal submissions. Brummer's other noteworthy observation was that, had we been living in the apartheid days, there would have been action. 'I'm sure had the perpetrator been the apartheid state there would have been more of an outcry. But the outcry would have come from the alternative press' (ibid). What he was alluding to was that, in fact, a serious complacency existed in 2009. It could be that there was still trust in the ANC-led government that freedom of the media would continue, even though this was by no means certain given the legislation that was being considered by the government.

In order to fulfil their watchdog role in society, journalists, NGOs and civic-minded members of the public need access to public records. But Brummer explained that these individuals' access would now be limited because of the Bill's definition of

¹²⁷ While the amaBhungane went operational in April 2010, an investigative team at the *Mail & Guardian* has been operational for as long as its over 25 year existence.

‘personal information’, for instance, civil and criminal records as maintained by the courts, or titles and other deeds, bonds, and ante nuptial contracts as recorded by the Deeds Office. ‘The type of public records described are needed by journalists (and others fulfilling a watchdog role) to warn when public figures (whether in the public or private sector) may abuse the trust of the public, such as by hiding a conflict of interest between their public duties and their private interests. While the person of interest would be a public figure, it is often necessary to examine the public records of persons who are not public figures to ‘follow the money’ to public figures’ (ibid). Brummer added that ‘The type of public records described are also needed, regardless of whether the information subject is a public figure, to warn of physical or moral danger to the public, such as when toxic waste is leaking from premises or when an unsafe or contraband-laden aircraft is seen taking to the sky’ (ibid). These records, he added, tended to be freely available in developed democracies. Brummer’s partner, Sam Sole, commented in an email interview about personal information.

The definition of what is public is very vague leading to the default position being that it is private, given the general intentions of the Bill. The journalistic exemption is based on having a code which contains the same principles – which is not on – given that the principles in this Bill are very restrictive – such as the need to inform the subject, the need to collect only information that is directly relevant to a specific purpose etc. The Bill also basically invites the regulation of journalistic conduct via the issuing of a code for journalists by the regulator. I can’t believe the law commission came up with such an Orwellian approach. We know the state has the capacity to gather and process ever more personal information – and no doubt does so. This essentially grants the state monopoly control over that process and de-democratises information (Interview: 28 October 2009).

For the work of the above two investigative journalists, the passing into law of the above Bill would mean an obstruction to the flow of information necessary for their investigations. They would not gain access to information easily, nor would their stories be able to be published in the detail they would otherwise have been. In short, it would impede democracy because holding power to account, one of the tenets of independent journalism, would be curtailed.

This section has outlined the interventions from the state which signal subjection on the world of journalists. While the state, from above, hinders the flow of democracy and the free flow of information, through its foreclosing impending legislation, commercial imperatives have also had an impact on the world of journalism. While Brummer and Sole both accept that citizen journalism, blogging and the internet have increased the flow of information, there have been others, who argue that this has had a detrimental effect on traditional journalism. This will be shown in the next section. The argument is that traditional journalism, for instance the world of newspapers, for all its flaws is more reliable than bloggers' views and citizens' opinions. The next section puts the world of South African print journalism within the international context of newspapers' struggle for survival.

3.5 Commercial Imperatives and the Impact of New Media

'It's the consumer, stupid!' wrote Arianna Huffington, founder of [*The Huffington Post*](#)¹²⁸ when she also opined that the 'key question is whether those of us working in the media (old and new) embrace and adapt to the radical changes brought about by the Internet or pretend that we can somehow hop into a journalistic Way Back Machine and return to a past that no longer exists and can't be resurrected. As my compatriot Heraclites put it nearly 2500 years ago: 'You cannot step into the same river twice'¹²⁹ (Huffington, 2009).

Touché, Huffington. The pattern in the developed world is that the newspaper industry is in decline. In fact, the industry is decimating at a rapid rate (Manoim, 2009; Harber, 2009; Leshilo, 2009; Wertheim-Aymes, 2009; Watson, 2009). The question posed by media analysts¹³⁰ has been whether South Africa will follow this trend or the trend of

¹²⁸ *The Huffington Post* was an early new-media breakaway and is well known as one of the real success stories of online publishing.

¹²⁹ You cannot step into the same river twice means that you can't try and retrieve the past. The saying is credited to Heraclitus, a Greek philosopher who lived from 540 BC to 480BC and the full quote is: 'You cannot step twice into the same river; for other waters are ever flowing on to you.' (*Sunday Independent*: 21 November 2010).

¹³⁰ See also the following articles in the Rhodes Journalism Review, 2009: Dugmore (2009): Meeting Democracy's Challenge; Thonjeni and Dugmore (2009): Calls across the Divide; and Ford (2009): Freeing the Future; Posetti (2009): Transforming Journalism 140 characters at a time; and McLeod (2009): The Shock of the New. See also Shirky (2009): Newspapers and thinking the Unthinkable.

developing countries (for example, India and China where newspaper circulation is rising) or whether the Internet will replace newspapers. It seems to be the case that South Africa is part of the developing world trend if one considers the increase in the number of South Africans buying newspapers, from 14.5-million in 2008 to 15, 234-million in 2009, as shown in the first section of this chapter, the South African media landscape. However, if the argument that the traditional world of journalism in South Africa is in decline, albeit not at the same rate as that in the developed world, this will have implications for the kind of journalism that will replace it. Nobody seems to know what the future holds for newspapers, or what precisely will replace them. As Clay Shirky commented:

So who covers all that news if some significant fraction of the currently employed newspaper people loses their jobs? I don't know. Nobody knows. We're collectively living through 1500, when it's easier to see what's broken than what will replace it. The Internet turns 40 this year. Access by the general public is half that age. Web use, as a normal part of life for a majority of the developed world, is less than half that age. We just got here. Even the revolutionaries can't predict what will happen (Shirky, 2009).

The World Association of Newspaper's Newsroom Barometer (2009) showed in a survey of 700 editors and senior news executives in 120 countries, the following: 86% believed integrated print and online newsrooms will become the norm; 83% believed journalists will be expected to be able to produce content for all media within five years; two-thirds believed some editorial functions will be outsourced, despite frequent newsroom opposition to the practice; 44% believed on-line will be the most common platform for reading news in the future, compared with 41% in 2008; a majority of editors, that is 56%, believed news in the future will be free, and this was up from 48% from the 2008 survey; and, finally, only one-third of the editors believed the news will remain paid for, while 11% were unsure (Harber:2009). The World Association of Newspapers showed, at the end of 2009, that quality dailies and tabloids circulation in the United Kingdom dropped: circulation for dailies was down 4.2%, Sunday papers were down 7%, and the circulation for *The Guardian* down 14.8%, *The Independent*

down 7.2% and *The Times* had fallen 9.4% while the *Financial Times* dropped 9.2% (Redman, 2009).

The global economic recession of 2009, wreaked havoc with the traditional media world, especially print. In fact, in a matter of two years, from 2007 when the newspaper industry worldwide showed growth to 2009 when the industry was imploding, there were massive changes, according to Manoim (2009: 51) ¹³¹. The first “culprit”, he observed was the global recession: currencies slipped, newspaper prices rose, and advertising revenues collapsed (ibid). The recession, however, merely hastened the real culprit, media experts pointed out (Louw, 2009; Harber, 2009; Kruger, 2009; Manoim, 2009), which has been the increased use of the Internet to access news over the past decade. This has created a culture where consumers were becoming accustomed to receiving news for free. In addition to this, has been the growth of cell phone technology to pass on news between citizens, and to traditional media, referred to as citizen journalism. Worldwide, the two damaging blows that the Internet scored against print media were: First, it took away readers, especially young readers. As Manoim noted:

Back in 1993, some 85% of the USA population read a newspaper every day. By 2008 that figure had dropped to 34%. Less than 2% of Americans used the Internet for news in 1995, but by 2008, the figure was 37%, slightly higher than the number reading newspapers. While older people are still reading newspapers, the bad news is that younger people are hardly bothering to start. (2009: 55)

The second impact of the Internet is that it managed to take away advertising from print media. It is cheaper to advertise on-line, while in some cases it is free. While one argument is that the above scenario, the decimation of print, is a developed world phenomenon, pointing to evidence that print sales in India and China are increasing, another argument is that it is only a matter of time before South Africa reaches the same situation (*Mail & Guardian*: 30 October-5 November 2009). But the evidence against this, Kruger also pointed out, was the lack of Internet penetration, wide access to the Internet and increased bandwidth (ibid). In Zimbabwe, where Internet penetration

¹³¹ Irwin Manoim was one of the founding editors of the *Weekly Mail*, which then became the *Mail & Guardian*. He also founded the Electronic *Mail & Guardian* and was the first person in South Africa to work as an on-line journalist

is even narrower than in South Africa, citizenry used cell phones to pass news on via small message service (sms) technology, according to Dumisani Moyo (2009).¹³² This occurred in Zimbabwe during the last election of March 2008, when there was a virtual blackout of news owing to harsh clampdowns by the ruling party, Zanu–PF (Moyo, 2009)¹³³ on the rise of citizen journalism using technology.

The School of Journalism and Media Studies at Rhodes University in Grahamstown launched a cell phone based technology project, *Lindaba Ziyafrika* (which means ‘the news is coming’ in isiZulu), with the idea that such technology can be used to increase social capital, social bonding, and help civil society engage with the government better, according to Dugmore (2009: 30). The basis of the project, Dugmore said, was to facilitate citizen reporting and opinion sharing through cell phones, which are now ubiquitous in South Africa. The idea was that if “ordinary people can better receive information”, also have a say, this would be a great boon for local democracy. (op cit: 31).

Media commentators have noted that on-line penetration in South Africa is indeed small compared to the global trend: 5% compared to the global average of 25%, according to Gisele Wertheim-Aymes (2009).¹³⁴ However, with the use of cell phone small message service (sms) technology and with increased bandwidth, more people will gain access to the Internet on their cell phones. Another important fact related to the decline of print media, not just in the developed world but also in South Africa, is that advertisers, for which newspapers depend on for revenue, are increasingly putting their money on-line. Wertheim-Aymes commented, ‘Advertisers in SA are still pumping billions of rand into television, print and radio. Only 3% of ad spend goes to the web. But this will change as

¹³² Moyo is a lecturer at the University of the Witwatersrand’s Media and Communications Studies Department.

¹³³ By adding voice to the coverage from mainstream media, citizen journalism might have contributed to the further exposure of the Mugabe regime’s sinister machinations, thereby stopping the potential wholesale theft of the Zimbabwean people’s victory in the March elections, Moyo wrote in his paper (2009).

¹³⁴ Gisele Wertheim-Aymes’ 19-year media career includes editorial, marketing, publishing and advertising sales, media innovation and strategy. In 2008-2009, her focus shifted to innovation and she headed up the innovation portfolio at Avusa Media before joining First National Bank. Her piece is entitled ‘On the Future of Newspapers’ (2009).

cell phone rates come down and once there is more equitable and affordable access to broadband. It's not a question of if. It's a matter of when,' (2009).

The Closure of *The Weekender* Newspaper

There are two reasons for this sub-section on *The Weekender's* closure. First, it shows how commercial imperatives do impact on the world of journalism externally and, second, through the letters on the closure, it shows the need the public had for this paper's function as a public sphere for debate. There are two ways to view the closure on *The Weekender*. One is, as I have written earlier, that this seems to be a pattern in South Africa - newspapers targeting high income earners do not survive (*The Daily Mail* and *This Day* for example). One argument is that there is not enough of an intellectual readership to carry the paper in sales. But a second way to look at it is that it could be that the overseas trend is catching up quicker than one realises, where newspapers are anachronisms, as people read the news on their laptops and on their I pads. However, the tabloid expansion shows that this is not the case for working class markets. This was South Africa's first newspaper casualty of the global recession (2008-2009). The closure was suddenly announced on the 7 November 2009. *The Weekender*, a publication of *Business Day/Financial Mail* (BDFM) was owned by Avusa locally and Pearsons in London. The BDFM board made a decision to shut down the paper because, according to a report by Jocelyn Newmarch, (*The Weekender: 7-8 November 2009*) in the last edition of the paper, of 'the on-going economic crisis and difficult trading conditions' (advertising was down by 20%). Columnist, Jacob Dlamini told readers in his last column for the paper about his rationale for writing: 'If I do not remember the stories and the books of my childhood in Katlehong, who will?' (*The Weekender: 7-8 November 2009*). It was not just journalists who felt the loss of one of the democratic spaces in the social. The following letter to *Business Day* showed the space that *The Weekender* provided:

...*The Weekender* was much much more than a newspaper to its readers. It raised the intellect of all South African society. It gave me the same opportunity to be in the same auditorium as the greatest thinkers

and politicians in the country. I shall miss the debates and public lectures as much as I shall miss the excellent articles throughout the paper. ...Please reconsider your decision [to close]. While the board of any company should always consider its bottom line, the board of a newspaper should consider its responsibility to building a free society of committed citizens – and *The Weekender* did exactly that (Sizwe Majola, Midrand in *Business Day*: 11 November 2009).

The essence of the letter was that the reader would miss what they regarded as the space for stimulating intellectual debate, independent analysis, breaking news, and thought-provoking stories which they felt the paper provided. In the end, commercial imperatives held sway with the board of BDFM, as *The Weekender* had cost and lost the company R20-million since its launch in March 2006, according to editor of *Business Day* and editor in chief of *The Weekender*, Peter Bruce, who stated in his blog that while this was a large sum of money, it was not nearly enough (Bruce, 2009). It would be easy to write off or to assess *The Weekender's* closure as a one-off event in the landscape of South African media. This would be a narrow focus and would be ignoring the conditions that have impacted on the world of traditional media. Some of these conditions included: the global recession of 2008-2009, the increased use of the Internet to access free news, where advertisers could advertise cheaply or for free; high costs of printing and an increased awareness of the environment and the need, therefore, to save paper and trees. On the other hand, it could just be viewed as intellectual quality newspapers just don't survive in the country, given the past lack lustre performances of *The Daily Mail* and *ThisDay*. Besides the bottom lines of profits from media companies, there are citizenry's bottom lines too. Thabo Leshilo cited commercial imperatives of the citizenry in the decline of print media:

Newspapers cannot compete with bread and milk when families struggle to fill empty bellies on shrinking budgets. I would love to say that all that shall pass when the economy starts picking up. But I'm afraid to say the halcyon days of high circulations are over for newspapers (*The Times*: 27 November 2009).

The trick, according to Leshilo, was to stop conflating journalism with the printed word. Most newspapers have grasped the future by going multi media for example. The debate is far from local, as pointed out already. These issues were being grappled with

in the developing world in the new millennium, where the demise of print has led to many debates about the future of journalism.

The question I raise, in favour of the continued role of traditional journalism, is the investigative side of the profession. Does the citizen have the resources to investigate a story and write it up, without being paid for it? Whether the South African media works out the challenges posed by the commercial imperatives it is faced with remains to be seen. However, these facts remain: New media is growing; social media is growing; the use of the Internet to access news is growing. For example: these figures in 2009 give some indication of where South Africa sits in relation to new media and traditional media. They show the numbers of people who read print compared the numbers who read on-line.

Newspapers readers:

- *Sowetan* – 1.5 million
- *The Times* – 375 000
- *The Daily Dispatch* - 298 000
- *The Herald* – 232 000

On-line readers:

- *Sowetan on-line* – 6 million unique page impressions a month, and 288 000 unique users
- *Times Live* (the *Times* and the *Sunday Times*) 4 million
- *Daily Dispatch* (including Saturday) 1.4 million
- *The Herald* (including *Weekend Post*) 1.7 million
- *Sunday World* has 1.1 million page impressions and 80 000 unique users.

(*The Times*: 27 November 2009)

The world of newspaper readers is stagnating and circulation figures are down, except in some developing world countries for instance, China, India and South Africa, as in the case of the *Daily Sun*. There is indeed a space for citizen journalism, new media, which includes blogging and social networking, but if it replaces traditional journalism, it will constitute a loss of professional and investigative journalism. This intersection between the role of the media in a democracy and the fight for independence from political

interference is the main task of this thesis. However, the purpose of this section is to show that it is within this highly competitive commercial climate, and increasing use of technology, that the traditional media operate. In addition, while this thesis examines the role played by the traditional media in South Africa's transitional democracy, it is aware of this context, the impact of commercial imperatives.

'It's the consumer, stupid', and 'you cannot step into the same river twice' was Huffington's (2009) unoriginal but instructive point. True, but what Shirky (2009) along with local commentators Harber *et al* (2009), have argued is that if newspapers demise completely, it will be a loss to democracy. This latter argument is the point of this thesis, albeit with the focus on politics, but to ignore the commercial imperatives, the state's interventions with legislation, and the impact of new media would not give a full picture. In addition, it also shows that there are different angles to understanding the question of 'subjectivisations' and 'independence'.

This chapter has shown, first, what the media is in South Africa, in terms of radio, television and print, focusing mainly on newspapers. It has argued that concentration of ownership should not be viewed as a simple conflation, as in there are a few big owners, therefore there are a few big views, and, therefore, there is a 'lack of diversity'. The thesis will show what kind of contribution the newsprint media makes to democracy, what kind of diversity does exist in the media, how fluid the media is, how unity does not exist: neither on the basis of one company nor in one newsroom, nor on the basis of race. The argument is that this is good for the conflictual nature of democracy. The chapter has shown that the media could be further subjected to severe restrictions from the state via legislation if the Protection of Information Bill is enacted. The last section of the chapter showed that the world of print media is subjected to the changing world of technology and newspapers are struggling to survive, anyway, that is, beyond state and political subjection.

While this chapter has served to show that it is important to be aware that threats to 'independence', 'free press' and 'democracy' cannot simply be looked at from a purely

political angle. Even though the main focus of the thesis is the fight between the media and the ANC, I have argued in this chapter that the ANC has attempted to create unity and consensus out of an irreducible heterogeneity, through elision with the State, in other words, using the laws to control and subject. The resolution adopted at the ANC's NGC in Durban on 24 September 2010, for a Media Tribunal to be implemented by Parliament, will be discussed in Chapter Six: The Ideological Social Fantasy: the ANC's gaze on the Media. Ideological interpellations against the media have been used to mask the antagonisms that exist in the fractured social as well as in the fractured ANC.

The letters from the public showed some evidence that the tricks of obfuscation by the ANC were not working. The letters showed that there were members of the public who viewed the possible closures, for instance the possibility of the "Secrecy Bill", as serious threats to democracy. The letters also showed that some citizens were not so easily duped, hoodwinked or fooled into believing that the media was the enemy, and outside of 'the people'. It has also been argued that while journalists seemed to be complacent about the attempted subjectivisations initially, this changed in 2010 when they woke up from a "deep slumber" to use Brummer's phrase (October 2009), and began to write about the impending media repressions and, in turn, were hailed and interpellated by the ANC as "hysterical". Then activism took place when a public campaign and petition was launched with local media bodies in collaboration with Avaaz.org, a multi issue on-line network, to tackle the proposed controls by the state and the ruling party. Within one week, 30 276 signatures were collected to denounce the ANC's proposals. These signatures were handed to ANC officials at the NGC in Durban at the end of September 2010 (*The Times*: 30 September 2010). In forming a civil society coalition which launched a public campaign to fight the proposed Media Tribunal and the Secrecy Bill, the media showed that it was resisting its subjectivisations, and not heeding the ideological interpellations. In the Althusserian sense, ideology has the power through the discursive formation of language, i.e. naming to constitute a subject. Ideological

interpellations, for instance ‘enemies of the people’¹³⁵ or ‘hysterical’¹³⁶ are social demands, or injunctions with the aim to rein in those who are not toeing the line. Interpellations are performative efforts, they are attempts and there is always the risk of misrecognition. As Butler (1997) noted you could always ignore the injunctions. This theme, or thesis point, is developed further in all the chapters to follow.

In Chapter Four, ideological interpellations are examined in more detail. This next chapter deconstructs the signifier, race: it shows how race was a floating signifier, not a master signifier (in other words race was not the “be all” and the “end all” to identify with, for most journalists) in the ultimate failure to revive the Forum of Black Journalists (FBJ). It also examines the firing of a newspaper columnist, David Bullard, for a racist column he published in the *Sunday Times*. These two ‘case studies’ shows how fluid the identities of journalists are, what plurality they bring to bear in the public sphere, and how they function as agonists and legitimate adversaries in a transitional democracy. Finally, I examine and analyse what ‘turns’¹³⁷ they made in response to the ideologically interpellating voices of power.

¹³⁵ The media as enemies of the people was at its height in August 2007 when the *Sunday Times* exposed the former health minister for being a drunk and a thief. A whole chapter is dedicated to this saga, see Chapter Seven: Ideology, Excess and Subjectivisation.

¹³⁶ See *The Times*: Relax! Hysteria over tribunal isn't helpful: 18 August 2010

¹³⁷ The term ‘turn’ comes from Butler’s discussion of passionate attachments, resignifications and reflexivity in *The Psychic Life of Power: Theories in Subjection* (1997). She theorises, drawing on Hegel, Freud, Nietzsche, Foucault and Althusser how a subject becomes a subject and how, as a form of power, subjection is paradoxical.

Chapter 4

The Signifier, Race, and 'The Media'

'There are two meanings of the word "subject": subject to someone else by control and dependence, and tied to his own identity by a conscience or self-knowledge. Both meanings suggest a form of power that subjugates and makes subject to.' (Foucault in Rabinow, 1994: 331)¹³⁸

This chapter comprises two sections which examine race identity and subjection: One, the failure of the Forum for Black Journalists (FBJ) to relaunch; and two, the firing of a *Sunday Times* columnist, David Bullard, for a racist column. My argument shows through the two processes of the failure of the FBJ to re-launch and the content of David Bullard's column, the subjection of particular subjects to past norms of racial identity which oppressed. However, in the case of the FBJ, the majority of black journalists ignored the interpellating, or hailing to be loyal to blackness, and so the revival of the forum failed. The theoretical point is one that Butler developed from Foucault's theory on power to explain the paradoxical nature of subjection: that while being familiar with the idea of power being external to one, it is pressed upon one from the outside, one is also dependent on that power for one's very existence (1997:2-20). Power forms the subject and also forms reflexivity: the figure of the psyche turns against itself. 'Turns' is used in this sense in this chapter. In other words, when one faces subjection through interpellation, does one heed the call and turn towards the voice of authority, or does one exercise some agency and turn against the attempted subjection?

This chapter further argues that the media is not monolithic, but is diverse and fluid in its composition in two ways. First in terms of race and secondly in its characterisation of different political vents. It shows that race is not simplistically embraced as a Master-

¹³⁸ This is an extract taken from *The Subject and Power in Ethics: Subjectivity and Truth* (1994), edited by Paul Rabinow, explaining a technique, a form of power. Foucault said this 'form of power categorises the individual, marks him by his own individuality, attaches him to his own identity, imposes a law of truth [...] it is a form of power that makes individuals subjects'.

Signifier¹³⁹ for all black journalists or for the public, but for some it is. The theoretical starting point for 'race' here is its unessential nature, and that it is a social and cultural construct. It is, I argue, as many others have,¹⁴⁰ a marker of identity, where identity is fluid, multiple and contingent. As Norval noted, if apartheid is not only a precise and historically determinate mode of social division, but also an 'identitary logic which attempts to resist the never-ending quest for identification by fixing boundaries between identities for all time, then the central question with regard to non-racialism concerns the extent to which it will be able to foster and sustain difference in such a manner as to keep spaces open for identification with a democratic order' (1996: 293).¹⁴¹

Using the two specific events or case studies from 2008, mentioned above, as examples, this chapter uncovers an aspect of the deliberative role that journalism plays in the public sphere, bringing to the fore the diversity of 'attachments' that surround different events and to underline the significance for democracy of the debates engaged in by journalists. It further seeks to show how impossible it is to completely unify society, to totalise and essentialise identity. In examining the two events, this chapter deploys the post-modern concepts 'Master-Signifier', 'Subjectivisation', 'Passionate attachments', 'Resignification' and 'Reflexive turn'. Before a delineation of the events that occurred in 2008, an explication of the concepts, and how they are used here, is necessary. A Master Signifier is a signifier that puts an end to the chain of meaning. It is a transcendental¹⁴² signifier that anchors all meaning at the end of the day. A Lacanian understanding of 'Master Signifier' hails from a subject identifying with certain signifiers. For example, if someone identifies himself or herself as a 'communist', the meanings of a whole array of other signifiers are ordered in quite different ways from someone who

¹³⁹ As explained earlier, a Master Signifier is a signifier that puts an end to the chain of meaning. It is a transcendental signifier that anchors all meaning at the end of the day. When it is said that, for some subjects "race" is a Master Signifier, it needs to be spelt out what this involves, what is its content. How does this subject itself relate "race" to its other identities? What sort of evidence counts here, i.e. in determining whether some signifier is a master-signifier within a determinate discursive formation?

¹⁴⁰ For this argument Derrida's deconstruction theory has been used by a wide range of theorists from Butler (1997) on identity and subjection, to Mouffe on pluralism (2000) to Norval (1996) on apartheid to Biko (1978) when he wrote on black consciousness in South Africa.

¹⁴¹ See also Adam and Moodley(2000) who captured the tension of race politics in the new democratic South Africa, saying 'Paradoxically, with the death of legal racism, racial assertiveness abounds'.

¹⁴² Something outside the world of sense experience. Neither empiricists, nor pragmatists, nor existentialists believe in anything transcendental (see Stokes 2003: 217) in *Philosophy 100 Essential Thinkers*.

thinks of himself as a 'liberal', 'democrat', or 'social democrat'. 'Freedom' for a communist is tied to one thing: freedom from the exploitative practices in capitalism. 'Democracy' comes to mean 'the dictatorship of the proletariat'. Zizek¹⁴³, in '*The Master-Signifier and its Vicissitudes*' explains it thus:

In Lacanian terms, the space of the Laclauian logic of hegemony is that of the tension between the empty Master-Signifier and the series of 'ordinary' signifiers which struggle to fill in the Master-Signifier with particular content: the struggle for Democracy (today's Master-Signifier) is in what it will mean, which kind of democracy will hegemonise the universal notion (2006:37).

In other words, all other meanings are stabilised at a nodal point through the Master-Signifier. He also explained the Master-Signifier in his later work *The Indivisible Remainder: On Schelling and Related Matters* (1996: 142).

The undecidability with regard to the signified (do others really intend the same as me?) converts into an exceptional signifier, the empty Master-Signifier, the signifier-without-signified. 'Nation', 'Democracy', 'Socialism' and other Causes stand for that something of which we are never sure what exactly, it is – the point is, rather, that by identifying with nation we signal our acceptance of *what others accept*, with a Master-Signifier which serves as a rallying point for all others [...] (op cit:142).

For this discussion, it is the signifier 'Race' that will be shown to be the Master-Signifier in the world of some journalists,¹⁴⁴ while it is the floating signifier¹⁴⁵ to many other journalists and readers of newspapers. By turning 'Race' into the Master-Signifier, it means making it the rallying point or call. When it said then, that, for some subjects 'Race' is a Master-Signifier, it needs to be spelt out what this involves, what is its content; and how does this subject itself relate "race" to its other identities? What sort of evidence counts here in determining whether some signifier is a master-signifier within a

¹⁴³ Lacanian political philosopher, Slavoj Zizek's most famous work *The Sublime Object of Ideology* (1989), deals in great depth with the issue of the Master-Signifier.

¹⁴⁴ Those who attempted to re-launch the Forum for Black Journalists, and excluded white journalists.

¹⁴⁵ Floating signifier is a signifier that doesn't have full meaning, whose meaning is not closed off and whose meaning has not been attached or linked to another signifier. See Kay (2003): *Zizek: A critical Introduction*. A Master Signifier is a signifier which puts an end to the chain of meaning.

determinate discursive formation? These questions are tackled in this chapter with specific emphasis on the world of print journalism.

Subjection consists in more than the standard model of power which imposes itself upon us from the outside. Because, often, weakened by this imposition, we come to accept subjection, according to the Butlerian theoretical formulation of power deployed here. What this account fails to note, for Butler, is that “we” who accept such terms are fundamentally dependent on those subjugating norms and terms for “our” existence (1997: 2). So then, she found that, as a form of power, subjection is paradoxical: it signifies the process of becoming subordinated by power as well as the process of becoming a subject, whether by interpellation in the Althusserian sense or by discursive productivity (ibid). No subject emerges without a passionate attachment to those on whom he or she is fundamentally dependent (even if that passion is negative in the psychoanalytic sense) (op cit: 7).¹⁴⁶

The argument proceeds that a reflexive turn takes place through passionate attachments to one’s own subordination through the workings of power; the subject is the effect of power in recoil in the Nietzschean sense. In the Foucaultian sense, subjection is pressed on a subject by its formation and suggests ambivalence¹⁴⁷ at the site where the subject emerges. However, agency is possible through unsettling passionate attachments and through resignifications, meaning not reiterating or repeating norms so that freedom can emerge. So then, in a combination of Žižek’s understanding of Lacan’s master-signifier and Butler’s explication of how Althusser, Nietzsche and Foucault theorise subject formation, this chapter will deconstruct and analyse the failure of the FBJ and the firing of Bullard from the *Sunday Times*. We turn

¹⁴⁶ An example used by Butler includes the dependency of the child, and while it is not political subordination in the conventional sense, the formation of primary passion in dependency renders the child vulnerable to subordination and exploitation (1997: 7).

¹⁴⁷ It is important to see the subject not as an individual but rather as a linguistic category, so that in fact individuals come to occupy the site of the subject, hence the formulation of a subject’s becoming.

first to the attempt to re-launch the FBJ, the reaction of journalists, and the 'turns'¹⁴⁸ they made towards the interpellations of the voice of 'authority'.

Two events marked the moment that one can begin to see how attempts were made to conceive of race as the Master Signifier in the journalism profession. The first event was when Jacob Zuma,¹⁴⁹ accepted an invitation by some journalists in February 2008 to a re-launch luncheon of a blacks-only journalists' forum, the Forum for Black Journalists (FBJ). This organisation was first endorsed in 1996-1997 with the blessing of the then deputy-president, Thabo Mbeki.¹⁵⁰ The 2008 event sparked concern amongst many journalists, political analysts and media academics¹⁵¹ who believed it was unconstitutional to have a 'blacks-only' journalist event. There was also an outcry that white journalists, who attempted to attend the event in Sandton, were turned away. Subsequently, Radio 702 lodged a complaint with the South African Human Rights Commission (SAHRC), which held a hearing on the matter. Radio 702 won its appeal

¹⁴⁸ 'Turn' here means the reflexive turn in Butler, which is at one and the same time an external turn towards the law or voice of authority in the Althusserian sense, and a turn against oneself, the turn of conscience as in the Nietzschean sense, 'conscience doth make subjects of us all' (Butler, 1997:115)

¹⁴⁹ Zuma was inaugurated President of the country after the general election in April 2009. He replaced Mbeki as President of the ANC at the party's Polokwane conference in December 2007. Prior to this, Zuma had been President Mbeki's deputy from 1999 – 2005. He was then axed by Mbeki, following corruption charges related to his involvement with businessman Shabir Shaik. Zuma had also been a member of the National Working Committee of the ANC, member of the National Executive Committee and was head of ANC Intelligence in exile. He joined the ANC at an early age and, not having had a formal education in the then Natal province, he worked to help support his poverty stricken family as a young boy. He was acquitted of rape charges. Shaik was sentenced to 15 years imprisonment for fraud and corruption, which included payments to Zuma, in June 2005.

¹⁵⁰ Mbeki was Mandela's Deputy President from 1994-1999, before he became president. His presidency of the ANC ended in December 2007 at a bloodless coup by the ANC's left-wing factions: Cosatu, the SACP and the ANC Youth League, just before he was about to complete his two terms in office. Mbeki was replaced as President of the country by Kgalema Motlanthe, from September 2008 to May 2009, when Zuma was inaugurated as president. The cornerstones of Mbeki's years were the African Renaissance, Nepad, Black Economic Empowerment and the creation of a patriotic black bourgeoisie class. However, the two most controversial issues which dogged his presidency were his 'softly softly' diplomatic approach to human rights abuse in the reign of Mugabe in Zimbabwe and his AIDs denialism policies. Mbeki hailed from an ANC activist family in the Eastern Cape and grew up in the ANC. He went into exile in the 1960s, and returned to South Africa in 1990 after the unbanning of the liberation parties. He led the anti apartheid movement in London, particularly on the issue of sanctions against the apartheid regime. See Daniels (2006) *What is the role of race in Thabo Mbeki's Discourse?* unpublished MA thesis; and Gevisser (2007) *Thabo Mbeki: The Dream Deferred*.

¹⁵¹ Commentary by Haffajee (2008), Malala (2008), Oppelt (2008), Bathembu (2008), and Harber (2008) et al is discussed further into the chapter.

against the FBJ. It was found to be unconstitutional and unfair that some journalists, because of their colour, should be excluded (Journalism.co.za, 2008).¹⁵²

The second event was when David Bullard, a columnist at the *Sunday Times* for nearly a decade, was fired in April 2008 after publishing a column that was deemed to be racist. He stereotyped black people and made unfounded racial assertions and implications that, for example, blacks do not care enough for their babies and if one died, they would just have another. The column is printed in full in the analysis of this event below, followed by the very diverse reactions, showing multiple and split identities, and subjectivities. The event brought to the fore the ambivalence with which freedom of speech is viewed, within the context of the Constitution, as it balances other rights, such as human dignity, for example, as well as the issue of hate speech which is unconstitutional. Both these events enable one to examine the issue of race identity, and its fluid contingent nature in a democracy in transition, and its radical indeterminacy showing also how division and conflict are unavoidable with competing and ambivalent interpretations of freedom, equality, freedom of expression, and association, and finally also showing the role of journalism in its relation to the floating signifier, democracy.

4.1 The Failure of the Revival of the Forum for Black Journalists (FBJ)

In February 2008 the President of the ANC, Jacob Zuma was invited to attend a re-launch luncheon of a blacks-only journalists' forum, the Forum for Black Journalists (FBJ).¹⁵³ He accepted the invitation.

¹⁵² On 12 April 2008, the website Journalism.co.za said that, in its findings, the SAHRC said the "policy by the FBJ of restricting its membership on the basis of race, would not pass constitutional muster". The findings recommended that the "FBJ should revisit and amend its policies, particularly with regards to the provisions which relate to its membership", adding that the "FBJ should desist from excluding membership to its organisation on the sole basis of race". In responding to the findings, Abbey Makoe, political editor of the SABC and interim chair of the FBJ, said the forum regarded the decision by the SAHRC as a "judicial ambush".

¹⁵³ The forum was started in 1996 and officially launched in 1997 by the then Deputy President of the country Thabo Mbeki

On 22 February 2008, Yusuf Abramjee, group head of news and talk programming at Primemedia Broadcasting attended the blacks-only forum, together with Kieno Kammies, a talk show host. They raised their objections that white journalists were excluded from a meeting with Zuma. They then walked out in solidarity with their white colleagues who were ordered out. Abramjee said that as they walked out they were called (interpellated) 'coconuts' meaning black on the outside and white on the inside (*Mail & Guardian*: 29 February-6 March 2008). Editor of Talk Radio 702 and 94.7 Highveld Stereo, Katy Katopodis laid a formal complaint with the SAHRC following the refusal to allow white journalists into the meeting.

Commenting in *Business Day*, political correspondent Hajra Omarjee wrote that some viewed Zuma's acceptance to such an invitation by the FBJ as a 'move to woo certain sections of the media that is, black journalists', after he had begun increasingly to wrangle with the media (*Business Day*: 22 February 2008). Omarjee pointed to the political context of the acceptance of the invitation by Zuma, that is, the ANC's declaration of its intention to institute new mechanisms of control over the media in a Media Tribunal (ibid). This had been mooted at the ANC Polokwane Conference in December 2007.¹⁵⁴ This tribunal would apparently not replace but supplement self-regulatory mechanisms already in place. The proposal for more media regulation and control must be understood in the context of Zuma suing several media houses for defamation,¹⁵⁵ including reprimanding journalists for reporting on the corruption charges against him.¹⁵⁶

Commenting on the issue of a racially exclusive gathering with Zuma, Anton Harber¹⁵⁷ felt 'hard pressed', to find different and distinctive challenges facing black and white

¹⁵⁴ A section within Chapter Six of this thesis is devoted to an analysis of the proposal for a Media Appeals Tribunal to be instituted.

¹⁵⁵ Before Zuma became ANC President in December 2007, he had served legal papers on *Sunday Times* columnist, David Bullard, and on cartoonist, Jonathan Shapiro, for defamation.

¹⁵⁶ Zuma had charges of alleged rape, fraud and corruption against him, in all of which he was found not guilty by April 2009 when he was elected President of the country.

¹⁵⁷ Anton Harber is head of Journalism Studies at the University of the Witwatersrand, a former editor of the *Mail & Guardian*, and media commentator in *Business Day*.

journalists in South Africa (*Business Day*: 5 March 2008). Zuma's inane response to being criticised for accepting such an invitation was: 'There isn't a forum of white journalists that has invited me' (*The Weekender*: 23-24 February 2008). Radio 702 laid a formal complaint of racial prejudice with the SAHRC after two of its journalists who spoke out against the revival of such a forum, which excluded white colleagues, were called 'coconuts' (*Mail & Guardian*: 29 February-6 March 2008).¹⁵⁸ The FBJ's argument to exclude whites was that an exclusively black gathering was needed so that black journalists could discuss issues that affected them, for instance the 'development', or lack thereof, in their respective newsrooms. Head of the FBJ, Abbey Makoe, who initiated the revival of the forum and was also political editor of the SABC at the time, wrote:

Our aim, then and now, was to ensure that all journalists from previously disadvantaged backgrounds were organised into a meaningful group that would frequently get together and discuss matters of mutual interest. For example, in a transition, what is the role of the black journalist interpreting change – good or bad? There is no denying that the replacement of apartheid by democracy is good change. But what change in the glaringly unequal newsrooms? (*Saturday Star*: 1 March 2008).

Ostensibly, the above issue, the 'glaringly unequal newsrooms' was the reason for the re-launch according to Makoe. Yet, in an examination of the discourse of Makoe when the SAHRC ruled against the re-launch, his response was that the SAHRC's 'understanding of racism is dubious. SAHRC has found us guilty of being black. We are pronounced guilty of being black. No banning order will stop us' (*Journalism.co.za*, 2008).¹⁵⁹ Makoe shows in this discourse the slide into the unhappy consciousness, the passionate attachment to norms of the past, i.e. bonded to apartheid, and its limits on freedom and liberation. Clearly, no one had found Makoe 'guilty of being black'.

¹⁵⁸ A 'coconut' is a term which means black on the outside and white on the inside and is being used frequently in the South African political context to label all independent and critically minded black journalists and commentators.

¹⁵⁹ See article *HRC Rules against forum*: 12 April 2008.

Taking issue with Makoe's fixation on race, journalist Wilson Johwa wrote in *The Weekender* that 'Journalism was a liberal profession where colleagues judged each other on the strength of their writing and sharpness of their thinking' (23-24 February 2008). 'Colour,' he said, 'had largely taken a back seat in South African journalism'. He then proceeded to note that, of the 32 newspapers in the country, 19 had black editors (ibid). Johwa quoted journalist, Fiona Forde, who was turned away from the blacks-only journalist meeting. She observed that 'although black journalists had a genuine case to ensure their self-development, they needed to raise it with management and media owners but not your peers; we need each other' (*The Weekender*: 23-24 February 2008). The rallying call on the basis of race was not universally accepted, nor was it a success, given the response from several other black journalists as well. Race, was a floating signifier, with no full or fully fixed meaning. It was showing itself to have radical ambiguity, which subverted its fixity. For example, in a column in the *Citizen* newspaper, Chris Bathembu, who attended the forum, stated:

Yes, the profession has a very gruesome past and yes, there may still be some challenges facing black journalists in newsrooms, but is the FBJ the solution? What about white journalists who stood by their black colleagues in the apartheid era? Surely what happened on Friday is an insult to them and all white journalists who do not subscribe to racism. This racism is unacceptable, no matter how hard the FBJ tries to justify it. No way in hell am I joining such an organisation (*The Citizen*: 25 February 2008).

Bathembu had turned away from Race as the Master-Signifier. While acknowledging the 'gruesome' past, he wanted to move forward to another future, with resignifications. Another columnist, Justice Malala, wrote that the blacks-only forum betrayed the ANC's founding principles, that the initiative was 'hypocritical', and intellectually bankrupt. Indeed, he felt, that actually 'being black was not enough; you needed to have the right political bias too' (*The Times*: 25 February 2008). Malala also pointed out that many big newspapers, radio and television news departments were already run by blacks (ibid). He observed that Makoe, the spokesman of the forum, worked at the SABC, where news management was almost entirely black.

He [Makoe] is therefore in a position to solve many of the problems that pertain to blacks ...The ANC fought a long and exhausting struggle to get rid of a system that institutionalised the oppression of blacks by whites. It did not win it by excluding whites. It won it by including whites; not because they were white, but because they too believed in a non-racial, united democratic South Africa. The conclusion is that the blacks-only FBJ has nothing to do with journalism. The forum is an organisation that clearly wants to influence black journalists to toe a particular party or leader's line (ibid).

Malala's reasoning and conclusion underscored the way in which race was being manipulated for political purposes. His argument has resonances with the theoretical underpinnings of this chapter, which asserts that subjects can easily turn towards the voice of power. But also that attempted subjection can be ignored, and ideological interpellations or hailings can be ignored. The attempt to revive the forum had less to do with the racial 'disadvantage' of black journalists, than with a racialised ideology that interpellated black journalists in order to summon them to toe a particular party or ideological line.

The ANC might not have done this directly, but the opportunity was given to them by the invitation of the FBJ. The FBJ was itself falling into the ANC's attempts at subjectivisation to create a 'sweetheart press'. This will be demonstrated and analysed in Chapter Six: The Ideological Social Fantasy: the ANC's gaze on the Media. What the revival, and subsequent failure, of the FBJ also showed was the lack of homogeneity amongst journalists. Indeed, heterogeneity existed. The call to identify on the basis of race was hardly heeded by independent and critical thinking journalists. In fact, race issues aside, in newsrooms themselves there was no one voice that spoke, but rather a myriad of views, as seen in the following example of how the *Mail & Guardian* reacted to the news of the FBJ. This shows the lack in South Africa of a unified entity that one could call 'the media' as such.

The *Mail & Guardian* published a lengthy spread on the issue under the title Race and the Media. The editor at the time, Ferial Haffajee¹⁶⁰ wrote that '[...] we live in a liberated zone' adding that, she would not 'go to the forum's gatherings because journalists are not so easily boxed and as editor it would feel wrong to go where some of my colleagues cannot tread' (*Mail & Guardian*: 29 February-6 March 2008). Her newsroom held an open meeting to discuss the issue of the FBJ. Some of her black colleagues challenged her views. For example, Fikile-Ntsikelelo Moya asked, 'Can we as a newsroom honestly say that the black staff does not have issues they feel particularly unhappy about? Can we assuredly say that we have created a newsroom that makes black journalists not need an FBJ?' (ibid). Another black journalist, Matuma Letsoalo, asked whether the story was chosen by the by-line. Haffajee surmised that he must be referring to the investigative team whose writings dominated the lead stories (ibid). Stefaans Brummer responded by asking, 'Who says I'm white?' (ibid), constituting a challenge and indicating how race is a social construct, and more pertinently how identities can 'float' rather than be fixed.

Nevertheless, Haffajee commented, for Letsoalo, the reality was that we should confront the issue of who was trusted to deliver the front page goods. She pointed out that a significant number of journalists at the *Mail & Guardian* felt 'deep unhappiness with the FBJ for what it practises and what it might portend: an era of racial access to news and newsmakers and a return to a past,¹⁶¹ many have spent their adult years fighting' (ibid). Expressing significant difference with Haffajee's view was the editor of *City Press*, Mathatha Tsedu¹⁶², who felt that whites intruding on the event (the luncheon with Zuma to re-launch the FBJ) and creating a 'stink' was 'sheer arrogance to me. Black journalists have a right to decide for themselves that they want to talk among themselves, while being addressed by whoever they choose to invite' (ibid). In direct

¹⁶⁰ Haffajee resigned from the *Mail & Guardian* in May 2009 and moved on to become editor of *City Press*.

¹⁶¹ See also Tim du Plessis, editor of *Rapport*, who said: 'I see no objective for such an organization. What special issues can black journalists still have after 15 years of newsroom transformation? The most influential editors today are black. The leadership of Sanef is predominately black and has been for more than a decade.' (*Mail & Guardian* 29 February - 6 March 2008).

¹⁶² Tsedu resigned from *City Press* and in 2009 became an executive at Media 24

contrast to Tsedu's view was that of the editor of the *Daily Dispatch*, Phylicia Oppelt.¹⁶³ When asked about the need for such a forum, she remarked:

I don't think there is a need. What are the pressing issues for black journalists in this country when most news organisations are being led by black editors or managers? By giving attention to the forum, it gives it some life, credence and justification for existing. I think it is unnecessarily divisive and reactionary. Makoe's comment that 'they' would respect the right of white journalists to gather along the same lines is trite and mischievous because he knows there would be outrage if they did so. I would like to see an organisation of South African journalists where issues of professionalism, skills and common problems are explored and debated. (*Mail & Guardian* on-line: 5 March 2008)

Oppelt hit the nail on the head when she asked what the pressing issues were for black journalists when most news organisations were being led by blacks. Her view, that she would like to see common problems experienced by all journalists tackled, resonated with the comment by researcher at the Freedom of Expression Institute (FXI), Tendayi Sithole, who also refused to join the forum. He felt that journalists should be uniting to oppose the Media Tribunal proposed by the ANC to regulate freedom of the press (Interview: 25 March 2008). This was an issue that could unite all journalists, in an inclusive and non-racial 'unified forum' (ibid).

When Abramjee, accompanied his colleague Katopodis to the SAHRC hearing, he told the panel that he took issue with being labelled as a 'coconut' when he walked out of the FBJ meeting because his white colleagues were excluded (*Mail & Guardian* 29 February-6 March 2008). 'We are of the view that the term coconut is not only insulting it is discriminatory.' He said: 'I said at the start of the FBJ meeting that whites should not be excluded on the grounds of freedom of association. The Constitution should not be used selectively. The Constitution also doesn't allow for any form of racial discrimination' (ibid). These varied views showed that there was no homogeneity, either

¹⁶³ Oppelt was editor of the *Daily Dispatch* at the time of the comment in 2008. In 2009 she was editor of *Business Times* at the *Sunday Times*; and in 2010 she became editor of *The Times*.

on transformation and democracy or on identification on the basis of race. It was also clear that many black journalists did not support the FBJ because they found it inappropriate in the new democracy. There is a strong argument then to conclude that 'the media does not exist in itself as a closed entity, nor is there a unitary black bloc', or indeed a white bloc, (*The Weekender*: 3-4 October 2008).¹⁶⁴

The above comments, deliberately chosen mainly from black journalists, showed that even within one newsroom there were significant differences of opinion, displaying heterogeneity of views, multiple identities, which all signal plurality. Attempted hegemonisation, subjectivisation and interpellation by one group of journalists in re-launching the FBJ, failed. The existence of heterogeneity among black journalists, and of resistance to ideological conformity, portends well for democracy. The event also showed a lack of attachment to race on the part of some black journalists. In April 2008, the SAHRC ruled that it was unconstitutional to exclude whites from the FBJ. Makoe's response to this judgment was to say, 'We have effectively been found guilty for being black'. Race was the rallying call from the start: a week after the furore, he wrote a column in the *Saturday Star* entitled *Hear me: I shall not apologise for being black* where he made race the rallying call. When Makoe was contacted in September 2009, over a year later, to ask how he felt about the demise of the FBJ, he said: 'Oh, we are still meeting, but we don't issue press releases to 702!' (Interview: September 2009).¹⁶⁵

How might we interpret Makoe's attempt to revive the FBJ in post-apartheid South Africa? For this I turn to Butler's theories of power and subjection. In a re-reading of Hegel's *Unhappy Consciousness*¹⁶⁶ she stated: '...we are given to understand an attachment to subjection is formative of the reflexive structure of subjection itself' (1997: 58). She continued:

¹⁶⁴ See article: 'Media' has many faces, in *The Weekender* (3-4 October 2009), in which I argue that the media is a heterogeneous, amorphous, fluid thing, with as wide a number of views as there are journalists. The media is as diverse, and even within one newsroom you will get a variety of views – and within one race group too.

¹⁶⁵ Telephonic interview with Makoe in September 2009 for story in *The Weekender*: 'Media' has many faces: 3-4 October 2009.

¹⁶⁶ In the famous story of the slave and lord, the slave was not as happy as you would expect once he was freed; there was a stubborn attachment of conditions to his past, which gave him reason for being. He fell into 'unhappy consciousness' once freed (Butler: 1997:31-61)

If wretchedness, agony and pain are sites or modes of stubbornness, ways of attaching to oneself, negatively articulated modes of reflexivity [...] because they are given regulatory regimes as the sites available for attachment, and a subject will attach to pain rather than not attach at all (1997: 61).

The point of drawing on Butler's conceptualisation is to suggest that the reiteration of racial subjection remains a dominant theme in post-apartheid South Africa, but not in all quarters or sections of society. The continued reference, by some, to racial subjugation means that previously subject agents remain trapped within an 'unhappy consciousness' of 'agony and pain' which must limit the development of their own capabilities to free themselves. Instead of embracing the removal of the regulatory regime of apartheid and exploring the freedom to create new imaginaries of non-racialism, for instance, the efforts that Makoe engaged in, in trying to recreate a safe zone for racial exclusivity, is to revive the very regimes of negative exclusion that characterised apartheid. But this attempt to reposition race as the 'Master-Signifier' was highly contested, as we saw from the very diverse discourse that emanated from different black editors and black journalists in different newsrooms: Oppelt, Malala, Bathembu and others.

Oppelt's comment that she would like to see issues of professionalism, skills and such common problems explored and debated (*Mail & Guardian* on-line: 5 March 2008), showed resignifications from past attachments, rather than the re-iteration of norms of the past. Her turn could not be called a reflexive turn, or a turn against oneself, as in the case of Makoe. In addition, Bathembu's view: 'What about white journalists who stood by their black colleagues in the apartheid era? Surely what happened on Friday is an insult to them and all white journalists who do not subscribe to racism. This racism is unacceptable, no matter how hard the FBJ tries to justify it' (*Citizen*: 25 February 2008), showed an unsettling of past attachments, in other words, he was not attached to his race suffering from apartheid days. These voices, of Oppelt, Malala and Bathembu, among others, I argue turned away from the interpellating voices, and do not reiterate norms of the past. But, of course, there were also some views in-between which shows

some splitting or ambivalence. Take for instance, *Mail & Guardian* journalist, Fikile-Ntsikelelo Moya, who asked: 'Can we as a newsroom honestly say that the black staff does not have issues they feel particularly unhappy about? Can we assuredly say that we have created a newsroom that makes black journalists not need an FBJ?' (*Mail & Guardian*: 29 February-6 March 2008).

How then are we to understand the failure of the revival of the FBJ?¹⁶⁷ There are some who attached to norms which oppress, and turned towards the interpellating voice of the ANC for a more loyal press, for example Makoe. He felt that he was found 'guilty of being black' when the SAHRC ruled against the forum. However, there were many more black journalists, as shown above, who did not slide into this unhappy consciousness. Those who did not, would, in Butlerian terms, be showing signs of 'resignification'. In other words, the failure of the FBJ to re-launch showed that race was not ultimately the Master-Signifier, and that 'the media' was not a homogeneous entity, either on the basis of race or within one newspaper. It showed the indeterminate nature of race as a signifier in the post apartheid South Africa. It showed that race was primarily a floating signifier, not a Master Signifier, and attempts to render it as one, failed, signalling an optimistic moment for democracy. It also showed the half turns, towards the voice of power as in the case of Fikile-Ntsikelelo Moya when he expressed ambivalence in his questioning about whether there was a need for the FBJ. It must be noted however, how subjectivities change, are fluid and do not remain static. For instance, in 2010, Makoe wrote a highly progressive piece entitled *Orwellian trend is emerging*, in which he said that freedom of speech is much bigger than the ANC, or even the media. It's about people's right to express their thoughts (*The Star*: 2 September 2010). In a turn away from allowing subjection, Makoe wrote:

When the ANC goes overboard in tackling a critical building block in a democracy such as the media, historians and social commentators might pause and observe an Orwellian trend where the persecuted have now turned into the persecutors [...] In any meaningful democracy, the media and all other exponents of free speech need to be treated like

¹⁶⁷ By 2009 there was not even one mention of the FBJ in the news, signalling an early 'death'.

what Stone calls “civic treasures – guides to a better way of life – instead of a menace”. (*The Star*: 2 September 2010)

This is a powerful statement. Makoe, through his 2010 turning, showed that he was siding with ethical codes of the profession and loyalty to the ideal of democracy, rather than with the ANC’s closed vision, hegemonic purposes and ideological hysteria against the media. While he has not refuted his stance about race, nor his insistence on the place for the FBJ in post apartheid South Africa, the above piece was written in the same manner as all others in the profession who denounced the Protection of Information Bill and the Media Tribunal in the interests of a more open society, one that was not hermetically sealed. While this chapter deals specifically with the issue of the FBJ and race, the above turning against the repressive ANC and state proposals, by Makoe in 2010, positioned him, along with other journalists, as a legitimate adversary in a democracy.

4.2. Legitimate Adversaries, Passionate Attachments and Resignifications

Drawing on conceptual analytical tools from Mouffe (legitimate adversaries), Butler (passionate attachments, subjectivisation and resignifications) and Žižek (enemies of the people), I argue that the South African Constitution allows us to think of ‘fights’ internal to democracy, as fights between legitimate adversaries rather than enemies. It then also allows for resignifications so that new pathways or new floating attachments can be made, unsettling old passions and attachments, which can happen if one does not reiterate norms from the past. However, a trend that was established by the ANC from the time of Mbeki’s deputy presidency, through Mbeki’s two terms as president, and then carried through to 2008 by Zuma, were attempts to create a subordinate, compliant, uncritical and even unified press. The danger of interpellating critics as ‘opponents’ or ‘adversaries’ is that this could legitimate suppressing any form of dissent as illegitimate opposition and tend towards totalitarianism.¹⁶⁸ Mouffe criticised Carl

¹⁶⁸ I must add a qualification here and that is, South Africa’s democracy is not anywhere near totalitarianism. If it was a totalitarian country, this would mean that this is not a democracy at all. However, what is at issue is that there are signs and warnings of attempts to close off spaces and interpellate the press, when it is critical, as outsiders, the

Schmitt's argument or fears about the 'loss of common premises and consequent destruction of the political unity. She argued for a distinction between legitimate adversaries and antagonists, with the key task facing democratic politics today to make room for conflictual pluralism, given the increasing fragmentation of identities and the multiplication of new forms of conflictuality. Mouffe's criticism was that Schmitt's argument would not permit a differential treatment of conflict but could only manifest in the mode of antagonism, 'where two sides are in complete opposition and no common ground exists between them. According to Schmitt, there is no possibility for pluralism – that is, legitimate dissent among friends' (Mouffe, 1995: 5). You need a plurality of competing forces for a radical democracy, and we saw this in operation during the saga of the FBJ.

In their argument for a democratic revolution Laclau and Mouffe assert that politics, rather than be founded on the dogmatic postulation of an 'essence of the social', should be founded 'on affirmation of the contingency and ambiguity of every essence, and on the constitutive character of social division and antagonism' (Laclau and Mouffe, 1985: 193). The trend in the discourse of the ANC is to place political unity above all else. In the case of the media, this political unity means that the ANC and journalists should be of the same frame of mind and political persuasion. This is what Mouffe argues against in her analysis of Schmitt. In placing political unity above all else, she comments, the space for pluralism, and therefore more tolerance in a democracy is closed off (1999: 5). In the case of promoting a blacks-only forum for journalists, who reiterated the logic of race and aligned itself with the hegemonic political party and leadership of Jacob Zuma, the 'space for pluralism' in South Africa would be under threat. However, the attempt appeared to have failed if we consider the comments of the black journalists and editors, Omarjee, Haffajee, Malala, Bathembu, Johwa and Oppelt.

Althusser's central thesis was that ideology interpellated individuals as subjects. And Butler, using the often quoted example of the passer-by subject who turned towards the

enemy and racist. While the tension between the media and the ANC is internal to democracy itself, this thesis argues that the ANC's gaze upon the media is totalitarian in nature.

authoritative voice of a policeman who said 'hey you', explained further that the man in the street did not know that the policeman was hailing him, in particular, but turned towards the voice of authority anyway, as though it was him that was hailed (Butler: 1997: 107).¹⁶⁹ Why? Butler ventured that subordination took place through language and through interpellation. The turning around, she explained, is an act that is conditioned both by the “voice” of the law, and by the responsiveness of the one hailed by the law. Butler further explained her theory: there would be no turning around without first having been hailed, neither would there be a turning around without some readiness to turn (ibid).

Malala was against the same sort of subjectivisation of journalists through the FBJ. The issue of race, for Malala, was really an excuse; it was actually political ideology at work. For him then, the FBJ was an attempt to hegemonise black journalists. If journalists turned towards such an exclusive racial forum, then in Butlerian terms, somehow their guilty consciences were at play as they reiterated the norms that once oppressed them. But of course, as Malala commented, the real motive was to reel them in politically, to block them from being free and independent thinkers and agents; to instead render them supportive of the party line. He also wrote that because racism was known and experienced, therefore one should not reduce oneself to the pain of that exclusion again. ‘That is why so many of us are outraged that those who claim to know the pain of exclusion on racial grounds can suddenly be sanguine about the Forum for Black Journalists kicking whites out of a meeting. It is not right when it is done to us. It is not right when it is done by us to others, either.’ (*The Times*: 3 March 2008). What the response of those black journalists who were not in favour of the blacks-only forum showed was a lack of reiteration of the norms which oppressed, in this case the norms of race identity. For Butler, norms and identities were not fixed and even within these reiterations there were possibilities that they would be repeated in unpredictable ways; that they would be re-appropriated, so to speak, showing resignification.

¹⁶⁹ Butler explains that ‘although there would be no turning around without having first being hailed, neither would there be a turning around without some readiness to turn’ (1997:107). She also asks ‘But where and when does the calling of the name solicit the turning around, the anticipatory move towards identity? How and why does the subject turn anticipating the conferral of identity through the self-ascription of guilt?’ (ibid).

In the case of the black journalists who did not afford validity to the FBJ, a process of Butlerian 'resignification' was at play. On the other hand, Makoe's actions would signify embracing the very terms that injured him, that is through a repetition of norms to which he was 'passionately attached', in this case the norm of race oppression. For Butler, it was the radical dependency on norms and their reiteration that led to subjection. While Makoe seemed to be radically dependent on race in 2008, in 2010, there seemed to be some "unsettling" and "unpredictability" when he wrote against the ANC's attempts at subjugating the independent media, going as far as to call this an "Orwellian trend" (*The Star*: 2 September 2010). Orwellian implies ideological obfuscation, manipulation and a denial of truth. When Makoe says this trend is creeping into the ANC, he makes a powerful statement. And by saying this there seems to be some freedom from the ANC's way of thinking that had taken place in his subjectivity. The reflexivity was unsettled.

A free subject would think for himself or herself, and not be passionately attached to subjugation. This must apply particularly to the profession of journalism, where the principles of fairness, truth and balance should apply. In the same vein, Pecheux would say that the journalists referred to above aimed to do what they were supposed to do, that is, to think for themselves. He argued that a 'bad subject' was, in short, a 'trouble maker' (1982: 22) which counter-identified against the discursive formation imposed on him. His argument for democracy was that one must 'dare to rebel ... nobody could think in anyone else's place and one must dare to think for oneself' (ibid).

It was not the first time that attempts at racial divisions were created between journalists, as discussed earlier, in Chapter Two, when in 1995, Mbeki was branding any criticism of the ANC as racist, according to Gevisser (2007). Mbeki also made a separation between what he expected of white and black journalists at an address to the FBJ: 'Now criticism and complaining is what I expect from him', when he pointed at Anton Harber. 'This forum, on the other hand, has to see itself as a change agent [...]. He urged black journalists: 'roll up your sleeves and stop whinging like a whitey. Get with the programme' (op cit: 643).

In the Butlerian-Althusserian sense then, there was a hailing, or interpellation of Harber, in an attempt to bring him into line, to make him turn towards the voice of power, if it was still possible. Mbeki thought he was a lost cause, so he turned to black journalists, making race the rallying call. At this stage of interpellation of the media, Mbeki singled out the *Mail & Guardian* and did not treat 'the media' as a homogeneous bloc, which in later discourse became the case. Bad subjects, for him then, would be all black journalists, and there were many,¹⁷⁰ who refused to subvert loyalty to their profession, which called for truth, fairness and balance, to loyalty to the party.

The above example shows one of Mbeki's first steps in interpellating the media in terms of the hegemonic discourse of the ANC, where 'the rigid designator' was in operation. Žizek contends that in the 'Stalinist universe, the real member of 'the People' is only he who supports the rule of the Party: those who work against it are automatically excluded from 'the People'; they` become enemies of 'the People' (1989: 147). In other words, supporting the rule of the party is rigidly designated by 'the People'. While Mbeki's direct interpellation was against Harber as a white journalist, he was, at the same time, interpellating black journalists as part of a unitary universe, that of the ANC, but also one that rendered race as the Master-Signifier. At this beginning stage of his ascent to power and to the presidency, Mbeki was holding out hope for black journalists. Some would turn, over the next decade of democracy, towards this hailing, this authoritative voice, and more would turn against it. Mbeki had hoped black journalists would heed his call towards being more loyal to the ANC, conflating this voice, the ANC's voice, with the voice of democracy itself.

In subsequent chapters, I intend to show what turn most journalists made, irrespective of race, in an attempt to answer the question of whether 'the media' is, or is not, a hegemonic bloc. What I have demonstrated, so far, by way of the case of the FBJ, is

¹⁷⁰ The following journalists, at the time, 2008, who are critical of the government happened to be black: Ferial Haffajee, editor of the *Mail & Guardian*; Mondli Makhanya, editor of the *Sunday Times*; Thabo Leshilo, editor of the *Sowetan*; Hopewell Radebe, Diplomatic editor at *Business Day*; Rehana Rossouw, editor of *The Weekender*; and Justice Malala, magazine publisher of *Avusa*.

that journalists are not a homogeneous entity in South Africa, and that black journalists are not a single, totalised, essentialised entity. To talk, then, of 'the media', as the ANC does, as though it is a single, fixed entity, is inaccurate. It does not exist as such.¹⁷¹

The second example of how 'passionate attachments' act to reproduce racism, was the firing of *Sunday Times* columnist, David Bullard, over a racist column. And, interestingly enough, not all black readers and writers to newspapers thought he was racist, and not all whites thought he should not have been fired. This showed fluid and free-floating identities, detaching from the signifier, race. The then editor of the *Sunday Times*, Mondli Makhanya, found Bullard's views anti the ethos of the new South Africa, democracy and the Constitution. So then, the question must be asked: was this firing constitutive of an anti-freedom of expression act? Was Bullard exercising his right to free speech within the constitutional framework or was he out of bounds in terms of the Constitution, which espouses the principles of non-racialism, and values dignity and respect for all people? There are three intentions here: first, to explore whether these two ideological discourses are two sides of the same coin, in other words is "Race", not again, a Master-Signifier in Bullard's discourse, the same way that it was in Makoe's? Second, the aim is to analyse Bullard's discourse in terms of Butler's theory of passionate attachments and resignification. Third, it aims to examine what freedom of speech means within the context of democracy, which will lead onto the next chapter: What is freedom of expression in the context of Zapiro (the name the internationally renowned local cartoonist Jonathan Shapiro writes under) being sued for R7-million by Zuma for defamation, for the now famous 'Lady Justice Cartoon'.

¹⁷¹ For Althusser, however, the press is merely another Ideological State Apparatus: 'The communications apparatus by cramming every "citizen" with daily doses of nationalism, chauvinism, liberalism, moralism etc. by means of the press, the radio and television', in the chapter, Ideological State Apparatuses, (Althusser, cited in Žižek, 1994: 117).

4.3 Is the Right to Free Speech an Absolute in Democracy?

The Firing of David Bullard:

In order to scrutinise and explore the contention that free speech is not an absolute, legal and moral, this thesis turns to the example of the firing of *Sunday Times* columnist, David Bullard, after he published a piece that was deemed to be racist by the editor in April 2008, and for which he was subsequently fired. In addition to this exploration, I then further my argument about how race can be a Master-Signifier in unprogressive discourses and discuss Butler's concepts of passionate attachments and resignification. If there are moral and legal limits to free speech, what are they? The following are some extracts from the column that led to the termination of Bullard's employment at the *Sunday Times* which he contested as an 'unfair dismissal'.

Uncolonised Africa wouldn't know what it was missing

Imagine for a moment what life would be like in South Africa if the evil white man hadn't come to disturb the rustic idyll of the early black settlers. [...] the various tribes of South Africa live healthy and peaceful lives, only occasionally indulging in a bit of ethnic cleansing. Their children don't watch television because there is no television to watch[...] They live in single-storey huts arranged to catch most of the day's sunshine and their animals are kept nearby. Nobody has any more animals than his family needs and nobody grows more crops than he requires to feed his family and swap for other crops. [...] Every so often a child goes missing from the village, eaten either by a hungry lion or a crocodile. The family mourn for a week or so and then have another child. [...] Praying to the ancestors is no help because they are just as clueless [...]

The column was called 'Out to Lunch' (*Sunday Times*: 6 April 2008).

Bullard was fired three days later, on 9 April 2008, by Makhanya, for the views expressed in the above column. Makhanya justified his decision by saying that while the right to free speech is something that everyone on his newspaper holds dear, 'we NOT in the business of promoting prejudice'. The relationship of an editor to a columnist is a

special one, he said: 'You hand over a piece of real estate to the column, the site for a villa, a mansion or castle. The onus is then on the columnist to treat the space with responsibility and not abuse that freedom from interference.' Over the years, Makhanya said, Bullard 'had fun with the space' but then 'last Sunday he crossed the line ... In a subsequent conversation I had with Bullard, it was clear that he holds the views he expressed in the article – which were essentially that black people are indolent savages.' (*Sunday Times*: 13 April 2008).

In a further explanation to the public, Makhanya wrote: 'The *Sunday Times* subscribes to non-racialism and is committed to building a South Africa based on the values enshrined in the Constitution. We will not be a platform for views which undermine the values of our publication' (*Sunday Times*: 13 April 2008). Prior to the announcement of the firing of Bullard by Makhanya, political commentator Xolela Mangcu made this observation on the tension between democracy and free speech, when he wrote in a column: 'Criticism of authorities is at the foundation of democracy' (*Business Day*: 10 April 2008). And, indeed, this statement is at the foundation of this thesis. He continued: 'But democracy is not an invitation to offensive speech' (ibid). Mangcu then quoted political scientist, Robert Weissberg on the fine line between legitimate criticism and offensive speech:

The questioning of sacred doctrine or the challenging of honoured traditions is protected by the principle of protected liberty. Indeed such challenging is not only permitted, it may well be essential to society's intellectual life, invigorating both our capacities and the doctrines themselves. Nevertheless, because mere words can shade into actions and actions may have preventable injurious consequences, the right to one's views is not unbounded (*Business Day*: 10 April 2008).

In Mangcu's view, this right was bound both by social civility and legal proscription in the case of hate speech. He commented that it was guess work what Africa would have been like had it not been for colonialism, and averred that: 'The age Bullard is celebrating was one of uninterrupted European violence against indigenous people all over the world. But it was also an age of barbaric acts of cruelty among Europeans

themselves' (ibid). The upshot of Mangcu's judgment was that Bullard engaged in hate speech when he described African people as savages capable only of undertaking ethnic cleansing and that 'every so often a child goes missing from the village, eaten either by a hungry lion or crocodile. The family mourns for a week or so then has another child'. Mangcu said that this was exactly 'the same stuff that Hendrik Verwoerd used to say about the mental capacity of black people. If this is not racist speech, then what was the point of the fight against apartheid?' (*Business Day*: 10 April 2008)

I am persuaded by Mangcu's argument, that Bullard's views had rings of Verwoerdianism to them. Bullard's views hail from a racist and colonial past, a past based on stereotypes of race. The issue of the content of the column, as well as the firing of Bullard, raised debate and showed a variety and dispersed set of views on the subject from editors and readers in the public alike. What is interesting, and feeds directly into my argument about multiple and fluid identities and disparate subjectivities is that the views expressed by the readers showed that not all whites agreed with Bullard's view on the greatness of colonialism and that not all black readers believed that it was the correct decision to fire him. Before turning to the discourse in the public, here are some views from the journalist profession. The editor of *Business Day*, Peter Bruce, in his column about the firing of Bullard, wrote:

I don't think he is a racist and he makes me laugh. Still, I would have canned 'Out to Lunch' as well after his last effort in the *Sunday Times*. For Editor Abuse (EA) is a virus common among columnists. It makes you stop caring what the editor thinks about your work or what the political or commercial effects of it may be on him or her (*Business Day*: 14 April 2008).

From another viewpoint, *Sunday Independent* columnist, Jeremy Gordin, (also known as Karen Bliksem), took a light view of Bullard's column:

The Bullfinch column of Sunday April 6 that caused all the trouble is one of the weakest, blandest and most tedious bits of nothing that anyone has written lately – and, therefore, to hold it up as the acme of racism is to devalue, so to speak, serious racism. To take umbrage at something

Bullfinch says is to get angry at the bleating of a dead sheep (*The Sunday Independent*: 13 April 2008).

By contrast an editorial in *The Weekender* took a more serious view when it assessed the issue thus:

David Bullard overstepped his mark and his axing was justified, but it should not be cause for other writers to censor themselves ... A sense of humour is a handy tool in a country like SA, where the only available options often seem to be either to laugh or to break down in despair. But this is not a licence for columnists to spew invective or encourage racial intolerance and hope to escape responsibility by accusing critics of being spoilsports (*The Weekender* 12-13 April 2008).

The editorial's conclusion was that 'it would be a pity if the result [of the firing] is that other writers censor themselves for fear of inadvertently crossing a line that is all too often invisible' (*The Weekender* 12-13 April 2008). Then, Anton Harber, argued in a *Business Day* column:

There is no freedom of speech issue here ... Columns are an essential part of a newspaper, bringing opinion and debate to break through the tedium of news ... A sensible editor carries a healthy range of challenging opinions, but makes it clear that there are certain views which go beyond the bounds that will not appear in the paper.¹⁷² (*Business Day*: 16 April 2008).

None of the above editors or columnists was able to articulate what exactly the line was, what were the "bounds", nor did Harber explain why this was not a freedom of speech issue, nor what these 'certain views' were which go beyond the bounds. Gordin's comment that Bullard's column was just weak, bland and tedious bits of nothing, also made one think. Could Gordin be correct? However, more importantly for the argument is this thesis, another commentator, Bryan Rostron pointed to the similar 'inanity' of views between Bullard and Makoe:

¹⁷² *Business Day* 16 April 2008: 'Old Hands save many an editor's blushes'

Then, with democracy, we got David Bullard on the one side and departing SABC political editor on the other. Bullard has been fired for supposed 'racism', while Makoe, as chairman of the FBJ, fulminated; when the Human Rights Commission judged that the FBJ's exclusivity was unconstitutional, that we have effectively been found guilty of being black. Both Bullard and Makoe are well known, and each has a following, so it is the sheer inanity of their views that is depressing ...The irony is that Makoe was defending the need for an all-black forum, while Bullard pretty much writes for an all-white forum¹⁷³ (*Business Day* 15 April 2008).

By likening Bullard to Makoe, Rostron showed that race was indeed a Master Signifier, in both subjects. Both Bullard and Makoe were passionately attached to race as a signifier. However, my difference with Rostron is that he was inaccurate when he wrote that Bullard wrote for 'pretty much...an all-white forum' (ibid). This can be seen when the discourse of the public, through letters to newspapers, is analysed. These readers' letters to the press show that in their subjectivities race was a floating signifier: it did not have full and definitive meaning attached to it. These views showed that there were resignifications taking place, while the debates showed the deepening of democracy taking place in and through journalism. *En passant*, David Bullard apologised in an article in *Business Day* on 18 April 2008, for the content of his column. His intention, he wrote, was to

make the point that some black South Africans blame white colonialism for all the country's problems ... The article was never intended to offend, but it has, and that offence has caused the column's disappearance from the *Sunday Times*. For that I offer sincere and heartfelt apologies to those who were offended, including Mondli Makhanya, my friend and former editor, whom I respect enormously. Particularly offensive to so many was the suggestion that a family who had lost a child would mourn for a week or so and then have another. Despite my claim that this is fantasy SA, I realise that this was an insensitive remark to make and I humbly apologise. (*Business Day*: 18 April 2008).

However, one day later, Bullard announced that he would sue publisher, Avusa, for unfair dismissal, and for two years of lost income. His complaint was not on the basis of

¹⁷³ *Business Day* 15 April 2008: 'Commentators singe themselves with stupidity'

free speech but unfair procedure in terms of the Employment Act, in other words the Labour Act was breached (*Saturday Star*: 19 April 2008). He argued that he was given no warning about the content of his writings over the 14 years of his employment at the *Sunday Times*, and his services were terminated over the telephone, after the publication of the above discussed column.

Trevor Ncube, the publisher of the *Mail & Guardian*, believed that Bullard should not have been fired but that 'the issues he raised should have been engaged with and debated' (Interview: 12 August 2008). Philosophically, he would be on the same side as Voltaire, he said, who he then quoted: 'I might not agree with what you are saying but I defend your right to say it' (ibid). Ncube cautioned against flying 'too close to censorship', which happens, 'the moment we begin to say we cannot do this and we cannot say that, who among us has a set of values to judge what is proper?' (ibid).

This is a salient point. However, as Mouffe has also stated, and I agree, while a radical democracy has to have robust fights, tension and contestations, there has to be some minimal consensus in society for it to function. In South Africa, it is widely accepted that this consensus is contained with the Constitution, which does contain restrictions on free speech, for example that it should not incite hatred or violence, but this is not set in stone either, it is debated, contested, negotiated and constantly interpreted.

What the Readers said about Bullard's Column and his Subsequent Firing: the Emergence of Resignification

The following views from the public, as seen in letters to newspapers, highlighted several issues in democratic post-apartheid South Africa. First, it seemed that the space for debate was quite vibrant in the country. Second, not all whites believed that Bullard's column was acceptable in the new discourse of post-apartheid South Africa. Third, not all blacks thought he should have been fired. Fourth, the Constitution and its reference points were debatable. Finally, it showed how journalism could be a gate-opener for democracy; how it was one of the spaces in public discourse for airing views and

debating controversies. I've selected a few letters from the public to demonstrate some of these reflections.

The article so lacks balance in that it fails to even mention the brutishness of the colonizing thugs who, armed with guns and Bibles, trashed the indigenous people's cultures, feeding their greed under the veil of a fraudulent piety. Bullard's article suffers another defect. He apparently considers himself an ironist, but so heavy handed are his attempts at irony that any redemptive aspect of the article is lost in an adolescent display of failed satire. And this is surely the essence of the matter. Instead of censoring Bullard, why is there no effort to meet him on his own ground and critically deconstruct his flaccid attempt at provocation? (Laurence Berman, *Sunday Independent*: 20 April 2008)

What took the editor so long to fire Mr Bullard? (Mandlesilo Mavimbela, *Sunday Times*: 13 April 2008).

Please accept my heartfelt congratulations for getting rid of that obnoxious David Bullard. Let the little tit run to the DA and squeal. I might even buy the *Sunday Times* again – Bullard has kept me from it for years. (Dave Pepler, *Sunday Times*: 13 April 2008).

It is obvious David Bullard went too far for many people with his column, but he is a satirist and his writings should not be taken literally. Satirists use humour to ridicule something that seems to them ridiculous. An apology might have been called for, but dismissal will lessen the country's ability to laugh at itself. (Mark Henning, *Sunday Times*: 13 April 2008)

The firing of Mr Bullard is a mistake and will be a great loss to the *Sunday Times*. He may be vulgar and offensive at times but he is always a good read and provokes thought and a different view of the situation that's often pushed out by our politicians and the SABC. (Tony Zebert, *Sunday Times* 13 April 2008).

On Friday I read a most beautiful and poignant letter written by David Bullard: Bullard: an apology to my readers and friends (April 18). After having grown accustomed to his columns, which are sometimes hilarious yet at times out of order and insulting, I think his behaviour was exemplary. It occurred to me as I was reading his piece that this man who has come from Britain has truly metamorphosed into a South

African and an African. His apology was so sincere and so moving. I have no doubt that those who embody that unique concept only found in Africa called ubuntu would agree with me that that apology was worthy of your acceptance. For that, Bullard, you have my forgiveness and my understanding. SA needs brash and sometimes abrasive not-so-young men like you. Your ownership of your shortcomings should serve as an inspiration to change for some of our patriots who fervently believe what you wrote. Well done bro. (Sipho Nkosi, *Business Day*: 21 April 2008).

Let's be perfectly clear on one thing. I do not like David Bullard. I don't particularly like him because he has never written anything that made me think: 'Wow, I wish I had thought of that!' Au contraire, his views about the world in general and South Africa in particular tend to be niggardly pernicky hair-splitting diatribes. But, they are bloody well written niggardly hair-splitting diatribes. (Kanthan Pillay, *Mail & Guardian*: 18-24 April 2008).

The above letters show a lack of unity on the basis of race. They showed also ambivalence on the part of many, for instance Kanthan Pillay who enjoyed Bullard's writing craft, even though he did not find his ideas particularly profound. Sipho Nkosi found Bullard's apology "poignant" and so forgave him for the racist column. Dave Pepler sent congratulations to the newspaper for firing what he called an "obnoxious" personality, and obviously took Bullard terribly seriously, because he would now begin to buy the *Sunday Times* again. Laurence Berman pointed to the thuggery that characterised colonialism which Bullard, and many other racists still attached to the past, conveniently forget. Clearly not all whites identified with past glories of colonialism, holding onto their passionate attachment of the past, when whites lorded over blacks, and evidently not all blacks celebrated the demise of Bullard's column.

The above letters, in Mouffian terms, are examples of how journalism can be gate-openers for democracy. Interviewer Nick Carpentier (2006) put it to Mouffe: 'Gate-openers are interested in providing the options, arguments and perspectives. Instead of closing the gate, it is actually a matter of opening the gate'. Mouffe's reply was: 'Yes, yes, yes, that would be it, if one were to define what ideally the role of the journalist should be' (Carpentier & Cammaerts, 2006). The letters also showed passionate

attachment to race or to norms that oppressed, as well as exemplified her concept of resignification; a transcendence so to speak, of norms that have oppressed in the past. Tying this in to the firing of Bullard, but moving back also to the attempt to re-launch the FBJ, the following two letters from readers support the argument that South African society has a diversity of views on race, identities are not fixed, and that ultimately race is a floating signifier. This means that as a signifier, it does not have full meaning.

Black journalists' groups belong to the past. If black journalists were barred from attending a white journalists' forum there would have been an outcry, and it would have been worse if such a discriminatory act had been endorsed by an influential white leader ... If we are to build a better South Africa for all, we need to learn to live with the past if we cannot leave it behind. There was a time where it was justifiable to have a body such as the one in question, but that was in the past. How do we in this era justify the divide based on race? While people are free to associate with whomever they want to, our Constitution rules against all forms of discrimination. To say to one person, 'I cannot allow you here because you do not have the right skin colour' is as yesterday as the mid-80s' (Phumla Khanyile, *The Times*: 3 March 2008).

For Khanyile it was time to stop reiterating norms of the past, in other words, race identification and race suffering, as this was not progressive in moving forward towards real liberation. She cautioned that one needed to learn from the past, rather than imitate the past. In the following letter, we find a similar aversion towards passionate attachments to race by Maphosa.

Is this the season of hypocrisy, or double speak, or double standards, or is it plain arrogance on the part of the victors? The Forum of Black Journalists (FBJ) that is currently raging is a sign of the victorious black majority's 'entitlement' veiled as empowerment. It is accompanied by hypocrisy as well. The notion that whites enjoyed all the freedom in their time (albeit under a cruel regime) and that now it's 'blacks' time' is sick. That Jacob Zuma (the future president) would be enticed to make a speech to a blacks-only audience does not augur well for this country ... Suppose, for arguments sake, that white journalists start their own organization parallel to the FBJ. And suppose whites break away from all 'common organizations' and form their own. Is that not widening the gap in terms of uniting and bringing the population together? (K. Maphosa, *Mail & Guardian*: 18-24 April 2008).

This section has shown how race ‘floats’ among many identities that different subjects hold. It has shown for example how some white readers had some sympathy for the FBJ, while some black readers, for instance Khanyile and Maphosa, quoted in the above letters, were repelled by the implicit racism contained in an exclusive race club for journalists. The section also showed ambivalence in the journalists’ profession about the firing of Bullard, with only Ncube stating outright that he should not have been fired, while Gordin felt that Bullard should not have been taken that seriously. The letters from the public showed that Bullard also had a black following, interestingly enough, even though his columns were often racist. Certainly, ‘Uncolonised Africa wouldn’t know what it was missing’, the column he was fired for, was obnoxious and stereotyped black people in the most vicious ways. Yet, could it also be that South Africans were robust enough to debate with Bullard and show him up for his prejudices? In other words, should this racist space have been kept, ala Ncube’s radical freedom of expression views?

4.4 Plurality in Action, Democratic Agonisms and a Lack of Homogeneity

As I have shown, both Bullard and Makoe were passionately attached to the oppressive norm of race. They both made turns to their past: Makoe to apartheid oppression and Bullard to the white, colonial norms of the past. These were turns against themselves and towards the law – in Bullard’s case a turn towards the laws of the past (colonialism), and in Makoe’s case a turn towards the hegemonic rule of the ANC. However, the seeming debacle of the FBJ and the firing of Bullard were exactly that – just seemingly disastrous episodes. The episodes raised debate and they enabled contestations and fights to take place. The questions of how to create democracy, what constitutes freedom in a democracy, as well as freedom of speech and freedom of association, were new in a democratic South Africa. Through both of the episodes, nevertheless, the issues of limits and absolute rights and freedoms were tested, creating enormous and heated debate. It is only through debate in public spaces, one of which would be newspapers, about issues which clearly lurk beneath the surface that a radical

democracy can emanate. These spaces that are constantly being fought over and negotiated, the heterogeneity in the divided social, are precisely what makes for a democracy in action, a democracy to come, or an unrealised democracy. This is plurality in action, and these spaces, must be kept open and not shut down, for the deepening of democracy.

While the discourses of Makoe and Bullard were highly ideological; both harked back to the past and both were passionately attached to norms which oppressed, in both cases they were out of sync with the values of democracy or moving forward. How did the discourses of Makoe and Bullard advance democracy, if they did at all? In themselves and in their content they did not; indeed they harked backwards. However, the fact remains that because these interventions took place in the discursive formation, it led to robust debate about freedom of speech and its boundaries, and about race. This took place within the newspapers and between the citizenry and constituted democratic agnostic thinking. In so doing, what we saw were the possibilities provided by the media as a public sphere, and through journalism, for what Mouffe called radical democracy, pluralism and agonism. This also has echoes with the views of Ncube, quoted earlier, when he said that he agreed with Voltaire's famous statement: 'I might not agree with what you are saying but I defend your right to say it' (Interview: 12 August 2008).

The contentious episodes of the blacks-only FBJ, and the controversy over the Bullard column and his subsequent firing, occurred in the media and through the media, between journalists and analysts as well as giving the space to the citizenry to air their free-floating views. Mouffe in her interview with Carpentier and Cammaerts pointed out that journalism was as ideological as society but that there was also a contradictory nature to it (2006:996-997) and this was evident in the Makoe and Bullard cases. Mouffe's point was that argumentation and debate promote democracy. This can be seen in the arguments and debates that occurred and in the hundreds of column inches devoted to the legitimacy of the FBJ and the firing of Bullard. This was agonistic pluralism in action. Mouffe's argument was that it was through journalism and within journalism that democracy could deepen and that journalists could be 'gate-openers'

rather than 'gate-closers' (op cit: 974). The above detailed commentary and elucidation of the events, how different parties interpreted the events, what they meant or did not mean for democracy and freedom of speech, as well as how race issues entered the pace, showed a lack of consensus and unity in the fractured, open-ended social.

It is not clear that Makhanya's decision was correct to fire Bullard, even though the column was offensive and racist, but his comments are useful to conclude this chapter. They are on the role of journalism in a democracy. Makhanya quoted French writer, Marguerite Duras: 'Journalism without a moral purpose is impossible. Every journalist is a moralist. It is absolutely unavoidable' (*Sunday Times*: 7 September 2008). Makhanya argued that

Cynics would say that we are a tribe that rummages through closets and hangs out at smoke-filled bars in search of the next sensational headline. They would say 'morality' and 'media' cannot be used in the same sentence. We would argue otherwise. One of the things that attracts journalists to this profession is a sense of idealism – a belief that the world can be better and that each human can do their little bit to make it more livable. And our bit is to tell stories: we inform our readers about their world and their societies; we entertain them; we anger them; sometimes we make them sad and despondent ... Most importantly, we hold power to account – be it state, corporate or social power. Sometimes we do this well and sometimes we do not do so as thoroughly as we should. We are not angels and – as idealistic as we are we have never purported to be on a higher plane than the rest of human society. Just as others make mistakes, so will we¹⁷⁴ (ibid).

Makhanya conceded that the media were not 'angels' and journalists made mistakes too. There was a sense of 'idealism' in the profession, for him, as in the desire to hold power to account. One of the key foci of this thesis is to find the intersection between the floating signifier democracy and the role of the media. Makhanya, as well as other journalists interviewed, show how differently they viewed their role from the way the ANC did. This chapter showed the fluidity of 'the media' and different identities and subjectivities among journalists. It showed also, how 'the media' did not exist as a

¹⁷⁴ *En passant*, Makhanya was apologising for inaccurate reporting on the Transnet V & A Waterfront story in which the *Sunday Times* falsely accused Transnet of selling state assets to foreigners and used the opportunity to elucidate what he thought the role of journalists is.

homogeneous entity; how race was not the Master-Signifier for many black journalists; and how the public through their letters showed the same lack of rigid identification on the basis of race. The examples of David Bullard's column and the lack of fixed views on his firing, and the revival of the FBJ as well as its subsequent failure to take off, were optimistic moments for the democracy in the sense that debate was stirred and the vehicle used was the media. In the end, it became clear how important it is that these debates do take place at all and how journalism is often a vehicle for these debates. In addition, I showed a lack of homogeneity of views on the basis of race, and a lack of reiterations of norms that oppress, in some instances, while in others, passionate attachments to the very same norms remained, for instance Bullard's views and Makoe's views. It must be noted that these were Makoe's views in 2008. However, by 2010, his accusation that the ANC was showing 'Orwellian trends' must be seen as a serious challenge to the ruling party.

The attempt to essentialise or totalise society on the basis of race via the revival of the FBJ failed. The chapter showed how journalists, particularly black journalists, (Malala, Rossouw, Haffajee, Oppelt, Ncube, Omarjee, Johwa, and Bathembu) were not prepared to be subjugated or boxed in through race identity. They preferred to be free thinking individuals, as in Pecheux's thesis (1982: 22), counter-identifying with the discursive formations imposed on them. His argument for democracy is that one must 'dare to rebel ... nobody can think in anyone else's place and one must dare to think for oneself' (ibid). The discourse of the above mentioned journalists showed significant resignification from attachment to norms of the past in Butlerian theory.

How was race the master-signifier? It was the Master Signifier in the discourse of Makoe and Bullard, who both made reflexive turns, showing passionate attachment to their own oppression. However, the ultimate failure of the FBJ to relaunch showed that race was a floating signifier in the discourse of the other journalists quoted in this chapter, in that race was merely one of many signifiers. In other words, not all their subjectivities collapsed into the issue of race identity or being black. By contrast, the subjects, Makoe and Bullard, showed something different: Makoe attached to apartheid

norms and Bullard's racism, through his obnoxious scorn, disdain and contempt for black people, also attached to past, racist and colonial norms. This showed how severely oppressed he was. Ultimately, it became apparent that a racialised discourse would reproduce the 'subjugated' mentality of the past, and prevent and undermine the emergence of a democratic culture. The effect of this in the context of the changes in political power and ideological hegemony of the ANC, might be one that reproduces, too, the oppression of the past, stifles debate and poses a threat to freedom of expression and ultimately to democratic deliberation. In Chapter Five, on Freedom of Expression, the case of Zapiro: a legitimate adversary, not an enemy', these contradictions are explored further. The contradiction consists of the fact that on the one hand, we have a Constitution which protects freedom of expression, and on the other, we have a President who is suing a cartoonist for R7-million for defamation and harm to dignity. This, then, further explores the intersection between democracy and the media. Ironically, for a radical and fearless cartoonist, it also shows the 'half turns' that Zapiro made when he removed the shower head from the cartoon of the President, perhaps elucidating some ambivalence, and radical ambiguity, towards his interpellation as 'enemy', 'right-winger and 'racist' by the ANC and some of its alliance partners.

Chapter 5

Ambivalence in Freedom of Expression: the Case of Zapiro: a Legitimate Adversary, not an Enemy

Politics have changed. My principles have not changed. I'm still very much for progressive values. I'm railing against inconsistencies and contradictions. I have been sued. The Human Rights Commission should have defended my right to publish my cartoons, in the name of freedom of expression. (Jonathan Shapiro, Interview: 22 July 2009)

A participant in democracy, cartoonist Zapiro, discovered through experience and ideological interpellation, that democracy does not exist without freedom of expression. What does 'freedom of expression' mean in South Africa's democracy when internationally recognised cartoonist, Jonathan Shapiro, who works under the name 'Zapiro', has claims for damages against him for R7-million by President Jacob Zuma¹⁷⁵ over a cartoon, referred to as 'Lady Justice'?¹⁷⁶ This chapter examines the alterity or radical difference of Zapiro through this cartoon and argues that the ideological interpellation¹⁷⁷ of him as 'enemy' and 'racist' for his cartoon, coupled with the lawsuit by the president, caused ambivalence¹⁷⁸ and loss for Zapiro. In addition, he appeared to make a 'half turn' towards the voice of power when he removed the shower head¹⁷⁹ from the cartoons of the president, albeit temporarily.

¹⁷⁵ For biographical details on Zuma see Chapter Four: page 137

¹⁷⁶ The cartoon was first published in the *Sunday Times* on 7 September 2008

¹⁷⁷ Interpellation can be an injunction of a social category, for example 'black woman'. It can also be an insult or an affirmation depending on the context. It is a social demand to rein one in the Althusserian sense. In Butler, there is always the risk of misrecognition, you can turn away from the name you are being called by, or you can recognise the name and turn towards it, turning your back on yourself, in a reflexive way (1997:3).

¹⁷⁸ Ambivalence is a psychoanalytical concept to explain simultaneous love and hate of the same object by Freud. Ambivalence is also a pre-condition for melancholia together with the loss of an object, but this object can also be an abstraction or ideal, for example liberty (see Butler 1997:173-189). In Latin 'ambi' means both and valence, which is rooted in the word 'valentia', means strength.

¹⁷⁹ Zapiro has depicted Zuma in cartoons with a shower head, ever since the President announced in his rape trial that he took a shower after having sex with an HIV-positive woman. In all fairness to Zuma he has subsequently explained that he never said he took a shower to prevent contracting HIV/AIDS. He said that when the judge asked him what he did after he had sex, he replied that he took a shower.

Before a discussion of the Lady Justice cartoon and the furore that it caused in the social, I turn to Butler's explication of the concepts of ambivalence and loss, for which she is indebted to Freud¹⁸⁰. And, while Žižek's thought derives much from Hegel's dialectical materialism, his philosophical offerings are also psychoanalytical, based on the Lacanian interpretation of Freud. However, as Lacan suggested, and Žižek followed suite, 'one never goes beyond Freud; one uses him, one moves around him' (Kay, 2003.18). In the same way, this analysis of the cartoon and the subjection of Zapiro via interpellation and his subsequent reaction, moves around Freud.¹⁸¹ In explaining psychic turns, ambivalence, loss and melancholia and the subject, Butler says that in Freud, the ego is said to turn back on itself, whether this is the Nietzschean sense of turning as in retracting what has been done or said (i.e. in shame at what one has done), or whether in the Althusserian sense of the reflexive turn or the moment of becoming a subject when one turns towards the voice of interpellation. Using the example of love to explain Freud, Butler says that once love fails to find its object, it instead takes itself as not only an object of love, but of aggression and hate as well. 'The turn that marks the melancholic response appears to initiate the redoubling of the ego as an object [...] not only is the attachment said to go from love to hate as it moves from object to ego, but the ego itself is produced as a psychic object' (1997: 168). She proceeds to suggest that the ego is a poor substitution for the lost object, leading to ambivalence. Loss and mourning does not have to be about the loss of a loved one, it can also be about 'the loss of some abstraction such as one's country, liberty, an ideal', and so on (op cit: 172). Bearing this theoretical framing in mind and an understanding of psychoanalysis of the Butlerian interpretation of Freud, we can now proceed to unravelling how and why the Lady Justice cartoon caused dislocation in the social, and

¹⁸⁰ Sigmund Freud, a Viennese doctor/psychiatrist is known to be the father of psychoanalysis. Lacan was influenced by him and in turn Žižek was influenced by Lacan. Butler's deployment of the terms 'ambivalence', 'loss', and melancholia is taken from Freud.

¹⁸¹ See also Lacan in *My Teaching* (2008:102-103) on the importance of Freud's teaching on the unconscious. 'Everything we thought we should purify ourselves of, rid ourselves of, in order to isolate the process of thought, namely our passions, our desires, our anxieties, and even our colics, our fears, our follies [...] because emotions interfere with thought. Lacan said Freud said the opposite: 'the unconscious thinks, at a level where it does not grasp itself as thought at all'.

how Zapiro reacted. One must point out, recalling Foucault¹⁸², that while Zapiro says that his principles have not changed - he is 'railing against inconsistencies' - in fact, we do see changes in him too. He depicted Zuma with a shower head after Zuma had admitted to having a shower in the wake of having had sex with an HIV-positive woman. But once Zuma became President and there appeared to be widespread support for him, Zapiro removed the shower head, showing multiple subjectivities. However, he then replaced it after it emerged that the already polygamous Zuma had fathered an additional child out of wedlock.¹⁸³ Subsequent cartoons thus sported the shower-head. Again, Zapiro was showing multiple subjectivities.

5.1 The Lady Justice Cartoon caused Dislocation in the Social



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¹⁸² Foucault famously said, in describing changing subjectivities, 'Do not ask me who I am and do not ask me to remain the same', in other words, I am constantly changing, or reconstituting myself as subject (1969) Introduction to *The Archaeology of Knowledge*.

¹⁸³ This issue is explored in Chapter Eight: 'Hegemonising the Social via the construct of 'Developmental Journalism''.

In this hard-hitting, stark, shocking, but also serious, image, Zuma is depicted as unbuckling his belt to 'rape' Lady Justice, whose hands are pinned down, while the ruling party, the African National Congress (ANC) and its alliance partners enthuse: 'Go for it Boss!' The enthusiasts are the Congress of South African Trade Unions (Cosatu) general secretary Zwelinzima Vavi, South African Communist Party (SACP) secretary general Blade Nzimande, ANC Youth League leader Julius Malema and ANC secretary general Gwede Mantashe. After this cartoon was published, Zapiro was interpellated as a 'right-winger' by the then ANC spokesperson Jesse Duarte and a 'racist' by the then Deputy President of the ANC, Baleka Mbete and the ANC Youth League President, Julius Malema outside the court after Zuma was acquitted of rape charges. This chapter first analyses the furore over the cartoon. Second, it deploys the theoretical concepts 'legitimate adversary', 'interpellation' and 'subjectivisation', and operationalises them in relation to the outcry and labelling of Zapiro as a right-winger. Third, it will show, through an interview with Zapiro, the ambivalence, half turns and loss experienced by the cartoonist over his interpellation and lawsuit. Fourth, it will document civil society reaction and support for Zapiro. The aim of this chapter is to explore the issue of freedom of expression in order to identify the intersection between the floating signifier, democracy, and the freedom of the press. In doing this my objective is to explore the contradiction between a cartoonist sued for millions of rands in exercising his right to express his opinion and a Constitution protecting freedom of expression. This chapter will also deploy the psychoanalytical concepts of ambivalence and loss in relation to the changing subjectivities of Zapiro.

The Media Institute of Southern Africa (Misa) explained the political context for the cartoon thus:

The implication was clear; justice was being raped by the campaign the ANC and its allies were waging against the courts, which were trying Zuma on various corruption and racketeering charges. Published in the *Sunday Times* in September 2008, the cartoon caused a furore as it catalysed a debate on how far cartooning can go before it is defamatory. Zapiro faced a firestorm, even from supporters like political analysts Sipho Seepe and Xolela Mangcu who felt he had drawn too far. The ANC threatened to sue and the already fiery atmosphere

blazed. The following Friday, Zapiro drew again in the *Mail & Guardian*. He drew a twin image and this time a word bubble from Zuma said: 'With respect ...' The implication was clear again: all week, the ANC had protested that it respected the judiciary and the outcome of the judgements. On the same day that the second cartoon was published, the High Court judge Chris Nicholson threw out the charges against Zuma and claimed that he had been subject to a political conspiracy. The ANC was ecstatic and outside court, Deputy President of the ANC Baleka Mbete attacked Zapiro and accused him of racism. The incident has hardened the cartoonist laureate whose work is often dark with anger now; it is a far cry from the role he played as court jester to a ruling party he has always supported. Cartoonists are meant to push the envelope and enjoy arguably, a higher freedom of expression than other journalists, said media freedom advocates. It is a space worth watching especially as all signs point to Jacob Zuma becoming President in 2009. (Misa, 2008: 81).

Apropos the last sentence in the above excerpt, Zuma indeed became president, in April 2009. He subsequently issued claims for a total of R7-million against Zapiro (R5-million for defamation and R2-million for damage to dignity) for the Lady Justice cartoon. The summary of the events in the extract above, from the Misa report, was written by Ferial Haffajee, who was then editor of the *Mail & Guardian*. The most important points to note were, first, that while there was support for the independence of the judiciary, a campaign had been waged against the courts for trying Zuma for fraud and corruption,¹⁸⁴ as well as for his alleged rape; second, how far can a cartoonist go with freedom of expression; and third, she observed the 'firestorm' and debate that this cartoon engendered. Haffajee observed that it was the rape metaphor that stirred the emotions. The image of Zuma, together with the shower head, makes reference to what emanated from his earlier rape trial, where he replied when asked by the judge what he did after the rape, 'I took a shower'. AIDS activists, as well as the media, denounced Zuma for this statement, which they took to mean that after having had sex with an HIV-positive woman, to prevent contracting HIV/AIDS, he had a shower. This action in itself would in fact have further weakened his resistance to contracting the disease. The criticisms also stemmed from the fact that Zuma admitted to having unprotected sex with an HIV-positive woman. In addition, this occurred after Zuma held positions as

¹⁸⁴ Zuma was found to have a corrupt relationship with businessman Shabir Shaik by judge Hillary Squires, but he was acquitted of rape by Judge Chris Nicolson.

chair of the South African National Aids Council and of the Moral Regeneration Campaign. What message was he sending out to people in South Africa, which had one of the highest HIV/AIDS related incidences, and one of the highest levels of rape in the world? Zapiro's image was deliberately ambiguous¹⁸⁵ and played on the allusion to rape, of both the alleged rape of an HIV-positive woman, and the potential rape of Justice. Certainly, the cartoon directly depicted the rape of justice, but the surplus it refers to indirectly is his alleged rape of an HIV-positive woman. In the cartoon, the justice system is powerless and is depicted by the figure of Lady Justice held down by powerful political forces assisting Zuma, in the form of the alliance partners. There is a fairly clear layering of meanings in the cartoon: the attack on the judiciary, the potential rape of justice, the alleged rape and showering after having sex with an HIV-infected person, and the support for Zuma by the political alliance partners. These layerings, as well as the ambiguities and ambivalences, are shown in the discourse of some ANC leaders, alliance partners and members of the public.

5.2 The ANC and the Public Discourse over the Lady Justice Cartoon

The ANC Youth League president, Julius Malema, described the cartoon as 'racist', saying that it exposed Zapiro's attitude not only about black leaders, but about black leaders in general (*The Times*: 9 September 2008). He converted race into the Master Signifier. Malema felt that Zapiro failed to understand that Zuma had not been found guilty of rape in the trial brought against him by 'Kwezi', the woman who had accused him of rape in 2005. Cosatu's secretary general, Zwelinzima Vavi, usually a fan of Zapiro, reacted to this particular cartoon saying that he was 'shocked, devastated and lost for words. Zapiro has equated us to rapists. There is no basis for this cartoon. What is he saying to the world? Is he saying Zuma is a rapist? This cartoon goes beyond acceptable levels of freedom of expression,' (ibid). In a joint statement the ANC, the ANC Youth League and the SACP accused Zapiro and editor of the *Sunday Times*, Mondli Makhanya, of abusing press freedom (ibid).

¹⁸⁵ I use the term ambiguity in the Freudian sense here, not to mean vagueness but rather to mean more than one meaning, a layering of meanings, if you like.

For Zapiro, the issue raised the essential question of ‘cartoonist as watchdog, not lapdog’ (*Sunday Independent*: 14 September 2008). In an interview with journalist, Maureen Isaacson, he defended his rights as a cartoonist:

Gone too far? That has been said to me and to cartoonists all over the world for a long, long time. We are commentators. Yes, the cartoon is over the top – that does not mean I would not do it again. Cartoons work by putting together things that are unexpected, occasionally shocking, joining dots that did not look like they could be joined and making an image that looks like it was there all the time [...] I refuse to apologise for something that was done in good faith ...I have felt happy in the past that to be representing the majority in a sense, but that does not mean that I’m going to shy away from things that would offend a lot of people (*Sunday Independent* 14 September 2008).

His explanation for his role as a cartoonist in a democracy was supported by a *Mail & Guardian* (12-18 September 2008) editorial which asserted that there was ignorance about the role of the cartoon in modern liberal societies, such as the one South Africa claims to have:

Cartoonists are the court jesters who make us laugh and then cry when we realise that what’s been drawn is often the fundamental truth or a portent of what might come to pass if we are not vigilant. ... The cartoon is a sacred space and believing in media freedom is not a tap you can switch on and off, taming his pen here or encouraging him to sharpen it there ...The greater the freedom of the cartoonist, the higher the democratic quotient of a society (*Mail & Guardian*: 12-18 September 2008).

While Zapiro does not make reference himself to the rape allusion, *Mail & Guardian’s* ombudsman Franz Kruger felt that the rape allusion was reading too much into the cartoon, while the reference to the actual rape case could not be missed.

What Zapiro has drawn is a common metaphor, that of the rape of justice, itself well established in the persona of a blind-folded woman carrying scales [...] it seems to me that the Zapiro cartoon has offended against sensitivities that are mainly political – as Malema says they are

disrespectful of some political leaders. I don't think newspapers have to be as careful about these kinds of sensitivities (*Mail & Guardian*: 12-18 September 2008).

Kruger noted that 'sensitivities' were offended, but does not spell out precisely what these sensitivities were. Through the following excerpt, I venture to argue that these 'sensitivities' are about being 'passionately attached' to wounds of the past, those of racism and colonialism. Political commentator, academic and at the time a columnist for *The Weekender*, Xolela Mangcu, entered the debate by arguing that this was a race issue. He felt that Zapiro needed to show 'more respect':

Some of the writings about black people offend even the most reasonable defenders of press freedom in the black community. And so I urge my white colleagues to take this as a report from the colonies – the 'natives' are restless. They are unhappy at the manner in which the 'masters' depict them. In exercising our freedoms, we also need to show greater sensitivity to the dignity of other people, even those we dislike. That is the essence of our constitutional democracy and its human rights culture. If we as journalists violate that basic principle, then why should anyone respect it? (*The Weekender*: 13-14 September 2008).

It is significant that Mangcu turned a freedom of expression debate and a statement about the attacks on the judiciary depicted in a cartoon, into a race issue. We witness this in his reference to 'natives' and 'masters'. This can be interpreted as plain obfuscation and a clear example of how the floating signifier 'race' is being rigidified into the Master Signifier. That 'race' was a floating signifier among ordinary South Africans is shown in examples of citizens who wrote to the papers to express their views. They were not divided on the basis of race about the issue. Some black people, for example, thought the cartoon was apposite in its message, while some white people found it an affront. In other words, not all blacks thought that this was offensive and not all whites thought that it was innocuous. What the gaze on the cartoon showed was a contest within democracy, a social that is fractured, and one aspect of the media, a cartoonist causing further dislocation, a society that was not unified along the lines of race, but was instead fluid and diverse – a state of being that can only be deemed to be good for the deepening of democracy.

5.3. The Public's Gaze on Zapiro

The following views expressed by readers in a few newspapers show that the issue raised debate on what freedom of expression meant and what press freedom is in a democracy. The views of the readers showed that the South African public had diverse opinions across race and gender lines. There was no homogeneity.

I have always considered Zapiro a great cartoonist, but his cartoons depicting Jacob Zuma are despicable. They are hurtful in the extreme. If this constitutes press freedom, we might as well condone any kind of abuse. (Ndo Mangala, *Mail & Guardian*: 12-18 September 2008).

The cartoon is not offensive to females and it hit the nail on the head (Kirsten Zissimides, *Mail & Guardian*: 12-18 September 2008).

Like diagnostic surgery, it is invasive, damaging – and necessary (David Le Page, *Mail & Guardian*: 12-18 September 2008).

As a woman I am in no way affronted by the cartoon ...rape is quite an apt metaphor for the sense of entitlement and “might is right” that Zuma and his supporters are displaying (Evyli Shnukums, *Mail & Guardian*: 12-18 September 2008).

The ANC and its hagiographers are mad because someone is calling it as it is (Mokone Molete, *Mail & Guardian*: 12-18 September 2008).

I find the cartoon deeply disturbing (Krys Smith, *Mail & Guardian*: 12-18 September 2008).

After seeing Zapiro's latest masterpiece, I asked myself whether we need say more about what the ANC and its alliance partners are doing to our justice system. The bullying, verbal attacks and protests are doing great damage to our country in general. If you don't understand in words what they are doing, Zapiro captures it all in his cartoon (Thabelo Lebona, *Sunday Times*: 14 September, 2008).

Like many South Africans, I am concerned about the unfair political pressure being exerted on our judicial system. However, I was shocked by Zapiro's cartoon, which equated a number of our democratically elected leaders with the dregs of society planning the most abhorrent crimes. Cartoons like this close the door on rational debate. It was not

just a bridge too far, but many bridges too far. (Peter Cownie, *Sunday Times*: 14 September 2008)

Some views from the public gleaned from some of the letters to the newspapers, show free floating views, stuck to neither a Master Signifier of race nor gender. They elucidate a lack of homogeneity and the impossibility of reconciliation in the social, given the divided nature of subjects and subjectivities. The discourse also showed how the issue raised debate on what freedom of expression meant, and what press freedom was in a democracy. Freedom of speech was supported (except for the last quotation by Cownie), and the lack of unity of identity on the basis of race or gender was evident. One woman felt that this was not an anti feminist cartoon (Snukums), a white person felt offended (Cownie), and some black people supported Zapiro. Before we move on to a theoretical understanding of the above, I would now like to turn to an interview with Zapiro which I argue reveals several attachments: to principles of democracy as he understood them, to justice, and then to an experience of loss of an ideal and, finally, to ambivalence.

5.4 An Interview with Zapiro: the Divided Subject¹⁸⁶

On Lawsuits, Lady Justice, Zuma and the HRC:

I will defend the cartoon [Lady Justice]. I have no doubt I will win. I have my integrity intact. There is a huge contradiction in freedom of speech on the one hand, and those law suits against media institutions on the other. He is the President now. I don't want to see the country go down the tubes. I want to see the country succeed. I suspended the shower when he became president.

The Lady Justice cartoon caused a huge furore but they didn't sue for quite a while, about three months later. I made a submission to the Human Rights Commission. They have not made a finding.¹⁸⁷ I've not heard from them. I feel they should be defending my right to do that

¹⁸⁶ The divided subject in Lacan is that subject which speaks, claiming primacy, and that subject of the unconscious, but is also not independent of linguistic structure (2008: 53-54)

¹⁸⁷ Subsequent to this interview the SAHRC did make a finding, which was in Zapiro's favour. His cartoon did not constitute hate speech, it was found. (See *Mail & Guardian*: 25 June-1 July 2010).

cartoon. There was no incitement to hurt, maim or kill. It is a metaphorical attack and is within the realm of freedom of speech. The HRC copped out. My submission was made on 20 December 2008.

On the role of the cartoonist

The role of the cartoonist is to knock the high and mighty off their pedestals. To be irreverent; to be a sceptic and not to be sycophantic; to make interesting and new connections between disparate things; to be hypothetical and hyperbolic; to exaggerate things in order to highlight a point of view; to use parody and satire, and humour is just one of the devices, but it's the best. Cartoons can be powerful and not all are funny. The Lady Justice one was very serious.

On the creative process:

I always go through a lot of angst. There is a fair amount of self-doubt. Am I hitting the right note? I would say that it is has been a decade and a half of enormous press freedom. I've been in the right place at the right time.

On Jesse Duarte:

She blusters like crazy. She said I should be prosecuted to the full extent of the law. She's bluffing. She is a terrible face of the ANC. She is unfailingly grumpy. Her reactions are knee-jerk. She has no understanding that divergent views in a democracy are important. She said my work was right-wing journalism. Her arguments are faulty and stupid in their brazenness.

(Interview: 22 July 2009)

In the above interview Zapiro says that he goes through 'angst', about his work, he does not just ridicule for the sake of it. He pointed to the 'smear' tactics' of the ANC but also made a distinction between the two ANC presidents: Mbeki and Zuma. He said that Mbeki's never sued but instead used his 'on-line rantings' to make his views known, while Zuma's interventions, the lawsuit, Zapiro found both harsh and intimidating. He railed against several things: his 'targetting', his lawsuit, the interpellation of his work, by Duarte, as 'right-wing journalism'. The question arises, then, what space is there for

journalistic action and agency when the contestation is phrased in such bellicose terms? And, then, when disagreements or criticisms are reflected in newspapers, such as a cartoon, Lady Justice, a cartoonist is interpellated as an enemy, meaning one who is anti-transformation, and anti the new democracy. From Zapiro's interview what is clear, is that he intended the opposite. He intended deepening democracy. Instead he was seen as an affront to democracy. He caused dislocation in the social, but indeed the social was already dislocated, if Zuma's actions were to be considered.

Zapiro made a turn to an institution, and for the argument of this philosophical trajectory, one could call it a turn to the voice of authority, or the voice of the law, or the voice of the state, or the Constitution when he dispatched a letter, dated 13 November 2008,¹⁸⁸ to the South African Human Rights Commission (SAHRC) in defence of his cartoon Lady Justice on the By August 2009, he had not received a response. Eventually, by July 2010, the Commission ruled in favour of freedom of speech, saying Lady Justice did not constitute hate speech, unfair discrimination or a violation of human rights as enshrined in the Constitution. The SAHRC said that while the cartoon was 'probably offensive and distasteful', it expressed a level of 'free, open, robust and even unrestrained criticism of politicians by a journalist' and had stimulated 'valuable political debate' (*Mail & Guardian*: 25 June-1 July 2010). The finding by the SAHRC, an independent statutory body set up under Chapter Nine of the Constitution to protect democracy and the Constitution itself, is an optimistic one for democracy. It supports the Mouffian view that robust fights and contestations are intrinsic to a democracy.

5.5. Legitimate Adversaries and Enemies of the People

How should we understand and interpret these developments? Mouffe's concepts in several works¹⁸⁹, distinguished between 'legitimate adversaries' and 'enemies'. The issue raised the inability of the ANC to distinguish the line between these two. Mouffe

¹⁸⁸ Zapiro sent me a copy of the letter to the SAHRC in September 2009.

¹⁸⁹ See Mouffe (1999) *The Challenge of Carl Schmitt*; Mouffe (2000) *The Democratic Paradox*; Mouffe (2005) *On the Political*. She has argued that a distinction must be made between adversaries and enemies so that an agonistic pluralism can be realized, which would in turn deepen democracy.

suggested that the failure to do so in any democratic system meant that democracy itself would be jeopardised. For example, she posited that 'democratic debate was not a deliberation aimed at reaching *the one* rational solution to be accepted, but a confrontation among adversaries [...] (1999: 4).¹⁹⁰ 'The adversary is, in a sense an enemy, but a legitimate enemy with whom there exists common ground. Adversaries fight each other, but they do not put into question the legitimacy of their respective positions' (ibid). For her the democratic paradox is that 'Antagonism is ineradicable and pluralistic democratic politics will never find a final solution' (2000: 139). In other words, democracy was an unending disputatious process.

Zapiro represents a legitimate adversary, part of the 'agonistic pluralist' space referred to above. But he had been demonised and turned into more than an adversary: he was hailed as racist, enemy and right-winger. Žižek offers a useful rider for this discussion in his re-interpretation of Althusser's 'ideological interpellation' in an apposite way for my thesis point, i.e. subject formation occurs through acknowledging and accepting the terms of the interpellation or hailing. The central thesis to Louis Althusser in his famous essay *Ideology and Ideological State Apparatuses* (1969-70) was that ideology operated in discourse and interpellated individuals as subjects. All ideology hailed or interpellated concrete individuals as subjects. Laclau argued that Althusser's theory of interpellation could be applied to political ideology. For Althusser, ideology was defined as all social phenomena of a discursive nature: everyday notions, ideas, the consciousness of social actions and the institutionalised intellectual and moral systems and discourses of a given society. Althusser argued that ideology interpellated individuals as subjects (Žižek, 1994: 153).

And what was hegemony? It could be seen as a whole range of practical strategies by which a dominant power elicited consent to its rule from those it subjugated. (Laclau and Mouffe: 2001). In the Gramscian sense, to win hegemony was to establish moral, political and intellectual leadership in social life by diffusing one's own world view throughout the fabric of society as a whole, thus equating one's own interests with those

¹⁹⁰ This is also her critique of Habermas, Rawls *et al* who argued for rational consensus.

of the interests of society at large. In deploying Laclau's, Mouffe's and Zizek's theoretical concepts it is hoped that we can come to a deeper understanding of the fluctuations in meanings of the term 'freedom of expression'. The above theoretical concepts help us, on the one hand, to understand the lack of unity and the conflictual nature of democracy. On the other, they assist in explaining the outrage and indignation from some sections of society, for instance the ANC and its alliance partners, over Zapiro's 'Lady Justice' cartoon. An outpouring of support for the cartoonist was witnessed from elements of civil society, shown through letters to newspapers, supporters of academic freedom, members of the media, former activists against apartheid, as well as international supporters. However, there is ambivalence in the Constitution itself about freedom of expression.¹⁹¹ The Constitution merely stipulates that 'freedom of speech' is protected as long as it does not promote hatred, racism and violence (The Constitution of the Republic of South Africa, 1996).

However, it does not draw a clear line where criticism ends and hate speech begins. It is worth digressing at this point into some recent history to develop this point. In the same year that the Constitution was born, 1996, deputy CEO of Independent Newspapers, Ivan Fallon presented the 1996 Freedom of the Press Lecture at Rhodes University in which he commented that freedom of expression and freedom of the press meant different things to different people. He observed that the 'complaints by ministers are on the whole, in my experience at least, constructive and healthy. They have never touched on the freedom of the press, or involved any threats, even veiled ones' (Fallon: 1996). He continued that the criticisms had always stopped well short (at least from the

¹⁹¹ The Constitution of the Republic of South Africa, 1996, Act 108 of 1996, Clause 16 (1) states:

Everyone has the right to freedom of expression, which includes –

- (a) freedom of the press and other media;
- (b) freedom to receive or impart information or ideas;
- (c) freedom of artistic creativity; and
- (d) academic freedom and freedom of scientific research

(2) the right in subsection (1) does not extend to –

- (a) propaganda for war;
- (b) incitement of imminent violence; or
- (c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

political circles that matter), of any serious retreat from the freedom given to the press over the previous couple of years (ibid). He concluded:

That, of course, may alter as the honeymoon period ends, the miracle of the Mandela era recedes and particularly as electioneering begins in the run-up to the 1999 elections. But I for one sincerely doubt it. I have never before come across a society which so appreciates and cherishes the benefits of its press freedom at all levels. It has been a long time in coming, it was hard won, and I don't for a second believe there is any threat to it (ibid).

These views captured the mood of 1996, when the Constitution was finally ratified. The tone of Fallon's comments echoed the thinking in general¹⁹² in the media profession at the time. It seemed that the honeymoon period between the ANC and the media lasted for five years, during Nelson Mandela's presidency, but in fact Mandela was belligerent with South African National Editors (Sanef) for criticism in their newspapers about the ANC. This discourse is discussed in the next chapter. Nevertheless, from 1999, for ten years during Mbeki's reign, a decidedly frostier relationship ensued. This was captured eloquently by journalist and commentator Justice Malala in July 2009 when he looked back and reflected:

Since 1999 we have had a government that believed that only those words and edicts issued from the Union Buildings were right. Those who dared utter anything contrary were hounded and ridiculed. Many were regarded as enemies of the state. The voice of South Africa died. Those who spoke out against our crazy approach to AIDS were victimised. And there was Zimbabwe. For years we aided, abetted and defended a dictator. Not once did the South African government condemn the brutality and madness of Robert Mugabe (*The Times*: 3 August 2009).

Yet the ANC was not consistent. Indeed Malala himself wrote about the international relations director general Ayanda Ntsaluba who said in July 2009 that if Sudan's President Omar al-Bashir showed his face in South Africa he would be arrested.

¹⁹² This is also experiential evidence as I was a journalist at *The Star* newspaper at the time

Now, say what you will about Zuma's cabinet, this announcement makes me believe that, at the very least, this is a government not shutting itself off from the voices of the people. For the first time, in a long time, we have a government that responds to the words of civil society (*The Times*: 3 August 2009).

It is not the purpose of this chapter to chronicle the ANC's relationship with the Zimbabwe and its foreign policy in general. What is important is that in August 2009, Malala believed that the Zuma regime held much promise for openness, that it was not a government that was shutting itself off from the people. He changed his mind, when strident calls were called to curb the media's independence.

Just as there were contradictions within the ruling party, so too we saw contradictions in the social, among the citizenry, that abounded in debate around the Zapiro cartoon, which was published in the *Sunday Times* in September 2008. The Lady Justice cartoon furore took place a year after the watershed 52nd ANC national policy conference, commonly referred to as the Polokwane Conference, in December 2007. Dominic Timothy Ruiters wrote that the cartoon raised a national furore. He said,

The depiction of Zuma poised to rape Lady Justice has evoked an unprecedented national response. The cartoon's brazen interpretation of current political events has been met with both high praise and severe criticism from different sectors of the public sphere. Jonathan Shapiro, a.k.a. Zapiro, has a long and colorful career of award-winning, usually controversial cartoons. His illustrious career has merited a great deal of esteem from a variety of distinguished members of the South African, as well as international, media and political arena [...] Essentially, the angle these critics take is that the cartoon is insensitive, and simply not funny. To which, many would respond, that the cartoon is not meant to be sensitive or funny at all. It is an extremely powerful hyperbole of current affairs, a thought-provoking piece of illustrated satire. All good satirists challenge the status quo [...] (30 September 2008)

I agree with Ruiters, for a challenge to the status quo is always necessary within a democracy, otherwise democracy cannot continue to realise its role. But democracy cannot have an ultimate goal, or a final realization, as its role is to constantly pose a challenge to what become static views about who can and cannot speak and make

decisions. This is a Mouffian way of explaining the contentions and contestations over the Zapiro Lady Justice cartoon, especially with regard to the challenge to the status quo: the challenge must never end and the achievement of unity and consensus would stunt democracy. These widely disparate and fluid views about what freedom of expression constitutes or does not constitute are important for negotiating new spaces for democratic deliberation. Let us take publisher of the *Mail & Guardian* Trevor Ncube for instance, who argues that he is a fundamentalist on the issue of freedom of expression. For him, there is a constant conundrum over where or whether a line should be drawn in relation to the freedom of expression debate.

The French philosopher Voltaire said: 'I might not agree with what you are saying but I defend your right to say it'. Invariably you have to deal with the public good versus the individual's rights versus public decency. We don't know what that balance is. Who you are, where you are coming from, what your context is, your value system, and your view of the world, all these inform the parameters of what public decency is. Are there limits there? They are not easily definable. Zapiro pushed the envelope maybe with the sexual imagery. Some sections of the public are clearly uncomfortable with this. I have discomfort with saying he should be censored. (Interview: 12 August 2008).

The crux of the matter for Ncube was to debate the issues rather than create untouchable holy or sacred cows. The opposition Democratic Alliance's spokesperson for Communications, Dene Smuts, argued in a similar fashion, but she was talking about Malema, not Zapiro. She also qualified her point to suggest a distinction between the fundamental right to speak your mind and old-fashioned incitement to do harm, 'especially as far as the youth league leader is concerned'.

Julius Malema¹⁹³ has as much right to shock us as cartoonist Zapiro does. When he boasted this week that the ANC Youth League and he are not afraid to break new ground on any subject and to say what they think, he sounded like a free-speech prophet in a land that had lately become too politically correct (*Sunday Times*: 28 September 2008).

¹⁹³ ANC Youth League Leader

Smuts wrote that Malema had set himself up as an exponent of the key concept of free speech. The difference, as Smuts pointed out was that Malema's claim was to die for Zuma, not for free speech. Smuts's argument was subtle: let us support free speech, and Malema's right to it, but let us be aware of his tendency to incite violence. With the Lady Justice cartoon there was no evidence of any incitement to violence. However, the fact that the above debate took place and the fact that Zapiro was not fired from a newspaper for being 'too controversial' were testament to the multiplicity of democratic deliberative spaces. The debate testified to the fact that freedom of expression was robust in South Africa. The issue also raised nuances within the alliance's response. Vavi, for instance, did not accuse Zapiro of being a racist, a right-winger or an enemy of the people. He said he was 'shocked, devastated and lost for words' (*The Times*: 9 September 2008). His discourse showed he was still within the ambit of democracy.

Unity in Society Stunts Democracy

For Mouffe, who advocated 'agonistic pluralism' (2000:139), social division was constitutive of a radical democracy. The diversity of positive and negative opinions and ideologies in the responses to Zapiro represented in South Africa's transitional democracy such an 'agonistic pluralism'. Such contestations manifested the diversity of a plural society and were a means towards achieving a radical democracy.

Antagonism, Mouffe posited, was ineradicable and a pluralist democracy meant that there ought to be no dreams of impossible reconciliation or 'final solution'. Her theory for a radical democracy was that a 'well functioning democracy calls for a vibrant clash of political positions' (op cit: 104). The attraction of Mouffe's position was her critique of deliberative democrats such as Habermas and Rawls for denying the dimension of undecidability and ineradicability of antagonism (see Chapter One). She drew our attention to the significance and mechanisms that constitute 'democracy'. Antagonism was constitutive of the political. Deliberative democracy theorists, in her argument, negated the inherently conflictual nature of modern pluralism (op cit: 100-105). Zapiro

represented the multiplicity of voices in a modern pluralistic society. His was a radical voice functioning to deepen democracy. But what did Mouffe mean by 'agonistic'?

An agonistic approach to the political and the social acknowledges the real nature of frontiers and the forms of exclusion that they entail, instead of trying to disguise them under a veil of rationality or morality ...Coming to terms with the hegemonic nature of social relations and identities, it can contribute to subverting the ever present temptation existing in democratic societies to naturalise its frontiers and essentialise its identities. (op cit:105)

This attempt to naturalise frontiers and essentialise identities is precisely what certain sections of the alliance partners of the ANC have done, as witnessed in their discourse with regard to the Lady Justice cartoon. In the *Challenge of Carl Schmitt*, Mouffe argued that liberal democratic theorists were proposing that left and right splits were passé since the fall of the Berlin Wall, and that it was time for a more consensual form of politics, that is, an inclusive consensus was now possible. But, for her, denying antagonisms did not make them disappear. Conflict, therefore, was necessary and must be welcomed. Thus Zapiro's challenge in his Lady Justice cartoon should be seen as a robust critique of the contradictory nature of politics in South Africa, and one that heralded the open-endedness of conflicts.

Following the cartoon furore, Zapiro then made a documentary about cartooning and using cartoons. It was meant to be aired on SABC but at the last minute it was "pulled". On 26 of May 2009 a political satire documentary by Zapiro was due to be screened on SABC with much anticipation from an eager public, especially because the original screening which was due to have taken place in April 2009, just before the general election, was cancelled. Hours before the show was due to go on air, it was cancelled. The cancellation of the show made headlines in local and international news. The Special Assignment show was an examination of freedom of speech. This action constituted another form of hailing/interpellation, or trying to bring into line, causing dislocation in the social. In commenting on the documentary, Jesse Duarte, then ANC spokesperson, said that Zapiro had taken a comment in the court case about Zuma's

alleged rape out of context, and then used a 'derogatory' image – a shower – 'and thought that that would be funny' (*Mail & Guardian Online*: 27 May 2009) . This was what Duarte said in the documentary:

I don't think he's [Shapiro] a small fish in a small pond. I think he's a cog in a wheel ... of right-wing elementary journalism that looks at people from a very one-sided viewpoint and doesn't allow for the opposite views to come through. I think Jonathan Shapiro should be taken to court where a court can hear his side of the view and Mr Zuma's side of the view and where it can be decided whether he should punitively pay for his race and class bias (ibid).

This is the discourse mentioned earlier in the chapter by Zapiro, when he talked of how Duarte 'blusters, like crazy' (Interview: 22 July 2009). On a more theoretical note, however, it is ideological interpellation par excellence, as evidenced in her labelling of Zapiro's work as 'right-wing elementary journalism' (*Mail & Guardian*: 5-11 June 2009). It is an attempt to try and create homogeneity, or fix the unfixed and fluid social, out of its irreducible heterogeneity. Dario Milo, a media law expert, was also quoted as saying in the documentary that Zuma's case against Zapiro was 'problematic for our democracy'. He commented:

It is going to create what lawyers refer to as the chilling effect on freedom of expression where there will be self-censorship by satirists and others when they are writing and expressing themselves because they're worried about lawsuits (*Mail & Guardian Online*: 27 May 2009).

Milo's observation from a legal point of view straddles the philosophical point about freedom of expression, that once self-censorship crept in, journalists would have to contend with and worry about lawsuits. Commenting on Duarte's interpellation of Zapiro as a right-winger, a letter asking 'How can Zapiro be right-wing?' unravels some of the issues pin-pointing the ideological obfuscation involved.

Jessie Duarte thought that Zapiro was an element of 'right-wing elementary journalism' Never before have I seen anybody's viewpoint so grossly misrepresented for the sake of political point-scoring, as Duarte obviously aimed to do. Given South Africa's history and the

present socioeconomic situation, one could easily assume that, in the political debate, white people generally were right wing and black people generally left wing. But to take such a generalisation too far was a serious mistake because, really, you cannot see anybody's political affiliation from that person's skin colour, and I cannot see any other way how anybody could label Zapiro a right winger [...]. Zapiro is one of the most visible, consistent and influential left-wing critics of government, so it is understandable that they would like to frame him as a right-winger. They know that, in the South African context, the right wing will be a perpetual minority. In reality, the ANC is much more concerned with the dissatisfaction of people who are the beneficiaries of the planned transformation process and are becoming restless on the left (Erwin Sieben, Harrismith, *Mail & Guardian*: 29 May - 5 June 2009).

As Sieben correctly pointed out, Zapiro is more of a left-wing critic, (given his social critiques) and is far from a right-winger, but "framing" him as such suits the ANC's purposes. Framing Zapiro as an outsider in the democracy enabled the ANC to occupy the moral high ground. This obfuscation has to be interrogated.

A participant in democracy discovers the basic tenets of democracy – in Zapiro's case this means that democracy cannot exist without freedom of expression. Social antagonism is germane to democratic practice, debate and contestation. Žižek wrote that Laclau and Mouffe posited a series of particular subject positions – for example, feminist, ecologist, democratic and so forth – the signification of which was not fixed in advance; it changed according to the way it was articulated in a series of equivalences through the metaphoric surplus which defined the identity of each one of them (2005: 250-251). (See Zapiro quote at the opening of this chapter).¹⁹⁴

Let us take, for example, the series feminism – democracy-peace movement-ecologism: insofar as the participant in the struggle for democracy 'finds out by "experience" that there is no real democracy without the emancipation of women, insofar as the participant in the ecological struggle finds out by experience that there is no real reconciliation with nature without abandoning the aggressive masculine attitude towards nature,' and so forth. In essence, his argument is that a unified subject position is being created, well and good, but we must

¹⁹⁴ But of course there was a change of subjectivities when Zapiro removed the shower head later, only to install it back again.

not forget that such unity is radically contingent. 'Now it is clear that such a notion of subject positions still enters the frame of Althusserian ideological interpellation as constitutive of the subject: the subject position is a mode of how we recognise our position of an interested agent of the social process, of how we experience our commitment to a certain ideological cause. But as soon as we constitute ourselves as ideological subject, as soon as we respond to interpellation and assume a certain subject position, we are *a priori* deluded; we are overlooking the radical dimension of social antagonism (ibid)

Zizek calls the subject position a mode of how we recognise our position in the social process. This is indeed describing the subject position of Zapiro. The ideological interpellation on Zapiro failed. He refused the identity of right-winger and racist by continuing with the hard-hitting cartoons. In this perspective, Zapiro was committed to his subject position as a 'democrat'. He saw himself as holding fast to his original principles, the same as those he adhered to when he fought against apartheid, as he said in the opening quote to this chapter. However, ambivalence and loss is also experienced, as seen in his interview and as witnessed from the removal of the shower head, and in his turn towards the South African Human Rights Commission (SAHRC) for support. This will be discussed below. But first, we turn now to a friend of Zapiro's and a fellow cartoonist, Andy Mason¹⁹⁵ who expounds on the role of the cartoon in a democracy but who also in this interview talked about why Zapiro removed the shower head. He calls it a 'brilliant strategic move'. I argue that it is ambivalence on Zapiro's part and, in fact, a half turn towards the voice of power, in an Althusserian response to the ANC's injunction and interpellation of Zapiro as a 'right-winger', and in the process is constitutive of changing subjectivity.

The Role of the Cartoon in a Democracy and Half Turns

Mason explained the role of cartoons in a democracy (Mason, 2008). He posited that cartoonists reflected the times in which we lived. 'In recent times [in South Africa] the jester's space has been a bustling thoroughfare' (ibid). In an interview, Mason said that

¹⁹⁵ Mason set up the *Centre for Comic, Illustrative and Book Arts* at Stellenbosch University, Cape Town in 2009. He is the author of two books on cartooning: *What's so funny Under the Skin of South African Cartooning* (2009), Double Storey Books; and *Don't Joke: the Year in Cartoons* (2009), Jacana Media.

the issue of freedom of expression in South Africa was a contestation between liberal values from the West and a clash with African values of dignity and respect (Interview: 7 August 2009). For Mouffe, this 'clash' of ideas would be excellent for the deepening of a forever open democracy. Mason observed that 'People want to know what the line is regarding freedom of expression. There isn't one' (ibid). Clearly, given Trevor Ncube's and Dene Smuts's views discussed earlier and Mason's perspective, freedom of expression is a negotiated space in a democracy. It is forever fluid, undecided and unfixed. However, on Zapiro and the shower head, Mason made the following observations:

Othering is what cartoonists do. He mercilessly and brilliantly satirised Zuma, and got positive feedback. Then Zuma became President of us all. So in that context, Zapiro didn't want to "diss"¹⁹⁶ him and his country, he's proudly South African, so he removed the shower head. For the first time Zuma was seen in a human light. This is the genius of Zapiro, this temporary suspension. It was a brilliant strategic move (ibid)

In my argument it is more than a 'brilliant strategic move'. While Zapiro resists the totalising and essentialising identity of a 'racist' and 'right-winger', he also shows ambivalence, which was seen in the temporary suspension of the shower-head. This is reflected too in his interview in which he used words such as 'angst' and 'self-doubt', showing that he was not always dead certain that he was 'hitting the right note'. If we consider Butler's theory of subject formation, that subjection is paradoxical, that one is dependent on that very same power that subjects one, that the psyche turns against itself in a 'reflexive' move and that ultimately, through the operation of conscience, there is ambivalence and loss (1997:169-189), how are we to understand Zapiro's response? These responses were seen in extracts from the letter to the HRC in which he explained himself, and in the interview in which he said he experienced 'angst' and 'self-doubt'. This is not the same as deferring to Butler's theory that Zapiro had allowed himself to be subjected and that he had made a self-reflexive turn against himself. It is more subtle than that. Zapiro, in his letter to the HRC, emphasised the allegorical, symbolic nature of his cartoon about rape of the justice system. He hardly referred to the fact that there

¹⁹⁶ Mason used the colloquial term "diss" which means insult.

was a layering of meanings with respect to the shower head and alleged rape, except for the statement: 'I feel strongly that the real intimidation of the judiciary and of individual judges justifies my use of the potentially shocking rape metaphor' (Letter to SAHRC: November 2008). He said: 'The cartoon shows the abuse of the justice system, not of a real woman'(ibid). This is not to say that Zapiro was apologetic and made a full swing towards the voice of power, by no means. In fact he stated categorically: 'I have no regrets at all about doing it' (ibid). But there are half-turns that are evident.

Butler explained that turning back on oneself means different things in Hegel, Nietzsche, Freud and Althusser. In Hegel it marked the unhappy consciousness (Butler: 1997: 168)¹⁹⁷, in Nietzsche it suggested a retraction of what one has said or done or recoiling in shame (op cit: 64). In Althusser it was the turn of the pedestrian towards the voice of the police officer (or the law) when hailed 'hey you', which is simply self-subjugating (op cit: 112). And in Freud, the ego was said to turn back against itself once love failed to find its object and instead took itself as not only an object of love, but of aggression and hate as well (op cit:168). The latter was the melancholic response to loss in Freud. Could the action of writing to the SAHRC itself constitute some form of turning? Could the temporary suspension of the shower head from further cartoons once Zuma became President in April 2009, be seen to be a retraction? Yes and no, hence my argument for the ambivalence and half turn of Zapiro.

Zapiro was at pains to point out in my interview with him that he was loyal to democracy as an ideal; he was committed to his country; he was not always confident about his work; he was unsure if he was 'hitting the right note'. Moreover, he said, 'I go through a lot of angst'. He also said: 'I was once considered to be part of the struggle. I'm now called an enemy and a right-winger' (Interview: 22 July 2009). If one considers Butler's trajectory using Freud, Zapiro's discourse showed a mourning of the loss of an ideal. She quoted Freud that mourning might be a 'reaction to the loss of loved person, or the loss of some abstraction that has taken the place of one, such as one's country, liberty,

¹⁹⁷ In Hegel the 'unhappy consciousness' term came from the observation of once the bondsman was free from the slave relationship from the master, he missed his chains and wasn't so happy after all (Butler: 1997: 168).

and an ideal and so on' (op cit: 172). It appears that for Freud, according to Butler, melancholia was associated with the loss of an ideal. This is exactly what my interview with Zapiro showed. While he did not allow himself to be subjected in the sense that he maintained his hard-hitting caricature of public figures, he showed ambivalence when he removed the shower head, and most definitely displayed considerable melancholia at the loss of an ideal. He was an anti apartheid activist, and in that sense, at that time, turned fully towards the main struggle player, the ANC. He was in post apartheid South Africa turning away from the ANC as he saw the organisation becoming more undemocratic. He did not completely ignore the interpellation and lawsuits and proceed with life as though these injunctions were irrelevant, as though they did not happen. He did make a turn to the SAHRC, as mentioned already. Let us examine some of the extracts from this letter to the SAHRC, November 2009, which appeals to institution to understand the rationale for his work.

In a recent magazine interview (*Leadership*, October 2008), Human Rights Commission chairperson, Jodi Kollapen was asked 'Where do you draw the line between hate speech and the right to freedom of expression and opinion?' He replied: 'We cherish the freedom of expression charter in the Constitution. People have the right to say things that other people may not like and that may offend or shock them. This is freedom of expression and it would be very difficult to classify opinionated utterances as hate speech per se'. [...]. My point is that if this cartoon is demonstrably excluded from the class of speech that should be censored by the HRC, then the opinions expressed in the cartoon are protected by the Constitution. [...] The meaning of the cartoon is quite obviously metaphorical, not literal. That it is a metaphor is obvious because the central figure in the drawing is clearly not a real person, but rather the well-known symbolic figure, 'Lady Justice'. Personifying abstract aspects of society (Justice, Democracy, War, and Liberty etc.) is a tradition that began many centuries ago and is widely used in newspaper cartoons. The Lady Justice personification has been around for over 2000 years since Roman times and is arguably the most famous of these allegorical figures. She is instantly recognisable by her blindfold (signifying that justice is 'blind', meaning impartial), her balance scale (representing the weighing of evidence and arguments) and to an extent by her Roman-style sandals. Sometimes, just to make absolutely sure for the reader, she has a sash labelled 'Justice' (or as in the case of my cartoon, 'Justice System') [...]. If the figure of justice is a symbolic figure, as is already established, then it follows that the cartoon itself can only be symbolic or metaphorical. [...]

It is in the public interest that cartoonists and other satirists are able to make such robust interventions in public discourse. [...] I have no regrets at all about doing it. It generated a huge amount of debate and large numbers of South Africans across the racial spectrum said the cartoon articulated their feelings. [...] The cartoon has even been credited by some analysts as having played at least some role in putting pressure on Zuma and his allies to distance themselves from the perception that they were threatening the judicial system. A couple of days after the cartoon appeared in the *Sunday Times*, both Zuma and Mantashe declared their respect for the judiciary. I am heartened that *Sunday Times* editor Mondli Makhanya supported the publication of this cartoon and has firmly stood by me when this resulted in verbal attacks on me by powerful people. And he too was vilified by some of these politicians [...]

Respectfully yours

Jonathan Shapiro¹⁹⁸

In the above explanation, or rationale, for the cartoon, Zapiro asserts his objection to the ANC and its allies, wanting a 'political solution' to Zuma's charge. He states that he wants the independence of the judiciary to be protected. While his letter is not apologetic, there are some gaps in Zapiro's explanation of the cartoon. He does not offer too much on the HIV issue, or Zuma's alleged rape. He could be backtracking.

Ambivalence, Butler wrote, may be a characteristic feature of every love attachment that a particular ego makes (1997: 172-174). In this case, the love object could be the ideal of democracy, or, she proceeds, it may 'proceed precisely from those experiences that involved the threat of losing the object'. (ibid) She uses Freud's terms *entzogen*, meaning withdrawn: 'an object-loss withdrawn from consciousness, until the outcome characteristic of melancholia has set in (ibid).¹⁹⁹ In both Zapiro's interview and in his

¹⁹⁸ Zapiro sent me a copy of this letter to the SAHRC in September 2009

¹⁹⁹ While this chapter is about Zapiro, his cartoon, freedom of expression, this issue of the trauma of the post apartheid democracy in South Africa is not uncommon. There are many former anti-apartheid activists who have expressed their trauma, suffering, ambivalence about the turn in South Africa's democracy towards certain ideals being unmet, about the trajectory of empowerment and the empowerment of a few to the detriment of the majority, the poor, of corruption in higher places, of patronage, among other ills. But this is an *en passant* point, except it serves to position Zapiro within this context.

letter to the SAHRC, there seems to be some loss, loss of an ideal, worry about the future of democracy, angst, also a withdrawal.

5.6 Some Concluding Reflections: Misrecognition of Hailing; Unity Stunts Democracy; Ideology Hails Concrete Individuals as Subjects and Ambivalence and Loss

It was through experience that Zapiro, a participant in democracy, discovered that there was no freedom of expression without democracy, and there could be no democracy without freedom of expression. In a Mouffian sense, this chapter showed that Zapiro should be viewed as a legitimate adversary, not an enemy of the people. Zapiro suffered ideological interpellations to frame him as something outside democracy, because of his hard-hitting Lady Justice cartoon. The discourse from some members of the public showed how fluid and open ended the social actually is and how identity is a socially constructed one. Further, it showed how not all black people found the cartoon offensive, not all white people found it innocuous, and not all women thought this was the height of anti-feminism. For me, it was a powerful anti-rape statement – rape of all forms. It has also been argued here that Zapiro's discourse and actions showed his own ambivalence and half turns towards the interpellations. This, analysis then, in a sense, contradicts how Zapiro sees himself, standing 'steadfast'. He was and he was not, at the same time. Yes he stands firm to his commitment to democracy and freedom of expression, but, like all subjects with multiple and split subjectivities, he also changes. It is a progressive bent to change. As Foucault famously said, do not ask me who I am and do not ask me to remain the same (1969).

The role of cartoons in a democracy became apparent through the debate. It stirred emotional responses and it engendered thinking about what the limits of freedom of expression were. Was the cartoon offensive or was it a serious statement of the politics of the day? It was indeed reflective of the politics of the day and, as I have stated already, a functioning democracy calls for a vibrant clash of political positions (Mouffe, 2000: 104). Agonistic pluralism provides a different way to establish antagonists, us and

them. But the Zapiro case showed how labelling him as 'right wing' attempted the creation of an 'enemy' and attempted foreclosures. A radical pluralist democratic model needs to encompass the multiplicity of voices and various forms of expression, rather than a compulsion towards rational consensus, unity, and harmony. In a sense, it could be argued that this was exactly what was reflected in the society in South Africa, if one considers the debate that the Lady Justice stirred and if one considers the comments from members of the public. It signified, in 2008 and 2009, a society in which information, ideas and perspectives were free-flowing. A vast variety of heterogeneous voices came to the fore. However, what is clear, if one considers the voices of Malema's vulgar labelling of Zapiro as 'racist' and Duarte's equally vulgar interpellation of the cartoonist as 'right-wing', was that the ruling party and its alliance partners wished to hegemonise and essentialise the kind of plural society that existed, masking inconsistencies via social fantasy. The discourse of Cosatu's Vavi, on the other hand, showed something much more honest. He was 'shocked' and at a 'loss for words' (*The Times*: 9 September 2008). He was after all a fan of Zapiro and at the time, before 2010, an even bigger fan of Zuma. Vavi did not jump on the ideological obfuscation bandwagon of labelling Zapiro, he merely questioned: what was the cartoonist aiming at precisely? There was no evidence of a totalising operation in his discourse. He did not decide that Zapiro was an outsider to democracy, even though he was hurt and offended that Zuma could be depicted in such a harsh way.

So then, what occurred in South Africa over the Zapiro furore over Lady Justice, the cancelling of his documentary on political satire and the subsequent labelling of his work as 'right wing' journalism? It was clearly an attempt to shut down a potent critical space in the public sphere. The law suits or claims of a total of R7-million (just for the one cartoon, Lady Justice) was another such attempt. This can be termed attempted subjectivisation, or calling him in to toe the line. I say 'attempted' because total subjectivisation did not occur. A totalitarian shut down would have entailed the jailing of Zapiro, yet by 2010 he was still a performing cartoonist. The question must then be asked, 'what stops the ANC from performing such a totalising operation?' The answer surely must lie within two possible scenarios: one, there must be an ambivalence within

the ANC itself, indeed within the 'many ANCs', meaning there is no one centre holding the ANC together; and two, it could also be that the ANC was forced into a negotiated settlement, and therefore forced into a constitutional democracy, so it finds itself with one foot in this constitutional democracy and another foot still in an authoritarian past (if Duarte's discourse is anything to go by). One could go further to argue that the ruling alliance was showing its Stalinist past. Although it must be noted that there is no fixed tendency within the ANC: there are many strands, of democracy, democratic centralism, Stalinism, and even liberalism. The ANC's gaze on the media is tackled fully in the next chapter, Chapter Six. The topic at hand now is to make further theoretical synthesis of the case of Zapiro's interpellations, and its implications.

The labelling as 'right-wing' is a sign of 'othering'. This is counter democratic. Democracy is not about oneness, unity, and closures, but about acceptance of difference. Duarte was looking for rational consensus with the media, which was not possible given the divergent voices. For as long as the media is independent in the country - that is, independent from political interference, consensus and oneness is impossible. For as long as this position was maintained, so the fluid, unfixable nature of a democracy in process and in progress remained an optimistic condition. There were clearly many in South Africa's ruling alliance that became extremely insecure about this openness and so for them the solution was more strident calls for the excesses of the media to be curbed. However, in a society such as South Africa's, finding its feet within a democratic framework, it was not possible to fix through rational consensus, ala Habermas or Rawls. Mouffe argued that to avoid closures, we should relinquish the very possibility of a non-exclusive public sphere of rational argument where non coercive consensus could be attained. This would protect a plural democracy and attempts at closures (2000: 32).

In South Africa, during 2008 and 2009, there were no significant closures in our transitional democracy, but there were attempts at closures, for instance, the examples used here of the suing of Zapiro, the ideological, injurious interpellations, and the cancelling of his documentary on freedom of speech indicate. These were the warning

signs that democracy needed protection. Zapiro is a legitimate adversary in a democracy, but his legitimacy was questioned by powerful political forces (the alliance partners) in his construction as enemy in the case of Lady Justice. To construct him as an enemy, as some in the ANC have done (Malema and Duarte, for example), is to put into jeopardy the open-endedness required for the sustenance and maintenance of democracy. The ANC has not silenced him, the constitutional democracy prevents this and the organisation's stated commitment to the constitutional democracy prevents this.

That all ideology hails or interpellates concrete individuals as subjects has been one of the thesis points of this chapter, ala Althusser. So then, an apposite quote at this point is from Michele Barrett: 'Ideology is a vain attempt to impose closure on a social world whose essential characteristic is the infinite play of differences and the impossibility of any ultimate fixing of meaning' (1994). The ideological interpellation of Zapiro failed, in the main, in the sense that he continued with extremely engaged and radical cartooning, firing missiles directly into the hearts of the powerful, depicting in extreme form caricatures of the corrupt, greedy and racist, as is the nature of cartoons. He discovered through experience that the struggle for democracy was part and parcel of the struggle for freedom of expression, and vice versa. He also found out that democracy is not a process that has an end; it is fluid with disparate twists and turns. The public found out, through experience, that freedom of expression is linked to democracy; that in fact, there is a direct relationship. Many members of civil society debated the issue as I have shown through letters to newspapers and callers to the radio. Zapiro, through the interviews and his quote at the beginning of the chapter showed a loss – of an ideal. He also showed ambivalence and the interpellation that he experienced must be seen within the historical context. In the transitional democracy's context, to be labelled a racist and a right-winger is the equivalent of being an enemy. In the apartheid era to be labelled a 'communist' was considered an ultimate insult from the perspective of the dominant power relations at the time. For instance, Donald Woods, a former editor of the *Daily Dispatch* in East London, (1966-1977) who was a fierce critic of the apartheid government, sued the Minister of Transport, Ben Schoeman for calling him a communist from a public platform. A *Weekender* editorial made this point succinctly:

It is doubtful whether being called a communist would justify a damages payment these days. In fact, being labelled as such might well be to your social, political and business advantage given that the South African Communist Party is a leading partner in the governing alliance. But in the conservative, white-dominated society of that time, there was no greater insult than being called a communist, which was presumably why Schoeman used the word against Woods. And the reputational damage of being considered a communist had real consequences – those tainted with the red brush faced social exclusion [...] (*The Weekender*: 26-27 September 2009).

There is contingency in labelling, there is contingency in subjectivities. As pointed out in the above excerpt from *The Weekender*, at one point there was no greater damage than being called a communist, then, post apartheid, it would seem, there is no greater damage than to be called a right-winger. Zapiro did not turn to the courts for damages. He turned to a state institution, the SAHRC, which he hoped would protect his right to freedom of expression. He did not receive a response. By September 2009, he had made six attempts to engender a response from the SAHRC and was not successful. It was only in June 2010 that a finding was made that his work was within the bounds of the Constitution and was not hateful and did not incite violence and racism.

This chapter has shown ambivalence in the subjectivities of Zapiro when he suspended the shower head from his cartoons once Zuma became the President in April 2009. Butler would call this a state of being withdrawn, or *entzogen*, but not a ‘cancellation’ (1997: 176). While Butler talks of reflexive turns it appears that these turns are 180 degree or even 360 degree turns. In other words, using Freud for instance, she talks about the turn from love to hate (ibid). This takes us back into a dichotomous binary opposition, for it does not allow for nuance. In this sense, then, I offer a more nuanced theoretical perspective in speaking of ‘half turns’

Zapiro did not ignore the labelling, and the injunctions against him; he took them up with the HRC. This could be a way to signal to the country ‘misrecognition’, a refusal to accept the totalised identity conferred on him. I argue that this could be conceived as a ‘half turn’, because he did not proceed ‘cheerfully’ with his cartoons, but acknowledged

the interpellations without accepting them. He tried to clear his name. At the same time he refused identification or misrecognition, hence my concept of half turn that allows for a more fluid and nuanced position. Interpellation is a social demand, a symbolic injunction, a performative effort through language, but there is always the risk of misrecognition. In other words, you could turn away and pretend you have not heard. Interpellation, Butler pointed out, can also be a social category for example 'black woman', and this can be an insult or an affirmation depending on the context, as explained above in the Woods case of being hailed a communist by Schoeman in apartheid South Africa. On the other hand, during the apartheid struggle, hailing former SACP leaders, Chris Hani and Joe Slovo as communists, was in effect, hailing them as heroes.

In the South African context of post-apartheid South Africa, the labelling of Zapiro can be seen as a foreclosure, not an enabling opening. His interpellation equals a totalising reduction and essentialising of his identity, but he would not accept or recognise this interpellation of himself as enemy and right-winger, nor would members of the public as shown in the letters. The aim of the injunction was to rein him in, get him to toe the line. Indeed, Zapiro's insistence on his rights as cartoonist in a democracy reveal a clear understanding of the radical nature of democracy as open-ended and full of antagonisms. The contingent nature of politics in a transitional democracy reared its head, as the shower head was removed, but then reinstituted, sometimes enlarged (see the new even more irreverent cartoon in Chapter Eight),²⁰⁰ in February 2010 when Zuma, the polygamous president, was exposed in the media for having a fathered child out of wedlock. The role of the media in this saga is deconstructed in Chapter Eight.

Zapiro is an example of a social agonist and a legitimate adversary in the fractured social who is a participant in the struggle for democracy. He found out by experience (to use Zizek's expression) and through ideological interpellation that there is no real democracy without freedom of expression. I have shown here that freedom of

²⁰⁰ The blurb for the cartoon reads 'the only member left standing' and the cartoon shows Zuma with his zip down, depicting a President who has a voracious appetite for sex after it was found that he fathered his twentieth child, but this time out of wedlock.

expression cannot exist without democracy, and democracy cannot exist without freedom of expression; that this was a fight internal to democracy itself; that there was free floating heterogeneity in the fractured social; interpellations or hailings and labelling deflect from one's own shortcomings; trying to create unity by shutting down dissenting spaces is bound to fail. However, there is also ambivalence in our understandings of freedom of expression in a democracy, and ambivalence in Zapiro's gaze on his subject, Zuma. In the next chapter, 'The ideological social fantasy: the ANC's gaze on the media', the theme of the intersection between the floating signifier, democracy, and an independent press is developed even further, deploying Žižek's psychoanalytical concepts.

Chapter 6

The Ideological Social Fantasy: the ANC's Gaze on the Media

We are aware that every Thursday night a group of journalists ... decide what stories they will go into. This is very clear when we do our analysis. What we see is a pack approach with a story that breaks in the Saturday Star; then is repeated in Business Day with a slightly different angle, and then in The Citizen with a ...slightly new perspective (Jessie Duarte, 2008)²⁰¹

6.1 The Gaze

'The gaze'²⁰² is constitutive of the 'social fantasy', said Zizek (1989:105-127), and what he meant by this was: 'The gaze is a point at which the very frame (of my view) is already inscribed in the "content" of the picture viewed'. What he meant by fantasy is precisely the way antagonistic fissure is masked. This psychoanalytical Zizekean ontology is used in this chapter to deconstruct the ANC's gaze on the media. The above quotation by Jesse Duarte,²⁰³ who was at the time in 2008, the national spokesperson for the ANC, highlights her 'gaze' on journalists and how she perceived the profession to operate. The chapter will proceed first by elucidating the concepts of ideology and social fantasy, then the concept of the gaze, before it deconstructs the ANC's discourse. The latter is examined through the words of the first three post-apartheid presidents, Nelson Mandela²⁰⁴, Thabo Mbeki²⁰⁵ and Jacob Zuma²⁰⁶, the ANC 'Letters from the

²⁰¹ Jessie Duarte was quoted by Mandy de Waal in Moneyweb September 2008. Duarte resigned as the chief operating officer in the Presidency in April 2010 citing a smear campaign against her, rumor mongering and gossip: 'What is at issue is I despise being bullied and when bullies do not get their way they resort to vilification: Times Live: article: Jessie Duarte quits www.timeslive.co.za: Accessed 26 July 2010. Prior to this Duarte was spokesperson for the ANC, was ambassador to Mozambique and was safety and security MEC in Gauteng in 1997 when she was accused of driving an official vehicle without a license, failure to report the accident on time, unauthorised payment of an air ticket for a friend, employing consultants without properly checking their qualifications, general corruption and mismanagement. See *Allegations against public safety MEC Jessie Duarte* www.info.gov.za/speeches/1998. She was found guilty of driving a state vehicle without a license and was fined R300 for this.

²⁰² . Zizek 1992:125. And as Zizek wrote: What if evil resides in the very gaze that perceives that evil?' in *How to Read Lacan* (2006).

²⁰³ Duarte was known to be one of the most hostile people in the ANC towards the media said *Mail & Guardian* ombudsman Franz Kruger (Interview: 13 July 2009).

²⁰⁴ Mandela was an anti apartheid activist, leader of the ANC Youth League, member of Umkhonto we Sizwe and lawyer. He was imprisoned for 27 years on Robben Island, released after 27 years of incarceration in 1990, and is widely known as a world moral icon because of his compassion, forgiveness and reconciliation which saw South Africa move from the brink of war to a peaceful democratic transition.

President' and ANC on-line contributions to the public about the media, as well as the national spokespeople for the ruling party, Duarte in 2008 and Jackson Mthembu in 2010. This chapter focuses strongly on Mandela's discourse. However, in the next two chapters there are specific case studies in which Mbeki and Zuma, respectively, are featured. The preceding chapter on Freedom of Expression and Zapiro discussed Zuma's lawsuit against the cartoonist. This chapter discusses the proposal put forward at the ANC's policy conference in Polokwane in December 2007 to investigate the possibility of a Media Appeals Tribunal. This includes interviews with journalists who gaze on the possibility of this tribunal. The ostensible reasons for the ANC desiring a statutory tribunal were: there was a lack of transformation and diversity in the media, and the self-regulatory mechanism (the Ombudsman system and the Press Council) was inadequate to curb the excesses of the media that was a law unto its own.²⁰⁷ However, in my argument, there was much more to wanting this than meets the eye.

In psychoanalysis individuals are always split subjects (Lacan, 2008; Laclau, 1996; Zizek, 1989).²⁰⁸ There is a split between what they consciously know and do, and what they unconsciously know and do. Fantasy is unconscious as in 'for they know not what they do' but Zizek suggests a more conscious position and thus goes further to say 'they know but they are doing it anyway' (2004).²⁰⁹ I argue that the ANC is aware of what it is doing.²¹⁰ Zizek's 'fantasy' needs explication because its psychoanalytical bearing has significance here. First, as Mouffe argues, we do not live in a post-ideological world, where there is no longer a left or right (Mouffe, 2005, 1-16).²¹¹

²⁰⁵ For biographical details on Mbeki see Chapter Four.

²⁰⁶ For biographical details on Zuma see Chapter Four.

²⁰⁷ The proposal to investigate a media appeal tribunal was made at the ANC policy conference in December 2007 in Polokwane. Then there seemed to be a retraction in terms of no action, or talk of it, in 2009, but by July 2010 there were renewed calls.

²⁰⁸ It must be noted that the notion of split subjects is not unique to psychoanalysis. The theory is also developed in Derrida's deconstruction philosophy which Mouffe builds upon in the undecidability of democracy, radical difference and the lack of fixities in meanings in *The Democratic Paradox* (2000). The same point is made by Laclau on the unfixed character of all identities in *Emancipation(s)* (1996).

²⁰⁹ See Size (2004) on Tony Blair in *Iraq: the Borrowed Kettle*. Blair knew there were no weapons of mass destruction but he nonetheless goes through the social fantasy of believing that there were.

²¹⁰ It became more apparent in 2010 that this was a conscious fantasy to rein in the media. See for example spokesperson of the ANC Jackson Mthembu: 'If you have to go to prison, let it be. If you have to pay millions for defamation, let it be. If journalists have to be fired because they don't contribute to the South Africa we want, let it be' (*Mail & Guardian*: Big stick to beat 'errant' journalists: 23-29 July 2010).

²¹¹ Mouffe also makes this point in *The Democratic Paradox* (2005: 1-16)

Everything, indeed language, text, and action is ideological.²¹² In fact, during the last twenty years ideology has come into its own.²¹³ Second, fantasy does not mean something that is opposed to reality, quite the reverse. Fantasy is what structures what we call reality. It is the means whereby the psyche fixes its relation to enjoyment (Kay, 2003: 163). For Žižek, a further foundational statement is that the subject is already caught by some secret supposed to be in 'the Other' and this is fantasy. So in the case of Duarte, she is caught in her fantasy of the media as 'the big other' intent on plotting and planning together against the ANC. In this sense, then, ideology and fantasy work together. Fantasy is the support that gives consistency to what we call reality, it is not an illusion, nor is it an escape from reality but serves to support reality itself.²¹⁴ So for Duarte, the media really is conspiring to undermine the ANC. The ANC 'others' in creating a social fantasy of the media and in so doing, is merely reaffirming its own beliefs that require a particular expression or essence of the social that reflects its position on political unity. Thus its dogmatic position on unity requires that the media postulate a similar dogmatic position or else suffer the consequences of being constructed as the antagonistic other.²¹⁵ This is legitimated by the ANC's fantasy of a media conspiracy. This 'unity' was also what Mouffe argued against. (1995: 5). By emphasising political unity, above all else, the space for greater pluralism and, therefore, more openness in a democracy could be jeopardised. An attempted 'closing off' of plurality and contingency has been the trajectory of the ANC under the presidencies of Mandela, Mbeki and Zuma, albeit to different degrees, as this chapter will highlight when the gaze on the media is analysed through their discourses. Žižek's explanation of 'the gaze' is as follows:

I can never see the picture at the point from which it is gazing at me, i.e. the eye and the gaze are constitutively asymmetrical. The gaze as

²¹² This statement has implications for journalism too, of course. See Cowling and Hamilton (2010) on professional ideology.

²¹³ See Žižek in *The Sublime Object of Ideology* (1989: 7) and Mouffe in *The Democratic Paradox* (2005: 1-16).

²¹⁴ See Hana Segal: *Introduction to the work of Melanie Klein* (1988:14): Unconscious phantasy is constantly influencing and altering perception or interpretation of reality, but also reality impinges on unconscious phantasy. Segal uses the original spelling of fantasy, as in Freud.

²¹⁵ See also Laclau and Mouffe (1985:193). In their argument for a democratic revolution they assert that politics, rather than founded on the dogmatic postulation of any 'essence of the social' should be founded 'on affirmation of the contingency and ambiguity of every essence, and on the constitutive character of social division and antagonism'.

object is a stain preventing me from looking at the picture from a safe, 'objective' distance, from enframing it as something that is at my grasping view's disposal. The gaze is, so to speak, a point at which the very frame (of my view) is already inscribed in the 'content' of the picture viewed. (1992: 125)

The gaze is impossible in the sense of its lack of objectivity; there will always be a left over, a stain or an indivisible remainder. In the case of Duarte, the question must be asked: from what point or perspective was she looking at the world of journalists, where she construes them as a unitary group, despite their coming from various newspapers, all sitting together and collaborating on their next stories?²¹⁶ However, where she is correct, is that when a story is broken in a newspaper, other newspapers try to get new perspectives on the same story and so keep the 'story alive' or 'run with it', to use the industry jargon. In other words, news makes news, but you can't just repeat another newspaper's story, you have to find something new to say about the same thing. Still, if you had to speak to any journalist in South Africa and ask them whether they all get together to discuss what stories they will break in the week to come, and to share ideas and angles, they would be both bemused and amused. Hence, what we witness is Duarte's social fantasy. It is a fantasy that alters and influences perceptions of reality. Zizek describes this fostering of the delusion that there is always something out there, pulling the strings, a conspiracy theory, in *The Ticklish Subject* (1999: 362).

The value of a conspiracy theory is that it can account for all sorts of things, weapons of mass destruction, or terrorists, all fostering the delusion that there is something 'out there'. In this case, the Duarte delusion is that journalists meet to plot against the ANC, with their stories. In using the term 'pack approach', it is clear that she viewed the media as though it were a monolithic bloc. This aptly depicted the gaze of the ANC on the media and is a contention in this chapter. To provide the context of Duarte's comment, it must be pointed out that she articulated this view of how newspapers worked in September 2008, the same year in which the media attempted to fathom a response to

²¹⁶ From personal experience as a journalist in South Africa, I know that groups of journalists do indeed often socialise over drinks but they are cautious indeed about letting on what stories they are working on, never mind collaborating on different angles with other journalists from different newspapers. In fact it is unheard of that journalists will share stories and let slip what they are working on.

a plethora of legislation proposed by the ruling party over the previous two years, to rein it in, so to speak. In the same month as Duarte's comment, September 2008, Mandy de Waal, editor of *Moneyweb Life* commented in an opinion piece, *SA Media Conspiracy*, that journalists were experiencing a threat to press freedom. She wrote that media organisations say 'the government (is) trying to control the media [...] Jesse Duarte [...] names members of a newspaper cartel that she claims is targeting the ruling political party. Speak to [...] media interest groups [...] and at best you'll get the idea that press freedom in this country is under threat' (De Waal: 2008). When De Waal quotes Duarte, we witness the subjectivities, the threat and the overinvestment in the media in Duarte's discourse, 'What we all don't want is for the media to influence the agenda of the ANC and this is a very real concern [...] We believe that there are journalists who are [...] hostile to the ANC and [...] those who are objective [...] those who are not objective are the most hostile (ibid).

Duarte's gaze is stained and there is an indivisible remainder in the discourse, an excess and a paranoid construction of the media, as a conspiracy. However, it could be argued that her discourse is an extreme one, the worst possible case put forward for the ANC's argument against the media. Is this the case? My answer to this is, yes and no. In its stupid vulgarity, perhaps this is an extreme example of how to understand the ANC's gaze on the media, but if one compares Duarte's views to those of Mandela, Mbeki and Zuma, we see versions of the same views, articulated with various degrees of elegance in the way similar themes are presented. Mandela wagged his finger at the editors saying he was unhappy with their lack of support for the transformation project, Mbeki was more vitriolic about the media, but did not attempt any interference in the independence of the media. Motlanthe, whose brief stewardship as interim President was treated the most unfairly by the media, was the least confrontational. It was Zuma who took legal action against the media, as discussed in the preceding chapter, and under whose leadership the ANC has been most threatening to media freedom. In the case of Zuma's discourse, as we will see, while there is greater ambiguity in his spoken work, in terms of his legal and legislative actions, including his support for a Media Tribunal in 2010, the ANC has wreaked greater damage to media freedom and the idea

of an open democracy. However, it is also important to understand that the ANC is not a unified subject. There are in effect many different 'ANCs' as different analysts have argued.²¹⁷ For example, there was the ANC of Mandela, the era of the rainbow nation and national reconciliation; there was the ANC of Mbeki, the era of secrecy and fear where all enemies were banished from the political mainstream; then the era of Zuma, where the ANC was at its most fractious and split.²¹⁸

6.2 The Gaze on the Media of the Three Presidents of the ANC Post Apartheid

The focus here is on the democratic era. I track the fractious and fraught relationship between the media and the ANC from the administration of the country's first democratic president, Nelson Mandela, to the Zuma era, from 2009. At an address to the International Press Institute congress on 14 February 1994 Mandela said:

A critical, independent and investigative press is the lifeblood of any democracy. The press must be free from state interference. It must have the economic strength to stand up to the blandishments of government officials. It must have sufficient independence from vested interests to be bold and inquiring without fear or favour. It must enjoy the protection of the constitution, so that it can protect our rights as citizens. It is only such a free press that can temper the appetite of any government to amass power at the expense of the citizen. It is only such a free press that can be the vigilant watchdog of the public interest against the temptation on the part of those who wield it to abuse that power. It is only such a free press that can have the capacity to relentlessly expose excesses and corruption on the part of government, state officials and other institutions that hold power in society. I have

²¹⁷ For example there was the ANC pre-Polokwane and post-Polokwane. The ANC headed by Thabo Mbeki before December 2007 was the ANC of patriotic bourgeoisie, and then the faction of the ANC which ousted Mbeki could be called the left leaning faction headed by the Congress of South African Trade Unions, the South African Communist Party and the ANC Youth League. It is said that the ANC is now de-centred with no fixed point ideologically or in its programmatic action. See also Chapter 2, where the shifts in ANC media policy have been delineated using the arguments of Ruth Tomaselli, (1994) about the 'militants' and 'pragmatists'. Then in Zuma's ANC lead government in 2010 it was observed that within economic policy there were fundamental splits and fights over economic direction between Economic Development Minister Ebrahim Patel, who hails from a trade unionist background, and Finance minister Pravin Gordhan, who was the former South African Revenue Service commissioner: see *Sunday Independent*: Ministers fight over economic direction: 25 July 2010.

²¹⁸ See, for example, the Frank Chikane files, a series in *The Star* in July 2010, in which he talks about all the fractures and splits in the ANC which suggests that it has no centre. In February 2010 Cosatu's Zwelinzima Vavi said the federation had made a mistake by putting its faith in a figure, it should have focused on policies. In August 2010, ANC Youth League leader Julius Malema was calling for 'fresh blood' in the ANC leadership (*Sunday Times*: Change leaders: 15 August 2010 and *Sunday Independent*: Malema wants Zuma out: 15 August 2010).

often said that the media are a mirror through which we can see ourselves as others perceive us, warts, blemishes and all. The African National Congress has nothing to fear from criticism. I can promise you, we will not wilt under close scrutiny. It is our considered view that such criticism can only help us to grow, by calling attention to those of our actions and omissions which do not measure up to our people's expectations and the democratic values to which we subscribe. (Mandela: 1994)

In the above excerpt Mandela adopts an outstandingly progressive view of the role of the media in a democracy. However within a relatively short time, Mandela's passionate attachment to the ANC blinds him to the democratic values that he articulated in 1994. Mandela displayed ambivalence about the media when he addressed editors of newspapers a mere 24 months after this speech. It must also be noted that the ANC's view of the media, did not begin with Mandela's view in 1994. The ANC established a Media Charter as early as 1991²¹⁹ and, it must be noted, as Tomaselli (1994) has done, there was no unitary view to start with. The 'militants' argued for more control of the media, while the 'pragmatists' advocated independent control for broadcast media and self-regulation for the newspaper industry. It appears as though the pragmatists won the day, given also the context of media liberalisation globally. Jane Duncan (2009) argued that the ANC's 49th and 50th conferences did not deal specifically with control of the media, even though editors were criticised by Mandela in the mid to late 1990s, a period, she described as the 'golden season' for diversification.²²⁰ The issues of transformation of the media, of diversification, and of the shifts in media policy of the ANC were examined in chapters two and three. The focus for this chapter is to closely scrutinise the gaze of the ANC on the media, through the ideologically interpellating hailing of its leaders, and then further, to analyse what turns, if any, editors and journalists made in response.

²¹⁹ See Chapter Two for a discussion of the Media Charter and its vague policy formulation.

²²⁰ See also Chapter Three for Guy Berger's views on transformation and diversification in the media post apartheid.

Mandela's Desire for Unity with the Press

Notwithstanding the above excerpt from Mandela in February 1994, which shows exemplary notions of press independence in the new South Africa, in November 1996 he sought a more loyal contingent of journalists and accused the media of having a hidden agenda and being part of a conspiracy. During the apartheid era, the ANC's view of the media had been equally critical, holding that because the media did not sufficiently or adequately challenge the status quo, they essentially supported apartheid. This view did not change after the inception of the new democratic order, and the evidence for this is clear from meetings that Mandela held with the South African National Editors' Forum (Sanef). The first meeting took place on 1 November 1996 and was attended by Brian Pottinger (editor of *Sunday Times*), Anton Harber (editor, *Mail & Guardian*), Thami Mazwai (Sanef chairperson), Raymond Louw (editor, *Africa Report*), Moegsien Williams (editor, *Cape Times*), Judy Sandison (editor, *Radio News*, KwaZulu Natal) and Shaun Johnson (editor, *Cape Argus*). The discussions were reported in *Rhodes Journalism Review* (RJR) No 13, 1996 and No 15, 1997. The following is an extract from an article: Media on the Menu (RJR no 13) which showed Mandela's ambivalence on media freedom.

We would like an independent ...press which can criticise freely and without fear – and be prepared if we criticise it. The press (and) the government ... have a joint responsibility to address the problems in the country ... There is a perception among the population that the mass media is controlled by a minority section of the population... Even those who have committed themselves to democratic values ... cannot accurately portray the aspirations of the majority because they do not live among them [...] There is an attempt from traditionally white organizations [...] to resist transformation. Some of the newspapers that used to support the apartheid regime [...] give unqualified support for transformation. Generally speaking, though, I seem to feel that the conservative press is trying to preserve [...] the status quo [...] Because of this some senior black journalists are not writing for their audiences, but [...] believe the only way to get ahead is to join a campaign against transformation (Mandela: 1996)

There are three points to be noted in deconstructing the ambivalence in Mandela's discourse. First, while there appeared to be an air of openness in his support for a free press, he criticised the press for not supporting transformation in the way he understood it. And, while criticism goes both ways, the press was not reflecting the views of the majority. It was also clear that he desired unity with the press in the sweeping statement he made that there was a 'campaign against transformation'. The way in which he articulated the role of the press must also be noted. He saw it as a 'joint responsibility' of the press and the government, to address the problems in the country, although how the press were meant to solve problems of housing delivery, crime, unemployment and corruption was not clear. Mia Swart²²¹, for example, understood this issue when she wrote: 'The current levels of poverty and the widening gap between the haves and the have nots in this country has nothing to do with the media. The responsibility for the current high levels of poverty and unemployment can be placed squarely in the shoulders of the ruling elite' (*Mail & Guardian*: 20-26 August 2010).

Second, the following assertion must be noted: the press was controlled by a minority which 'was unacceptable in our vision'.²²² What it reflects is an incoherent and illogical assumption that if the press were controlled by the majority, this would necessarily solve the problem as the ANC experienced it. Third, and arguably the most disturbing issue, was that he said black journalists were writing not for their audiences but to 'get ahead' (meaning to gain promotion), and while it was not explicit, the implication was that they were kowtowing to their white bosses. Race was essentialised in Mandela's discourse. At that first meeting between Sanef and Mandela, none of the editors present challenged Mandela on his views and understanding of the role of the media in a democracy.

Mazwai, for instance, responded that affirmative action featured strongly on Sanef's agenda. They were very conscious, he said, that the media was the mirror that the outside world used to understand our country and that it should reflect the whole

²²¹ Mia Swart is an associate professor at Wits Law Clinic

²²² The questions of critical political economy and the issue of how the press was 'controlled by the elite and thus did not serve the poorer classes' was discussed in Chapter Three.

country. The editors, he said, were drawing up an editorial charter, linked to a code of conduct that would show that South Africa was committed to a free and independent media. Harber responded that criticism was indeed a two-way process and that it should be conducted in a constructive atmosphere for the right kind of independent relationship. An attack on a group of journalists as a whole from a public platform could be dangerous and was not healthy for government or the media. Pottinger said, 'We want a series of seminars where civil servants can meet journalists and explain how they work. Strengthening knowledge is the key to understanding' (RJR, No13)

At the next meeting, in June 1997, there was an outright vitriolic attack against the media. Writing in 2010, group political editor of Independent Newspapers, Moshoeshe Monare reflected on the second meeting in 1997. He suggested that the ANC had never trusted the mainstream press. He pointed out that the first ANC leader to articulate the view that the media had set itself up as a fierce opponent to the ANC was Nelson Mandela (*Sunday Independent*: 22 August 2010). In his opening speech to the ruling party's 50th National Conference in Mafikeng, Mandela said:

In a manner akin to what the National Party is doing in its sphere, this media exploits the dominant positions it achieved as a result of the apartheid's system, to campaign against both real change and the real agents of change, as represented by our movement, led by the ANC [...] When it speaks against us, this represents freedom of thought, speech and the press – which the world must applaud [...] When we exercise our own right to freedom of thought and speech to criticise it for its failings, this represents an attempt to suppress the freedom of the press – for which the world would punish us (ibid).

Mandela's Hegemonic Discourse and Social Fantasy: Black journalists are Puppets of White Bosses: June 1997

The second meeting between Mandela and Sanef, in June 1997, was tense, according to the reportage, in an article entitled: Tough Talk from the President, (RJR: November 1997: No 15) when Mandela did not mince his words. He suggested that black journalists were beholden to 'white editors', they had to 'earn a living' and thus were

unable to reflect the aspirations of the majority' (ibid). In this instance, Brian Pottinger did not hold back, and responded that this view 'was insulting' to his black colleagues (ibid). This was an 'optimistic' moment for democracy, for it constituted a direct challenge to Mandela's racialised interpellation. Others, however, made full turns towards the voice of power, and some made half turns. An extract of the interchange between Mandela and Pottinger follows:

Mandela: There is no point in beating about the bush with problems. Whatever measures have been taken, the truth is that the media is still in control of whites, conservative whites, who are unable to reflect the aspirations of the majority [...] I was asked in Harare why black journalists are so hostile, especially to Zimbabwe and President Mugabe. [...] We do not have black journalists saying what they would like to say. They have to earn a living. While there are a few exceptional journalists, many like to please their white editors.

Pottinger responded: It is insulting to my black colleagues to suggest that they kow-tow to me [...]

Mandela: The last time we met, I said how you had not behaved in the manner I expect of you. I invited you and gave you information. You thanked me. In the next editorial you made a statement accusing the ANC of dishonesty. If a journalist and a paper like the *Sunday Times* can accuse an organisation like ours of dishonesty, you destroy a relationship ... We are dealing with a trend. The real problem is not black journalists, but conservative white journalists who are able to instruct their colleagues under them ... You don't publish our articles. You don't want us to reply to your campaign. (ibid).

Mandela's assumptions were that there was a campaign against the ANC from the media (and this has echoes with Duarte's conspiracy theory, of journalists meeting every week). The problem articulated by Mandela was the 'conservative white journalists' rather than the black journalists as such. But this view interestingly constructed subjectivisations, where black journalists are without agency, subject to white journalists. Mandela was himself reproducing a view that could not envisage a more open critical journalism in a democracy. Instead, he caricatured the relationship of black journalists to white journalists in apartheid-like terms. Moreover, in a predictable social fantasy tied to the logic of nationalist ideology, any criticism by the media of 'the

liberation movement' was intolerable, as they were controlled by white bosses. Rather, Mandela's view was that the media should be reflecting the aspirations of the majority. As leader of the former liberation movement he had the authority to interpellate in terms of the social fantasy that the ANC was the moral barometer, while the press was stepping out of line by 'accusing an organisation such as ours of dishonesty'. In other words, in the social fantasy, the ANC cannot be dishonest. The legitimate interpellating voice of moral authority speaks: 'The last time we met, I said how you had not behaved in the manner I expect of you'. This is a social injunction, in the Althusserian sense, and the aim is, via a social demand, to bring the subject into line. Hegemony in democratic politics is constituted through exclusions (as seen in Mandela's exclusions from the democratic project of white editors). These exclusions return to haunt the politics predicated upon their absence. This haunting, according to Torfing Jacobs, is politically effective as those excluded, return, and this was the basic premise of democracy itself' (cited in Butler 2000: 11). The haunting in South Africa returned but in the form of black editors, who are no less critical and who resist interpellation as subjects of the ANC or the nation building project. Instead, their loyalty remains to the Constitution, democracy and to professional codes, as we see in their continuing efforts in investigative reporting, holding power to account and retaining the openness for democratic contestations and fights.

How are we to apply this essentially post-modern theorising of the democratic possibilities to the Mandela hegemonic discourse? First, Mandela excluded white editors as anti-democratic and anti-transformation. In effect he was saying: We are unhappy about black journalists not toeing the line, but we understand they are not really to blame; it's you white editors who have a campaign and an agenda against the ANC. The assumption, and indeed social fantasy, was that if all editors were black, the ANC would have a more loyal media. Clearly this has not happened, if the evidence in Duarte's comments made in 2008 is considered. The 'haunting' reappeared in the form of black editors, who continued to beat the drum of corruption, nepotism, patronage and

lack of service delivery by the ruling party.²²³ This represented an optimistic moment for democracy. Mandela's discourse reflects a particular ideological perspective that is at odds with the open-ended nature of democracy: that is nationalism. Althusser's central thesis, as discussed already, was that all ideology hails concrete individuals as subjects. Žižek took this further in his discussion of the social fantasy, which contained within it ideological interpellation, and fantasy is precisely the way in which antagonistic fissure is masked. Mandela's discourse was hegemonic, in the Gramscian sense, in attempting to assert political and moral control over all in the social. It was clearly an interpellation, as in the voice of power exerting its authority over the media. He accused the editors of having a 'campaign' against the ANC; and he deployed the divide and rule strategy between black and white journalists in his ideological interpellation. By 2009, the majority of editors in the country were black²²⁴; these were then the 'bosses' of black journalists but the ANC criticism of the media became, if anything, more shrill. Mandela conflated the aspirations of the majority with the aspirations of the ANC. In fact, it was precisely because the media was performing its function of reflecting issues such as lack of service delivery and exposing crime and corruption that the ANC began its attack. There is another conflation: state and party, people and nation, and critics become outsiders.

Half turns to Mandela's Interpellation: the Editors' Reactions

Subjection is paradoxical, according to Butler (1997), a point that is central to this thesis. The paradox that Butler refers to is a complex idea which signifies the dominance by a power external to oneself. Yet one's formation as a subject is also dependent upon that very power. This iconcentration of ownership²²⁵ is the origin of Butler's theory that the figure of the psyche 'turns' against itself. Deploying Foucault, Althusser, Hegel, Nietzsche, Freud, she discusses subjections and asks why a figure

²²³ See Chapter Eight on Hegemony and Developmental Journalism

²²⁴ In interviews with editors and journalists, they say that the majority of editors and journalists are black and not white. Yet by 2010 the ANC was reviving its talk of a Media Tribunal because it was unhappy with the media.

²²⁵ Media 24, Caxton, Avusa, Independent Newspapers are the four big companies which own the print media. However there is also the *Mail & Guardian* owned by Newtrust Company Botswana Limited

turns against itself? Is it about guilt, is it conscience, is it recognition of the interpellating name or is it a love of the shackles, as in passionate attachments, to norms of the past which oppress? The following extracts showed the editors' reactions to the social injunctions that came from the ANC leaders (RJR: November 1997). Their views were diverse and did not show unity on the basis of race, or unity on the basis of their profession. Some turned fully towards the voice of power, some made half turns and some made no turns at all. In other words the latter turned their backs on the injunctions, preferring to misrecognise the ideological hailing.

John Battersby: If you as President speak about senior black journalists being under the command of white editors, this has a demoralising effect on these journalists, and on the whole community.

Jim Jones: To suggest malevolence is not a fair reflection.

Mike Tissong (night editor of the *Sowetan*): As far as the press is concerned, it is sad to see that there is generally a negative tone. ...So when Mandela gets impatient in dealing with editors of newspapers that reflect this negativity, I strongly identify with him.

Thami Mazwai: Right now, black journalists are being questioned about their commitment to press freedom simply because the word patriotism features in their vocabulary. Because whites do not feel the same degree of loyalty to the new order, our bona fides are being questioned.

Mike Siluma (editor, *Sowetan*): ...much of the disagreement reduced things to race in an almost simplistic way. It is not as if when you resolve the racial issue you resolve the problem of the press and its relation to government.

Ryland Fisher, (editor, *Cape Times*): I was amazed at the anger and venom with which he raised his criticism ... By reacting the way he did, he also opens himself up to criticism that he is trying to manipulate the media through intimidation (and I challenge any editor who attended the meeting to tell me they did not feel intimidated).

Dennis Cruywagen: I was surprised. Never did I expect President Mandela to react the way he did. I would have thought that we'd moved away from the old days when press bashing was a must for the National Party heads of state.

Dennis Pather: Antagonism towards the media is certainly not restricted to the president. His views are shared by others in the cabinet, notably Deputy President Thabo Mbeki ... What about the question of black journalists wanting to please their white bosses? I have certainly not encountered this at Independent Newspapers KZN.

Battersby's response to Mandela's injunctions, that it had a 'demoralising effect on journalists', does not constitute any turn at all, as it does not respond directly to the issue at hand. Jones's comment that Mandela implying 'malevolence' was unfair was also not a turn either way, but it was a criticism of Mandela. Tissong's reaction to the hailing was to 'strongly identify' with Mandela, and this constitutes a complete turning against one's profession and towards the ideological interpellation. Mazwai's comment is one of the most interesting, where he reflects passionate attachment to an atavistic idea of race as the Master Signifier, even under the new democratic order. His comment that 'we as black journalists are suffering because whites in the profession do not have the same amount of patriotism to the country' is a complete 360 degree turn towards the voice of power. Siluma, on the other hand, saw Mandela's interpellation as ideological when he said that this was about essentialising race and it was 'simplistic'. Fisher made no turn, while admitting to being intimidated, he pointed out the obvious, that Mandela could be accused of trying to 'manipulate' the media. Cruywagen did not make a turn, but he too pointed out the obvious: that this had echoes of the National Party's interpellations of the media. Pather's statement that he had not encountered black journalists wanting to please their white bosses at Independent Newspapers concurs with my own experience, having worked at the same group, at *The Star* newspaper as a senior features writer in the late 1990s. *En passant*, having worked at most of the newspaper houses in the country, since 1990, I have not encountered any black journalist wanting to please white bosses, nor had it ever entered my mind as a black journalist to do so either.

Incidentally, Fisher, Tissong, Mazwai, Cruywagen and Pather, are all black. They all differed in their views on Mandela's interpellation. Three out of five did not accept the interpellations or hailings and their discourse showed no turning towards the voice of power, nor therefore a turn against themselves or their profession. Both Tissong and

Mazwai however did make that turn. Siluma hit the nail on the head, when he commented that the views about race were simplistic, particularly in 2008, when Duarte made her comments about a conspiracy in the media. By then, the colour of editors and owners had changed to more than 50% black; the press remained critical and the ANC remained unhappy about the media's criticisms. As Fisher pointed out, the ANC's response to criticism was 'manipulation' and 'intimidation'. For Butler, this would be subjectivisation. The outcome was a process of establishing the media as 'other', and signalled a view from the ANC that suggested that if you were not with us, then you were not only the other, but an enemy rather than a legitimate adversary. As Raymond Louw, editor of the *Southern Africa Report*, observed about Mandela's interjections: 'There is an air of the schoolmaster bringing pupils to heel in the manner in which he uses the term "to correct" them' (ibid).

In other observations about this meeting, Professor Arrie de Beer, head of Communications at Potchefstroom University said that what was not clear during the meeting was what the future held for a free and independent press in a democratic South Africa in terms of its relationship with the government. He added that some in the ANC and Mandela in this meeting stressed that the press needed to play a more 'constructive role' in the nation-building process. 'This latter might imply that the press should rethink its adversary watchdog role' (ibid). The two analyses of Siluma and De Beer pointed to the three most contentious issues – those of race, the nature of democracy and a free press. Siluma's critique highlighted that racial identity of journalists was not the central issue in relation to democracy and a free press. In other words, it was not and should not be a Master Signifier. For De Beer Mandela's discourse was disturbing in its implications for a free and independent press. First, it was clear that Mandela did not appreciate nor accept the adversary watchdog role of the media. A more lapdog role was desired. Second, race was used both to ideologically interpellate and to manipulate. It seems to me that the irony is lost on Mandela because of his passionate attachment to the ANC and its central role in nation building, all else must be subordinate to this task and it overrides even his attachment to democracy. In other words, for this loyal press that was needed for the nation building

process, Mandela felt that he should have been able to rely more on black journalists, but in his view these poor black journalists were being oppressed by the white editors. Third, he found them to be unreliable, but then he couldn't blame them too much as they were under the instructions of their white bosses. Finally, the last contention to be alerted to was the issue of the 'conspiracy' and the 'agenda' of the media. As we can see from this discussion, this idea did not begin with Duarte in 2008, but originated earlier under the watch of Mandela himself, as analysis of his discourse shows. This was part of the social fantasy of Mandela and of the ANC. It was a construction of the media framed by the subjective gaze of the ANC. Pottinger of the *Sunday Times* responded to the Mandela meeting by saying:

[the] point I join issue with the President is his view that the media is conspiratorially hostile to his government and his rather quaint notion that to question a government viewpoint is to attack the personal integrity of its members [...] the sub text to this is the view often expressed in some ANC circles that articles are published with a 'hidden agenda' – implicitly unpatriotic or racist. I have at times listened dumbfounded to some senior ANC leader or other knowingly describe a secret 'agenda' in publishing this or that article at such and such a time. In every instance it was published as news that was in the public interest and, above all, available in time for the deadline (ibid).

Within Pottinger's observations were contained two important points. The first was the implicit watchdog role of the media and that sycophancy did not serve democracy. Second, his response showed the attempt by the ANC to exert political, social and moral authority over the media, via a conflation of party political interests and democracy. The discursive formation in Mandela's discourse was ideological, in which the idea of nation building supersedes that of open democratic contestation, where the latter is construed as 'unpatriotic and racist'. In Mandela's discourse, we also see a conflation of the ANC with 'the People', the upshot of which means that lack of loyalty to the ANC implied lack of loyalty to 'the People' and thus to the nation. The paradoxical functioning of 'the People' in Mandela's discourse resonates with Žižek's analysis of the totalitarian universe. Žižek suggests that the totalitarian universe could be most easily detected through analysis of phrases such as, 'the whole of the People supports the Party', thus showing the circular definition of 'the People',

In the Stalinist universe, 'supporting the rule of the Party' is rigidly designated by the term 'People' – it is, in the last analysis, *the only feature which in all possible worlds defines People*. That is why the real member of the People is only he who supports the rule of the party; those who work against its rule are automatically excluded from the People; they become 'enemies of the People' (Zizek, 1989: 147).

Zizek's definition of democracy was of a socio-political order in which 'the People' did not exist, certainly not as a unity, embodied in their unique representative. For Mandela, however, 'the people' existed as one united whole, and the people's unique representative was the ANC. There are four points to be made here. First, Mandela desired more unity with the media, meaning an uncritical and more favourable press. Second, he conflated the ANC's transformation project with the project of the media, shown in his words that 'we have a joint responsibility to address the problems in the country'. This is a serious misunderstanding of the role of the media. Third, there was a surplus attached to the media, meaning that there were excessive properties attached to it, for example that there was an agenda or conspiracy against transformation and the ANC. Fourth, the ANC was of the view that the media was one entity with a 'pack approach' to the ANC, as evidenced in the quote by Duarte, which is the entrée to the chapter.

Mbeki's Gaze on the Media (1999-2009)

President Thabo Mbeki 'enjoyed' a particularly acrimonious relationship with the media and, like Mandela, would have preferred a more sycophantic press, one that was in unity with the ANC. In the biography of Mbeki by Mark Gevisser (2007), it was particularly enlightening to track the second democratic president's relationship with the media. There was but the slimmest folder of negative references to Mbeki prior to 1994 was how Gevisser described the media's view of Mbeki (2007: 643). In fact, he observed that when Mbeki came to power in 1994, it was with the *Mail & Guardian's*²²⁶

²²⁶ The *Mail & Guardian* was one of the fiercest critics of the apartheid regime and maintained its fierce watchdog role of public figures after the advent of the first democratic election in 1994.

goodwill. The then editor of the paper, Anton Harber, wrote that Mbeki was a 'suave and experienced diplomat' and a 'moderator and conciliator'. The same newspaper was later to become Mbeki's fiercest critic, when in April 2001 a headline screamed: 'Is this man fit to rule?' Gevisser cited Mbeki's 'first volley against the press' at the Cape Town Press Club when he accused the media of 'harbouring a tendency to look for crises and to look for faults and mistakes' (op cit: 644). By 1995, Gevisser observed, Mbeki was branding any criticism of the ANC as racist.

Like Mandela²²⁷ before him, Mbeki also made it clear what he expected of black journalists at an address to The Forum for Black Journalists (FBJ), when he interpellated *Mail & Guardian* editor Anton Harber. Mbeki hailed: 'Now criticism and complaining is what I expect from him,' pointing to Harber. 'This forum, on the other hand, has to see itself as a change agent ...' He then urged black journalists to 'roll up your sleeves and stop whinging like a whitey. Get with the programme.' (ibid). From this point onwards, Gevisser commented, journalists accused Mbeki of wanting a sweetheart press, adding that even Mbeki's admirers such as *The Star* newspaper's political editor at the time, Kaiser Nyatumba, critiqued Mbeki's views as a sign of 'over-arching ... paranoia' (op cit: 645). This trend of paranoia, attempted subjectivisation and interpellation of the media continued throughout Mbeki's presidency. To counteract the effects of the hostile media, in 2001 Mbeki began a new 'tradition' in the ANC: he began writing on-line letters to the public. The rationale for this was that the organisation felt it did not have a voice. The following extract from the very first letter entitled: *Welcome to ANC Today*, sets out his rationale for his on-line discourse with the public, the main one being that the ANC had no 'representation in the mass media'.

First of all I would like to congratulate the Communications Unit on its decision to publish *ANC Today*. It is of critical importance that the ANC

²²⁷ However, it must be said that the discourse displayed by Mandela here is only one of other trajectories he has shown on the media. Take for instance, Heidi Holland's analysis of Mandela and the media: 'Nelson Mandela has a soft spot for journalists [...]. When facing the death penalty he asked British journalist Anthony Sampson to write the speech he delivered from the dock. Thirty years on, at a private lunch...he raised a glass to John Carlin to honor his journalistic excellence [...] when asked by journalist David Beresford why he would serve only one term as president, he replied 'because the *Mail & Guardian* told me to.' Holland concluded: 'Sadly, today's rulers risk squandering the Mandela legacy of embracing journalists in the interests of a healthy democracy' (*The Star*: Madiba and media freedom: 8 February 2010).

develop its own vehicles to communicate news, information and views to as many people as possible, at home and abroad. Clearly, the Internet provides an added possibility to achieve this objective. [...]. Historically, the national and political constituency represented by the ANC has had very few and limited mass media throughout the 90 years of its existence. During this period, the commercial newspaper and magazine press representing the views, values and interests of the white minority has dominated the field of the mass media. This situation has changed only marginally in the period since we obtained our liberation in 1994 [...]. We are faced with the virtually unique situation that, among the democracies, the overwhelming dominant tendency in South African politics, represented by the ANC, has no representation whatsoever in the mass media. [...] With no access to its own media, this majority has had to depend on other means to equip itself with information and views to enable it to reach its own conclusions about important national and international matters [...] The world of ideas is also a world of struggle. *ANC Today* must be a combatant for the truth, for the liberation of the minds of our people, for the eradication of the colonial and apartheid legacy, for democracy, non-racism, non-sexism, prosperity and progress (*ANC Today*: 26 January-1 February 2001).

In this first letter Mbeki set out his 'logic' or reasons for the need to write to the South African public as well as to an international audience. For him, in the same trajectory as Mandela, the mass media reflected white minority views and was unsupportive of the ANC; therefore, he had a duty to communicate with everyone so that the majority's views could be heard. The 'logic' appeared to be that if you were not supportive of the party, you were unsupportive of the national transformation project in the country. He conflated support of the transformation project with the party. It seemed to be that Mbeki regarded the ventilation of different ideas on transformation as a threat.

The following sentence on how unity of the nation can be achieved implied that there was only one view of transformation, all of society had to have the same opinion on change, 'The only way this will happen is if we proceed from common positions about the nature of the problems our country faces' (ibid).²²⁸ It was a dogmatic position²²⁹

²²⁸ Common positions are just not possible in a democracy which supports pluralism is one of my main arguments in this thesis.

²²⁹ See also Laclau and Mouffe (1985: 193). In their argument for a democratic revolution they assert that politics, rather than founded on the dogmatic postulation of any 'essence of the social' should be founded 'on affirmation of the contingency and ambiguity of every essence, and on the constitutive character of social division and antagonism'.

that placed political unity above all. This idea was also what Mouffe argued against in her analysis of Schmitt (1999: 5). In placing political unity above all else, she said, the space for pluralism, and therefore more tolerance in a democracy, was closed off. In this thesis, I argue that democracy is a floating signifier, in which identity should never be essentialised.²³⁰ Mbeki's pattern of discourse on the media followed the same trajectory throughout the decade of his presidency, but it started in his deputy presidency. The ANC, during Mbeki's presidency, also vilified the media as the following extracts show.

An article that appeared in the local media this week, originating from the Agence France Presse (AFP) news agency and distributed by the South African Press Association (SAPA), revives the wearily familiar theme of the supposed decline of popular support for the ANC [...] With its former chief whip in prison, his successor accused of sexual harassment and deputy President under a cloud after his financial advisor was jailed, the party which has dominated power since the end of apartheid appears intent on dragging itself through the mud on a weekly basis [...] where do so many media institutions get their stories about South Africans' attitudes to the ANC? (*ANC Today*: 24-30 November 2006).

Here, the ANC constructed the media as one that imagined stories, especially when it posed the question: 'Where do these media institutions get their views from?' The unwritten text was that the media should obtain their stories from the ANC. The ANC's discourse delineated articulately what the ANC's expectations of the press were, as seen in extracts below. It showed that these were excessive expectations and contained within it a surplus attached.

In this regard the opponents of our democratic revolution, who lack a significant political base among the masses of our people, have sought to use the domestic and international media as one of their principal offensive instruments, to turn it into an organised formation opposed to the national democratic revolution and its vanguard movement. Because of this objective reality, which is not of our making, this short

²³⁰ See Žižek (2004: 110) in *Iraq the Borrowed Kettle*: 'Is democracy a Master-Signifier? Without a doubt. It is the Master-Signifier, which says there is no Master-Signifier [...]' However while Žižek argues that democracy can be the Master-Signifier, I argue in this thesis that in South Africa democracy is a floating signifier, in other words it has meaning, but this meaning floats. There is no fixed meaning to democracy in South Africa.

series will, in part, rely on what some in the media say.[...] Whatever the intentions of the authors of these articles, which we do not know and on which we cannot comment, obviously what the journal would achieve, first because of its cover page, would be to tell the story that once again, and as expected, yet another African country, South Africa, was sliding towards the dismal failure that necessarily characterises the African continent! (ANC Today: Vol 7, No 33: 24-30 August 2007)

In the above communication to the public the media is spoken of in war-like terminology, it was an 'organised formation' that was an 'offensive' against the national democratic revolution. The central question for the media, according to the ANC, was whether 'our democracy will survive'. One way to describe this response from the ANC was that it was paranoid and defensive. The media, the letter said, thrived on the negative and downplayed the positive. This was a theme, trend and pattern of the ANC's discourse on the media that persisted and dominated the nature of the ruling party's discourse. The ANC during the Mbeki administration was extremely disappointed in the media and how it portrayed the country. During Mbeki's era the African Renaissance was a theme around which he portrayed his administration. It was meant to be an era of hope for post-colonialism, and so for this reason criticisms of the media seemed to be deeply embedded in his attachment to race oppression. Mbeki was "recalled" as president, by the National Executive Committee (NEC) of the ANC as President of the ANC, on 19 September 2008²³¹, in an 'effort to heal and unite the ANC' according to the ANC general secretary, Gwede Mantashe (*The Weekender*: 20-21 September 2008). The recall occurred directly after Pietermaritzburg high court judge Chris Nicholson's ruling which implicated Mbeki in a probable conspiracy against Zuma. By the time of the recall, and the next day's announcement by Mbeki (20 September 2008) that he had resigned, Zuma had the support of the ANC Youth League, Cosatu and the South African Communist Party, while ANC branch and regional structures were split in their support between Mbeki and Zuma. Deputy President Kgalema Motlanthe served the country as an interim president²³² until Zuma was officially inaugurated as President in

²³¹ *The Weekender* newspaper broke the news in its edition of 20-21 September 2008, with the article 'Mbeki Recalled'.

²³² Motlanthe served as President from September 2008 to May 2009, completing Mbeki's term of office, and was widely regarded as the caretaker President on behalf of Zuma. On the other hand, see also the Frank Chikane files, published in *The Star* newspaper in July 2010, where he says that Motlanthe's success in completing Mbeki's term angered those who wanted Mbeki and his legacy obliterated, buried and forgotten. (See *The Star*: The Enemy within:

April 2009. Motlanthe hardly commented on the media, save for one particular occasion. At the International Media Forum South Africa in May 2008, held in Johannesburg, he told international and local journalists that the ANC was as committed to press freedom as it was sixteen years previously. He then quoted the ANC's policy before it assumed power:

South Africa has been a closed society, with many restrictions on the flow of information. Legislation [...] the structure of media ownership, of media resources, skills [...] have undermined the access of information for the majority of the population. The ANC believes that the transition to democracy in South Africa entails a movement from a closed society into one based on a free flow of information and a culture of open debate (Motlanthe: 22 May 2008).

Motlanthe's discourse did not have the same tone and ring to it, nor was he anti the media in any injunction or ideological interpellation as in Mandela or Mbeki. There was no evidence of a conspiracy theory by the media against the ANC. The fact that there was no conspiracy theory, nor vitriol from Motlanthe is interesting because, in fact, he himself was a victim of the media either collaborating with sections of the ANC who wanted Motlanthe discredited, or being careless about not checking sources when the *Sunday Independent* (25 January 2009) under the headline: 'All the President's Women' published a story about Motlanthe's many lovers, one of whom was supposed to have been pregnant with his child. The source, the pregnant woman, later retracted the story in February 2009, and was found to be a liar. The newspaper group apologised to the interim President and he graciously accepted the apology without suing. In fact the newspaper's apology was small and tucked away compared to the front splash that the front page untrue story was given. Motlanthe downplayed the disgraceful newspapers saga and said it was a matter for the Press Council and Sanef to pursue.

22 July 2010). Motlanthe was previously secretary general of the ANC from 1997 to 2007, and before that was a trade unionist, and student activist. He also served in the ANC's military wing, Umkhonto we Sizwe, or MK.

Zuma's Discourse on the Media

Zuma was elected President of the ANC at the 52nd ANC policy conference in Polokwane in December 2007, at which Mbeki was axed in what could be called a bloodless coup. The two big resolutions adopted at this conference which concern this discussion were the disbandment of the Scorpions²³³ and investigation into a Media Tribunal. The Scorpions were to be disbanded within six months and the specialised crime fighting unit incorporated into the police force. Subsequently, ANC MPs passed a bill in parliament giving the nod to the disbandment. Six months down the line, the disbandment took place. On the second resolution, that the ANC should investigate the possibility of a Media Tribunal which will regulate the independent media, the debate culminated at the ANC's NGC meeting in September 2010 when there were more strident calls for a tribunal and a resolution was passed that Parliament should investigate the implementation of a Media Tribunal (See Appendix 3 for the wording of the resolution). However, following the Polokwane conference in December 2007, the following statement by the ANC contains references to a Media Tribunal. The extract below was written a month after the Polokwane conference took place.

The Lekgotla confirmed that the ANC must intensify its engagement with all sectors to promote the transformation of the media to reflect the diversity, interests and perspectives of South African society; and to facilitate the free flow of ideas and information, with due respect to the rights and dignity of all South Africans [...]. Particular attention needs to be paid to the growth and development of a sustainable media sector. The meeting called for the development of a broad-based black economic empowerment charter for the print media industry [...]. The NEC Communications sub-committee will soon set up a task team to investigate the establishment of a media appeals tribunal, which would strengthen and complement and support existing institutions (ANC NEC: 20 January 2008).

²³³ The Directorate of Special Operations, commonly referred to as the Scorpions was a crime fighting unit set up to fight corruption. ANC members had said that the Scorpions were "picking" on them, in the same way that the ANC has accused the media of "picking" on them. See also, *Business Day*: Scorpions picking on us, say ANC leaders: 16 January 2008

First, the above extract elucidates a somewhat vague rationale for more regulation, including a tribunal. Secondly, no details were spelt out as to what the specific mandate of the task team to 'investigate' the setting up of a tribunal would be, or how it would be constituted. Thirdly, there were contradictions in the ANC's statements. In one letter it stated that free flow of ideas and information would be facilitated, while at the same time it proposed further regulation in the form of a charter and a tribunal. Both these kinds of regulations, constitutional law experts were quick to point out, would restrict a free flow of information and could be unconstitutional. For instance, Chief Justice of the Constitutional Court, Pius Langa, in a speech at the Durban University of Technology stated: 'The courts do not want a media that is uncritical and overly respectful' (*The Star*: 31 March 2008). He said that both the judiciary and the media were of critical importance to the country because they play a central role in keeping our government in check and holding it accountable for the exercise of its mighty powers. 'The independence of the judiciary and freedom of expression are two pillars of an open and democratic society' (*The Star*: 31 March 2008).

Similarly, media lawyer, Dario Milo, partner at attorney's firm Webber Wentzel and author of *Defamation and Freedom of Speech*, in commenting on the matter of regulating the media and its impact on a democratic society felt that one of the most 'controversial proposals' to emerge from the ANC's Polokwane conference in December was that the establishment of a statutory Media Appeals Tribunal should be investigated for print media (*Sunday Times*: 4 May 2008). He wrote that 'the manner in which a democracy regulates its print media is a barometer for the extent to which the democracy is truly free', adding that the print media was already highly regulated: 'Important aspects of common law, such as laws of defamation and privacy, govern what may be published. A bottomless pit of legislation, [...] criminalizes certain publications.' (ibid). What the ANC aimed to change via the Media Tribunal is the system of self regulation that existed: the Press Council and the Ombudsman. The Ombudsman received and adjudicated complaints about issues such as factual accuracy, right of reply and invasion of privacy. However, the ombudsman's sanctions were limited. While the ombudsman might rule that a newspaper that infringed the press

code should publish a correction, a retraction and an apology, the ombudsman could not impose fines or award compensation. If this system is replaced by statutory regulation, then a government body would have the power to interfere with the content of publications which of course would restrict the public's right to information on matters of public interest.

The following are extracts from a long January 2008 Letter from President Jacob Zuma:

The Voice of the ANC Must be Heard

... Every day brings fresh instances of a media that, in general terms, is politically and ideologically out of sync with the society in which it exists [...]. The media, viewed in its totality, should be as diverse as the society which it serves and reflects. This is clearly not the case in South Africa today. At times, the media functions as if they are an opposition party [...] The freedom of the South African media is today undermined not by the state, but by various tendencies that arise from the commercial imperatives that drive the media. The concentration of ownership, particularly in the print sector, has a particularly restrictive effect on the freedom of the media. The process of consolidation and the drive to cut costs through, among other things, rationalisation of newsgathering operations, leads to homogenisation of content (ANC Today: January 2008).

Zuma's view is that the media is not diverse and that the threat is not from the political arena and from the state but from commercial imperatives, a la Jane Duncan's critique of the ANC's critical political economy argument. However, to analyse his discourse from a post-modernist, radical democracy and psychoanalytical framework, it is argued here that Zuma, like Mandela and Mbeki, clearly dreams of unity or reconciliation with the media; an impossible reconciliation, but he has not, unlike Mandela and Mbeki, essentialised the floating signifier, race. How could the media be 'ideologically out of sync with a society', when in fact society itself was diverse? This was precisely what Mouffe developed in her thesis: there could be no unified society as such because of its fractured, plural and diverse nature. Therefore, there could not and should not be one view in the media representing society as such, as a totalised, essentialised entity or whole. But what Zuma seemed to be arguing for was the need for a media that was

ideologically in sync with the ANC. After all the ANC were the true and only representatives of the People. The logic is 'the People' support the ANC, and the media is critical of the ANC, therefore the media is out of sync with 'the People'. It is a social fantasy. 'At times, the media function as if they are an opposition party'. What Zuma referred to here was a view of the media as a 'totality'. In effect this inaccuracy reflected the social fantasy as neither the media 'as a whole' nor society as a whole exist as such. Both are diverse, fluid with non-fixed. It was because the media, as viewed by Zuma, was critical of the ANC, that he then viewed it as functioning like an 'opposition party'. Like Mandela and Mbeki before him, Zuma conflated party political interests with the interests of 'the People'. In the end Zuma's conclusion was that it was 'commercial interests' of the media that were to blame for homogenisation of content, and in the end newspapers were out of sync ideologically with 'the people'. This view will now be probed. The discourses of Mandela, Mbeki and Zuma were distinctive examples of how attempts are made to stabilise the ruling party's identity by creating 'the other', that is 'the media', as outsiders in a democracy and as antagonists rather than legitimate adversaries. Zuma was the first ANC President to call for a Media Tribunal. Such a measure would signify the most repressive measure ever taken against the media, either during apartheid or in the democratic era in South Africa.

6.3 Subjection to Come: the Media Appeals Tribunal

A new set of journalists and editors, in 2008, as compared to those in the mid 1990s that Mandela interpellated, were acutely aware of the ideological social fantasy of the ANC in wanting more regulation. In much the same vein as Žižek, the media seek 'Che Vuoi', translated not so much as 'what do you want' but rather 'what's really bugging you?' (1989: 87-128). What the interviews below reveal is that the journalists saw that a series of floating signifiers were quilted into the one Master Signifier 'transformation', which in the quilting signification meant loyalty to the ruling party. Žižek wrote of democracy: 'In the last resort, the only way to describe 'democracy' is to say that it contains all political movements and organisations which legitimise themselves, designate themselves 'democratic': the only way to define 'Marxism' is to say that this

term designates all movements and theories which legitimise themselves through reference to Marx, and so on.' (op cit: 98). In the same way, what the editor interviews suggest is that the ANC expects the media to consign democracy and its legitimacy to the signifier 'ANC' in its reporting. This, they argue, is at odds with their profession and with democracy itself. This is what is really 'bugging' the ANC.

Reflecting on regulation and press freedom *Sunday Times* columnist, also the Opinion Page editor, Fred Khumalo, observed that Duarte's comments regarding more regulation were reminiscent of the old regime in South Africa. The commemoration of Black Wednesday in 2008, he wrote, brought into sharp relief the reality that freedom of the press is a contested terrain, even under a democratic dispensation.

Indeed it is true that with freedom comes responsibility. Media practitioners do need to [...] publish with due consideration for ordinary citizens' right to privacy and dignity. At the same time, the South African public deserves the right to information. Duarte [...] said unequivocally that she was not comfortable with the current situation in which the media is self regulatory. [...] one has to conclude that the ANC wants a government tribunal vetting and passing judgment on media conduct ... It will mark the beginning of a gradual erosion of the media's right to inform. [...] It is indeed reminiscent of the 80s when, during the state of emergency, media organisations had to submit stories on violence to the then department of information for approval....Against this backdrop Duarte's expressed opinion about how the media should be governed is a veiled threat against media freedom. Her opinion lays the foundation for a gradual, systematic trammelling of freedom of the press. Once you interfere with the media's voice, you are effectively curtailing a necessary conversation between various sectors of our society. You are muzzling us. And that is the antithesis of the democratic values that lie at the heart of a nation we are building' (*Sunday Times*: 19 October 2008).

Khumalo's view was clear: the ANC, through the prism of its spokesperson, Jesse Duarte's discourse was anti-democratic. He drew on the similarities between the new government and the old, repressive apartheid regime. It seems that both had a vested interest in protecting themselves from stories that an independent media would, could and often do tell. The following extracts above served to expound the ANC's enormous

difficulty with the media, as well as to elucidate the rationale behind the looming regulatory threats as outlined by the above two commentaries, from Khumalo and Milo. What the extracts below serve to show is how seriously the ANC takes the media. It seems clear that all stories were scrutinised for bias against the ruling party well before Polokwane. A view from a foreign journalist in May 2008 is insightful, as this commentary from an 'outsider' perspective also shows that there was tension, not just with the local press, but also between the international press and the ANC-led government. Africa head of Agence France Press, Isabel Parenthoen said in an interview:

The biggest problem the international media face in South Africa is access to information from government. There is also paranoia with the way government reacts to questions, with a denial to everything. They think we are just stupid, and we are often called racists. (Interview: 15 May 2008).

Parenthoen was also a speaker at The International Media Forum South Africa (IMFSA) on 21-22 May 2008 in Johannesburg, which brought together government, business, the ANC and international and local editors to discuss the negative image of South Africa in the media. In the above quote she noted two important 'logics' in operation: first, if you criticise the government you are termed racist and second, she pointed to the excess attached when she uses the term 'paranoia' with which the government reacts to questions. Clearly, there is an over-investment by the ANC on the media. She continued:

My impression is they regard us as a nuisance. But what about the role we have played in telling the world about apartheid? [...] The ANC feel they don't need to explain anything. But we want to understand the politics and their position on AIDS, crime and Zimbabwe, for example. The government is missing its chance with the media (ibid)

This interview served to show one of the views from the perspective of the international media that, in fact, there was a need to understand more from the ANC and the government and how it operated. It was the other side of the story, so to speak, from the

ANC leaders' discourse on their problems with the media. At the same conference, local journalists reflected on whether they felt the media was under political threat from the ANC.

Do Journalists feel they are Free to Report Unhindered in the Country?

This section examines, through interviews, how journalists view their role in a democracy, and then how they view the possibility of a Media Tribunal which would curb their freedom to report without fear. First, however, I turn to a panel discussion which I attended at the International Media Forum South Africa, held on 21 May 2008 in Johannesburg. One of the sessions was entitled: Is the press free in South Africa to report what it wants? Editor of *Business Day*, Peter Bruce, the then editor of the *Mail & Guardian*, Ferial Haffajee and Press Ombudsman, Joe Thloloe, were the three panellists. Bruce expressed the view that South Africa was one of the freest countries in the world in terms of press freedom. 'Here editors do not walk on eggshells' (IMFSA, May 2008). Haffajee said: 'We should be vigilant about press freedom in this country. Many of my colleagues say there will never be a Media Tribunal; many of my colleagues also said that Jacob Zuma would never become ANC president'. The media in South Africa, she stated, was 'at present robust and free' (ibid). Haffajee then pointed to the role the press had played in exposing corruption in the police force. 'The national police commissioner Jackie Selebi has been suspended as a result of a series of exposés on corruption, and ANC President Jacob Zuma faces corruption charges due to media exposés. Media freedom is a key component of democracy' (ibid).

For Thloloe the problem was that: 'The ANC had not 'internalised' the idea of press freedom. You will still find today', he observed, 'a policeman harassing a cameraman, newspapers having to obtain interdicts, and complaints from the public who believe that you should be supporting a particular party. There is a misunderstanding of what freedom of the press is' (ibid). Thloloe also raised the contention of the Media Tribunal, informing the conference that at 'the moment the ANC says it is investigating the matter. The fact that it was raised at all is cause for concern. Of course, we can go to the

Constitutional Court on this matter' (ibid). What the above discussants at the conference showed was that they were responding to signals that press freedom was under threat.

The proposal to investigate the possibility of a Media Tribunal made at the ANC policy conference in Polokwane in December 2007 and then again at the ANC's NGC in September 2010, was clearly an attempt at subjectivisation. What is subjectivisation?²³⁴ It is the making of a subject. For how a subject becomes a subject, I return to Judith Butler's theory of subjection, that it was a paradoxical form of power:

To be dominated by a power external to oneself is a familiar agonizing form power takes. To find, however, that what 'one' is, one's very formation as a subject is in some sense dependent upon that very power is quite another (Butler, 1997: 2).

The key words in Butler's theories of subjection are 'reflexivity'; 'passionate attachments'; 'loss' and 'norms'. For her, 'norms' were not fixed, and 'turns' could be unpredictable. Butler theorised that no subject emerged without a psychical and passionate attachment to norms – the very same norms that oppressed or subjugated it. This happened through a turn: described variously as a reflexive turn, sometimes a violent turn or a melancholic turn towards the voice of authority. The subject was thus produced by a turn, but where agency then came in was in the fact that any turn could take unpredictable paths. For instance, Annika Thiem explained reflexivity, turning on oneself, as in Butler.

For Butler, the process of becoming a subject is a process of becoming sub-ordinated by power with power and this subjection becoming the necessary condition of existence of the subject. This form of power is the turning back upon oneself or even turning on oneself (Thiem, 2002).

²³⁴ According to the Oxford English Dictionary subjection means: The act or fact of being subjected, as under a monarch or other superior power; the state of being subject to, or under the dominion of another; hence *gen.* subordination ... The condition of being subject, exposed, or liable to. Then see Foucault: There are two meanings of the word "subject": subject to someone else by control and dependence, and tied to his own identity by a conscience or self knowledge (1994: 331)

Whereas Butler's work has had enormous impact in feminist theory, gender liberation politics as well as in gay and cultural theory, I have applied the concept of turning, but have in addition refined this by adding a component which rather better explicates the ways in which some media respond to the ANC. I have developed a concept of half turns by the media towards the interpellating voice of the ANC. This was discussed in the preceding chapter on freedom of expression and Zapiro and will also be discussed in the turns made during the subjectivisation of the *Sunday Times* in the next chapter. The question we now turn to is how journalists responded to the threat of a Media Tribunal in 2008?

6.4 Editors' Gaze in 2008 on the Possibility of a Media Appeals Tribunal

The following interviews, of editors, black, over 35 years old, experienced and would have traversed the transition, serve to explore what 'turns' journalists made in the light of the attempted subjectivisation in the form of the desire by the ANC to investigate a Media Tribunal. The research question was: what is your view of the future of the independence of the media given the ANC's proposals for a Media Tribunal? The most striking points to emerge from these interviews, at this point, that is 2008, were: most of the journalists felt that the ANC did not know how to implement a tribunal, therefore it was unlikely to happen; that should such a tribunal be instituted they would fight it at the Constitutional Court; and finally they could see that the ANC was attempting closures of their open spaces.

There is a media boom here which is great; there is competition for readers and competition is good. The *M&G* today is more financially viable than it's ever been; that's because people are reading it. Today the *Sunday Times* has more black readers than white ... But the call for a tribunal is ominous and is an example of something the ANC has badly thought out. ... I don't think it will work; it will flounder, the same way that Essop Pahad²³⁵ said 'Let's pull advertising'; then didn't do it.

²³⁵ Essop Pahad was Minister in the Office of the President in January 2008 at the time of the interview

The ANC is so divided; the new leadership itself is divided. (Justice Malala, Interview: 23 January 2008)²³⁶

It would be too harsh to opine that Malala is steeped in denialism, for the future is unpredictable, and there is indeterminacy in the democracy as it unfolds, but his view that the ANC has not thought it out enough and the ANC is divided, is not enough of a reason that the tribunal would not be established. Nevertheless, Malala's discourse shows a concern about the possibility of a tribunal. In the same way as Malala, Rehana Rossouw felt that because it was not thought through enough, she had doubts that such a proposal could become a reality.

I don't think it will come to this. It is something that needs to be thought through to be established and they, the ANC, have not given it proper thought. ... I'm sceptical that such a thing as a tribunal can go through, given our Constitution that guarantees press freedom. The courts have consistently ruled within our legal framework that stipulates freedom of expression (Rehana Rossouw, Interview: 24 January 2008).²³⁷

Rossouw's doubts about the possible instituting of a tribunal hinged around the constitutional guarantees about press freedom, and the fact that the courts, to date, had consistently ruled within the legal framework of freedom of expression. Mondli Makhanya offered another reason as to why he believed that the tribunal would not happen.

I don't think that the tribunals will happen. It will present a terrible image of them. And if they try to do this, we will oppose them. We will go to the Constitutional Court with the matter (Mondli Makhanya, Interview: 24 January 2008).²³⁸

Makhanya felt that the reason the tribunal would probably not be instituted was due to the fact that it would ruin the image of the ANC. He was clear about which way he would

²³⁶ In 2008 Malala was magazine publisher for Avusa, political commentator at ETV, columnist at *The Times* and in 2010 held the same positions.

²³⁷ At the time of the interview, in 2008, Rossouw was editor of *The Weekender*; in 2010 she was features editor at the *Financial Mail*.

²³⁸ At the time of the interview, in 2008, Makhanya was editor of the *Sunday Times*. In 2010 he became Avusa editor-in-chief.

turn should a tribunal indeed take place. It would be recourse to the law. Hopewell Radebe goes further than Malala, Rossouw and Makhanya:

Tribunals could happen. This will be fought by the editors' forum. Unfortunately journalists are not organised as they used to be. SAUJ²³⁹ does not exist any more, and Mwasa²⁴⁰ is almost non-existent. This, the tribunal issue, could be the thing that will bring journalists together. Justice Pius Langa²⁴¹ has said that journalists must not wait for something to become a law before they fight it (Hopewell Radebe, Interview: 24 January 2008).²⁴²

Radebe made two points in the above extract. First, that he could see there was a possibility that it would happen. Two, he had little faith in the organisation for action within the journalist fraternity, as it stood in 2008, and he was correct that, should the tribunal become more of a reality, it could be an impetus for more united organisation and action within the journalist profession. This took place in 2010.²⁴³ Similarly, Abdul Milazi, in the next interview, felt that agency on the part of journalists was the critical issue.

It will all depend on the media itself, whether it lies down and plays dead or whether it stands up and fights the proposed controls. Embedded journalism has no future in any democracy. Freedoms need to be protected and governments cannot be trusted with that role. So the media will have to take up that role. But again the media also needs to be policed, but not by the government. An unchecked media can have similar outcomes as an unchecked government. The media also has stakeholders ... who have ...personal interests to promote. And that's the truth we cannot run away from (Abdul Milazi, Interview: 8 February 2008).²⁴⁴

²³⁹ The South African Union of Journalists (SAUJ)

²⁴⁰ Media Workers Association of South Africa (Mwasa)

²⁴¹ Justice Pius Langa was, in 2008, chief justice of the Constitutional Court

²⁴² Radebe in 2008 was Foreign Editor at *Business Day*. In 2010 he still held this position.

²⁴³ In 2010 Sanef was a key leader in the Right2Know campaign which saw 350 organisations and over 9000 individuals sign up to oppose the Secrecy Bill and the enactment of the Protection of Information Bill (see *Mail & Guardian*: 22-29 October 2010).

²⁴⁴ At the time of the interview Milazi was a senior journalist at the *Business Times/Sunday Times*. In 2010 he was news editor at *The Times*.

For Milazi: 'It will all depend on the media itself'. The question must be asked, would the implementation of a tribunal really depend on journalists' agency, or was the ANC powerful enough to do whatever it liked. However, Milazi goes further than the other journalists to observe and concede that the media industry should also gaze at itself and examine what interests it wished to promote. The common thread in the responses by the journalists was that The Constitution would protect their freedom to report without intimidation and that regulation in the form of a tribunal should be, and would be, fought. It should be noted, however, and this was alluded to by Radebe, that organised once-active lobby media bodies were now dormant. Milazi's comments were salutary from two points of view. One, the media should not believe that it was a law unto itself and should not be completely free to do as it pleased. However, there is no view forthcoming from any quarter as to what kind of regulation is acceptable. Second, he averred that it would depend on journalists' actions or lack thereof: 'It will all depend on the media itself, whether it lies down and plays dead or whether it stands up and fights' (Interview: 8 February 2008). What Milazi was arguing for was a media that showed it was an important part of civil society and could and should exercise its agency and act, if such a tribunal did indeed become institutionalised. Butler's theory that subject formation took place through a subject turning towards the voice of authority – or making unpredictable turns, could be married with Milazi's view that what happened was contingent upon actors as agents of their own destinies.

In comparison with the editors' views on whether a Media Tribunal would be instituted in South Africa, media experts, analysts and NGO players, in 2008, were less ambivalent. In fact, from the interviews below, it could be argued, that they felt the tribunal could indeed happen, which would subject the media to immense subjection. For *Mail & Guardian* ombudsman, who has researched Media Tribunals across the world, Franz Kruger,²⁴⁵ and to some NGO media players, Paula Fray and Tendayi Sithole, a Media Tribunal was far from unlikely in South Africa. Kruger observed that while media appeal tribunals 'existed only at Polokwane', the ANC had not accepted what it meant to have a free and independent media, but 'it was not impossible tribunals could be instituted, and

²⁴⁵. Kruger is also a senior lecturer at Wits University's Journalism Department

the ANC would couch it in terms of 'development and transformation' (Interview: 13 July 2009). Media trainer and gender development activist in the media, Paul Fray, concurred: 'The possibility of Media Appeals Tribunal exists. The warning signs are there. We should not be complacent about our democracy' (Interview: 21 July 2009). A researcher at the Freedom of Expression Institute, Tendayi Sithole commented:

If the media becomes accountable to Parliament, that will compromise the independence of the media. The Tribunal will be subject to executive abuse since Parliament is largely dominated by the ANC. Many events bear testimony to this – the Arms deal, the SABC sagas, disbanding of the Scorpions. Not forgetting the fact that the print media and the ANC government are often at loggerheads in terms of their role in society and there are things that the government does not want the media to report on. The rhetoric of the ANC towards the media is often harsh and clearly shows intolerance as the media is also referred to as a 'liberal media' which is betraying the revolution. As such, the ANC would like a situation where the media is a mere lapdog that should blindly support the 'revolution'. Since there is no clear separation of the legislature and the executive, it is clear that the executive will bypass the legislature as in the Mbeki's era. In sum, the institution of a Media Tribunal is hogwash, since the ANC is not clear how the body will work, but signs are clear that it wants to control the media (Tendayi Sithole, Interview: 25 July 2008).

Sithole's view was that the ANC desires to control the media, while Fray's and Kruger's observations all point to the possibility that a Media Tribunal could be instituted in South Africa, which would have dire consequences for how the media would play its role to deepen democracy. The above issues by media researchers and commentators also relate to agency, the media's role in civil society, which will be addressed in greater detail in Chapter Eight on 'hegemony dressed up as developmental journalism', but at this juncture I wish to conclude with the issue at hand, the ANC's gaze on the media. In 2009, there was no evidence of the ANC taking its December 2007 Polokwane Conference proposal seriously. The idea seemed to have been in abeyance, until preparation began for the ANC's national general council (NGC) which took place on 20-24 September 2010 in Durban.

6.5 The ANC's Reasons for a Media Appeals Tribunal: 2010

The main reasons that the ANC argues for a Media Tribunal include the following: the present self-regulation system does not work as it skews the decisions of the Press Council in favour of the media; there is insufficient protection given to those whose rights have been violated by the press; the Press Council is “toothless” as it cannot levy fines and merely asks for apologies to be made, and when these are made they are insufficient in size and stature to the damaging article. The ANC has also argued (Nkuna 2010) that independent regulation exists in broadcasting but has not resulted in censorship. Nkuna correctly points out that the retractions after mistakes have been made have been hugely out of sync with the mistake: ‘The existing practice of imposing corrective actions only in the form of retractions in the less significant sections of the newspapers runs short of meeting the media's fiduciary role to promote the rights of others. There is usually a big chasm between offending newspaper articles and the apologies issued by the media.’

In its discussion paper *Media Transformation, Ownership and Diversity* (2010) the ANC provided the background to its renewed call for a tribunal.²⁴⁶ It said that at its 51st conference at Stellenbosch on 16-20 December 2002, the ANC had called for ‘transformation’ of the media: ‘the ANC reaffirmed the importance of a free and diverse media to the democratic process and to the task of fundamental transformation’. First, the paper states that its objective was ‘to vigorously communicate the ANC's outlook and values (developmental state, collective rights, values of caring and sharing community, solidarity, ubuntu, non sexism, working together) versus the current mainstream media's ideological outlook (neo-liberalism, a weak and passive state, and overemphasis on individual rights, market fundamentalism). Second, the media needs to contribute towards the building of a new society and be accountable for its actions. Transformation in the media needs to target the entire value chain and investigate anti-competitive behaviour if any. Third, a cursory scan on the print media reveals an

²⁴⁶ See also Lumko Mtimde (2010) Differentiate between Media Freedom and Commercial Agenda in ANC Today Vol 10, No 28 30 July-5 August 2010

astonishing degree of dishonesty, lack of professional integrity and lack of independence. Editorials distancing the paper from these acts and apologies which are never given due prominence and mostly which has to be forced through the press ombudsman are not sufficient in dealing with this ill. Fourth, 'the abuse of positions of power, authority and public trust to promote narrow, selfish interests and political agendas inimical to our democracy' and 'this points to the fact that the problem of what is called 'brown envelope' journalism. This type of rot is a much more serious problem than the media is willing to admit.' Fifth, 'freedom of expression needs to be defended but freedom of expression can also be a refuge for journalist scoundrels, to hide mediocrity and glorify truly unprofessional conduct. Freedom of expression means that there should be objective reporting and analysis which is not coloured by prejudice and self interest.' Sixth, 'the creation of a MAT would strengthen, complement and support the current self-regulatory institutions (Press Ombudsman/Press Council) in the public interest. Currently, citizens are subject to the decisions of the Press Ombudsman or taking the matter to Courts if s/he is not satisfied with the ruling of the Press Ombudsman. As a result, matters take long to clear the names of the alleged wrong doers by the media. Further, this is an expensive exercise for an ordinary citizen. Seventh, the 52nd National Conference Resolution tasked the ANC to investigate the desirability of setting up an independent statutory institution, established through an open, public and transparent process, and be made accountable to the Parliament of South Africa (ANC, 2010). Before turning to the protests from editors, civil society groupings and members of the public, as well as international media organisations, business and a law society, among other bodies, that the ANC wished to impose a statutory Media Tribunal, there are a few points to note in the above seven points by the ANC in its rationale for the Tribunal.

First, the ANC's ideological social fantasy seems to be that there should be only one outlook in a democracy. The conception that the ANC has of democracy is of unity and consensus, hence it finds it difficult to accept the different perspectives present in the media. Nor does the ANC substantiate its views that the media reflects a single oppositional perspective. Its social fantasy of a unitary 'outlook' means that it is unable

to deal with criticism. Equating journalists' stories with the interests of owners of the media houses constitutes a reductionist conflation of the relationships of relative autonomy enjoyed by journalists. Jane Duncan puts the point aptly, 'Critical political economists recognise that in commercial media contexts, journalists cannot be reduced to the interests of owners and managers. This is because journalists can and do exercise relative autonomy from owners' (*The Star*: 6 August 2010).²⁴⁷ Second, that the media needs to be accountable for its actions to certain norms and values of professional conduct has never been in dispute within the media industry, but that it needs to be accountable to Parliament, the majority of whose members are ANC members, is what constitutes political control and an unprogressive hegemony. The ANC was not impressed with the self-regulatory mechanism of the media in which the veteran and well respected journalist Joe Thloloe, hears disputes with a representative of the public and a media representative. Appeals are heard by a retired judge, Ralph Zulman, who sits with a media representative and a public representative. The Ombudsman has issued a number of judgments against the media, often requiring the publication of prominent and sometimes front page apologies.²⁴⁸

Third, the issue of 'dishonesty' in the profession arose only when the ANC attempted to tarnish the whole industry after an incident of bribery when journalist Ashley Smith of the *Cape Argus* accepted a bribe from former Western Cape Premier Ebrahim Rasool. The ANC could not show how this was rife throughout the profession, nor did it have any argument to those who pointed out that Smith was widely condemned in his own industry and was fired from his job, while Rasool who made the bribes was promoted to ambassador to the United States *after* it was discovered that he had bribed a journalist. The bribery issue was used as a stick to beat the journalist profession with, but the ANC did not examine its own actions when it promoted the briber Rasool.

²⁴⁷ See also Cowling and Hamilton (2010: 96) in their paper *Thinking Aloud/Allowed* where they argued that there was some autonomy on the part of SABC journalists, separating them from the idea that they were just doing their masters bidding. 'Even where the paymasters – the SABC executives share the ANC's notions of nation and development, the journalists act independently according to journalistic standards and professional practices.'

²⁴⁸ See Mondli Makhanya: 'The ombudsman has given some very harsh rulings against the media which, even though respective editors may not agree with, we abide by without fail' (*The Star*: 16 August 2010).

Fourth, the fact that apologies for inaccuracies in reporting were not always printed in the front page of the newspaper, the ANC could have discussed with the media industry, rather than imposing a draconian measure such as a tribunal. As executive director of the Freedom of Expression Institute, at the time, Ayesha Kajeer observed 'neither journalists nor politicians are above the law'. However, she also pointed out that the FXI was 'gravely concerned that political interference in the South African media landscape seems to be increasing' (Ayesha Kajeer, FXI Press Statement: 6 August 2010). The call for a Media Tribunal, she argued, arose from the ruling party's perception that major media companies in the country were 'hostile' towards it (ibid). Others shared the view that the proposal for a tribunal was based on a desire for political control over freedom of expression and over ownership of the media, and that the tribunal was aimed at intimidating journalists to stop them publishing embarrassing stories about government corruption.²⁴⁹

Moreover, the planned subjection went against the various treaties to which South Africa was signatory. The Media Institute of Southern Africa (Misa) reminded the government, 'that the planned legislation went against internally recognised mechanisms of self-regulation, as well as other international tools such as the Universal Declaration of Human Rights, the African Charter on Human and Peoples Rights, the Declaration of Principles on Freedom of Expression in Africa, and the Windhoek Declaration²⁵⁰, which South Africa has ratified'. (*The Star*: 18 August 2010). Milo and Stein summed up what many organisations thought, for example, The World Editors Forum, Committee to Protect Journalists, US ambassador to South Africa, International Press Institute, Misa, Sanef, and individual journalists, academics and public intellectuals for example, Eusebius Mckaiser: (*The Star*: 16 August 2010) Zohra Dawood and Mamphela Ramphele, among many journalists who wrote in opposition to the curbs on press freedom.²⁵¹ Explaining the opposition to the Media Tribunal, Dario

²⁴⁹ See, for example, Haffajee quoted in *Business Day*: 19 August 2010.

²⁵⁰ The Windhoek Declaration is a 1991 statement by African journalists supporting freedom of expression.

²⁵¹ See articles by various journalists: Ray Hartley (*Sunday Times*: 8 August 2010); Fred Khumalo (*Sunday Times*: 8 August 2010), Makhudu Sefara (*Sunday Independent*: 1 August 2010; Justice Malala (*The Times*: 16 August 2010), Heidi Holland (*The Star*: 16 August 2010), Mpumelelo Mkhabela (*Sunday Independent*: 15 August 2010, for example.

Milo and Pamela Stein wrote: 'Government oversight of the content of publications and/or sanctions and fines for journalists who the government deems to have engaged in 'irresponsible' reporting will effectively lead to both external and self-censorship and have a chilling effect on freedom of expression. A tribunal of this nature would be a serious restriction on the right to freedom of expression enshrined in section 16 of the Constitution. It would also represent a step backwards for accountability and transparency in government affairs' (*Saturday Star*: 7 August 2010).

6.6 Concluding Reflections: the Excess and the Surplus: 'You media are just hysterical'

Hysteria is one of the forms of neurosis, the other being obsession, according to Sarah Kay (2003: 164). If the media was hysterical in its reactions to the curbs on press freedom, what about the over 350 civil society organisations and over 9 000 individuals who signed the Right2Know petition (*Mail & Guardian*: 22-29 October 2010)?²⁵² They were united around a common understanding of the stipulation in the Constitution in support of freedom of speech. Their discourse signalled openings rather than closures. By contrast, the ideological interpellation of the media by the ANC and its partners, the ANC Youth League and the SACP, showed a 'surplus' and 'excess'. The idea of surplus and excess suggests the last support of ideology. This raises the question alluded to by Žižek (1989: 107): what if evil resides in the very eyes of those perceiving evil? He referred to the example of how children were portrayed in Charlie Chaplin films: they were teased and mocked, laughed at for their failures. The question to ask is from which point or gaze must we look at children so that they appear to us as objects of bullying and teasing, not as gentle creatures in need of protection? (*ibid*). Žižek answers, why, from the point of view of children themselves. Children treat their peers in this way. Jackson Mthembu referred to the media as hysterical: 'You media are just hysterical. Why can't you just listen to what we are saying?' (Interview: 13 August 2010). But one

²⁵² By November 2010 these numbers had swelled, see Epilogue

must turn the question around, as in the gaze, to ask if he is not the hysterical one.²⁵³ It was, after all, within his discourse in the run up to the NGC that the surplus and excess is contained: 'If you have to go to prison let it be. If you have to pay millions for defamation, let it be. If journalists have to be fired because they don't contribute to the South Africa we want, let it be' (*Mail & Guardian*: 23-29 July 2010). The ideological fantasy of the nation and the role of the media in its creation are evident in this statement. There is an excess and surplus attached to the discourse that presupposes a particular kind of 'South Africa'. This then raises the question of what this might be and for whom? For the ANC there is clearly a conscious fantasy that South Africa should take the form of its vision, which though unsaid is that which was articulated not so much in its own founding documents as in The 1955 Freedom Charter which grew out of the Congress alliances of that time. The vision was appropriated by the ruling party once it obtained hegemonic power after the failure of the Government of National Unity. The ANC then articulated a conscious fantasy that the whole of 'the People' supports the party and therefore the whole of the media should support the party. This perspective is evident in the discourse of Secretary General of the ANC (elected to the position in 2007), Gwede Mantashe:

A Media Tribunal is required to deal with the so-called 'dearth of media ethics' in South Africa. A Media Appeals Tribunal will help to 'correct' the anti-ANC bias in the media. The media is driven by a dark conspiracy to discredit the National Democratic Revolution (Biz Community: 30 July 2010).

The conspiracy theory reflects a repetitive pattern in ANC leaders' discourse, as has been shown in the views of the ruling alliance leaders. The projection of its own inadequacies can also be seen in the following statement by the SACP leader, also Minister for Higher Education, Blade Nzimande who said he 'would like to see a Media

²⁵³ Of all the psychiatric disorders hysteria has the longest and most checkered history. Deriving originally from ancient Greeks it was, until relatively recently, assumed to be solely a dysfunction of women and caused by a 'wandering' uterus [...]. The symptoms most cited are: hallucinations, somnambulism, functional anesthesia, functional paralysis and dissociation according to the Penguin Dictionary of Psychology (1985). See also Lacan: *My Teaching* (2008) on the obsessional, neurosis in its purest form, and hysteria. See also Kay: *Zizek A critical introduction*: 'Hysteria is one of the two forms of neurosis (the other being obsession) in which a subject resists integration into the symbolic order (2003:164).

Tribunal used to stop the corruption in the media' (Nzimande: July 2010). Mthembu reiterated:

We strongly condemn the practice and promotion of the freedom of expression and freedom of the arts which knows no bounds and only sees itself as the most supreme freedom that supersedes and tramples other people's constitutional rights to dignity and privacy, and undermines our values. We therefore remain resolute and unmoved in our call for an independent arbiter in the form of a Media Appeals Tribunal to monitor, regulate and chastise the kind of gutter, soulless and disrespectful journalism (Biz Community: 30 July 2010).

The split, Zizek wrote (1989: 113) between demand and desire is what defines the position of the hysterical subject. The ruling alliance, in the form of the ANC, the ANCYL and the SACP (but not Cosatu) have called the protests against the Media Tribunal 'hysterical', but I argue that the hysteria is probably a projection of the ANC's own hysteria about what was being uncovered in the media. The utterances that the media reflects 'gutter, soulless, and disrespectful journalism' and that it is corrupt is in itself hysterical. Nzimande took the point further to suggest that the media was simply a reflection of its owners, 'I can hear some of my comrades saying 'It's the capitalist media bastard! What else do you expect of it!' (Nzimande: 2010). So, then, what is the ANC's hysterical discourse on the media really aiming at? It is an attempt to deflect attention from itself. According to Ferial Haffajee: 'This is hegemonic control. Why do we have control over everyone else, we can regulate everything, but not you. This is more about the SACP losing power and the ANC worrying about its own power, rather than the media itself' (Interview: 20 August 2010).

Ideological Social Fantasy and Enemies of the People

Clearly, if the ideological interpellations are considered in the above discourse, for instance 'capitalist media bastard', the media was 'the big other' with a surplus attached to it, in exactly the same way that Zizek described the anti-Semitic syndrome in Germany (1989). The media is labelled as hysterical, yet this hysteria was really a projection for a party at odds with itself and its own power. The ideological nature of the

discourse could be seen in the 'surplus' that it produced. Žižek's thesis was that the tricks of displacement and obfuscation were part of a social ideological fantasy. His theory on the Nazi projection of the Jews appositely described the 'Social Fantasy': 'Society doesn't exist and the Jews are its symptom' (op cit: 124). How did he come to this understanding? It was through an analysis of ideology and discourse, the way discursive mechanisms constituted the field of ideological meaning. For Žižek, the case of so-called totalitarianism demonstrated what applied to ideology as such, 'the last support of the ideological effect ... in ideology all is not ideology (i.e. ideological meaning) but it is this very surplus which is the last support of ideology' (ibid). For him the purest incarnation of this ideological 'surplus' was anti-Semitism, where displacement was the basic trick to displace social antagonism into anti-Semitic antagonism – with the figure of the Jew as the force corroding society.

What gives energy, so to speak, to the displacement is therefore the way the figure of the Jew condenses a series of heterogeneous antagonism: economic (Jew as profiteer), political (Jew as schemer, retainer of a secret power), moral religious (Jew as corrupt anti-Christian), sexual (Jew as seducer of our innocent girls) (op cit: 125).

In short, fantasy was a means for an ideology to take its own failure into account. The logic of the 'symptom of the Jew' was that the Jew was responsible for the ills of society. Society, in this argument, was prevented from filling its full identity because of the figure of the Jew – so what was excluded from the Symbolic returned in the Real as a paranoid construction of 'The Jew'. In a similar fashion, the media is constructed as something outside of society. As I have argued already, the tension between the media and the ANC is inherent and internal to the nature of democracy itself. However it is the way that the gaze of the ANC and the SACP on the media has been constituted as surplus to the vision of the national enterprise, as a causative hindrance, that allows us to term it authoritarian or even 'totalitarian'. The media was the symptom for the ANC of all that was wrong with society. The trick of displacement operationalised in the discourse was that society's ills were a consequence of the media. When confronted with its own shortcomings, reflected in the media, it displaced or projected onto the media its own failures. In a classical displacement process the media becomes the

cause of society's malaise.²⁵⁴ What was the 'surplus' in the discourse that made this super ideology? In Žižek's example of Coca Cola, it was not just a can of water and sugar. It had a whole range of connotations around it, symbolising 'freedom' of America and 'liberation' among other floating signifiers (op cit: 96). In this way, there was something in Coke more than the object itself, more than sugar and water. In the hegemonic, ideological interpellations emanating from the ANC's hegemonic discourse, the media comprised the social fantasy of what was in the media – its journalistic role of telling the truth – but in this displaced version, what it included was so much more - a conspiracy, an agenda, a capitalist plot, which was anti-transformation and hysterical. Underneath this tension there was a contest over the meanings of democracy.

But how can democracy be saved? In *The Democratic Paradox* (2000) Mouffe argued that the only way to save democracy was to recognise the plurality of public spaces, the necessary antagonism in society, its incomplete nature and its fissures. Then to save democracy meant taking into account its impossibility, its irreconcilable nature. The concept 'agonistic pluralism' is central to this thesis, especially that social division was constitutive, that antagonism was ineradicable and pluralist democratic politics would never find a final solution. There should then be no dreams of an impossible reconciliation between the ANC and the media, for as long as the media remains independent from state control. The argument here is that the ANC, in its exercise of power, has interpellated the media in both the discursive field of language and discourse. Unlike in the preceding chapter, where ambivalence was discussed in the subjectivities of Zapiro, in this chapter some of the editors interpellated by Mandela, for instance Tisong and Mazwai, made reflexive turns towards the voice of power, in effect a turn against themselves and their professions, while editors such as Siluma, Fisher and Pather spotted the obfuscation in the discourse, the ideological hailing based in a social fantasy of unity in the social. Butler's theory of the paradoxical nature of subjection was deployed to examine twists and turns of journalists. From the comments of journalists interviewed in the latter part of this chapter, Makhanya, Malala, Rossouw,

²⁵⁴ One could take this argument further then to say that the Scorpions too must have been part of society's malaise in the ANC's gaze. The Scorpions, in other words, were the trouble, not the crooks that the Scorpions were exposing for corruption, as in Yengeni and Ramathlodi. It is a trick of displacement.

Milazi, and Radebe, there were no 'turns' against themselves, nor was there any heeding or succumbing to the interpellations. Their discourse was resistant, what one could characterise as rather Mouffian in its philosophy. Mouffe in her interview with Carpentier and Cammaerts (2006) had that the role of journalists was for them to be 'gate-openers' and not 'gate-closers', as mentioned earlier. Instituting a Media Tribunal in any argument would be a gate-closing exercise. As in Mouffe's theory, all social phenomena could only acquire meaning through a discourse. Social antagonisms needed 'the other' as a constitutive outsider in order to stabilise their own identities. This was the case of the ANC in relation to the media as 'the other' or the constitutive outside. In her plea for radical democratic politics, Mouffe argued for an agonistic democratic model which transformed enemies into adversaries; this, she argued was essential for democracy to flourish. Journalism can be a counterweight for exclusionary hegemonic processes that restrict the access of discourses and identities. The ANC however, does not view the media in this way, as part of the democratic space.

This chapter has shown that the ANC did not regard the media as gate-openers and as a space which deepened democracy but rather as a conspiracy, with an agenda, the constitutive outsider, the other, 'out of sync ideologically with the rest of society' to use Zuma's words. In my argument, the role of white editors returned in the form of haunting. These 'exclusions' returned, but in the form of black editors, playing their professional role. Journalists have, in the democratic transition in South Africa, kept the gate open, as will be shown in the next chapter where I explore issues of ideology, excess, surplus and subjectivisation through the prism of the case of the *Sunday Times* versus the former Health Minister Manto Tshabalala-Msimang. Here, I show how the ANC overinvests in the media, by labelling the newspaper's journalists as enemies of the people, lacking in *ubuntu* when they exposed the former Health Minister as a 'drunk' and a 'thief'.

Chapter 7

Ideology, Excess, and Subjectivisation: The *Sunday Times* Versus the Former Minister of Health

True universalists are not those who preach global tolerance of differences and all-encompassing unity, but those who engage in a passionate fight for the assertion of the Truth that enthuses them (Zizek, 1999: 226).²⁵⁵

The aim of this chapter is to develop, through an analysis of the conflict in 2007 between the *Sunday Times* and the then Minister of Health Dr Manto Tshabalala Msimang,²⁵⁶ a new theoretical perspective on the relationships between three different kinds of subjects and subjectivisation. The subjects discussed are those of the loyal subject, Tshabalala-Msimang; the questioning subject, Deputy Health Minister, Nozizwe Madlala-Routledge, who was fired for not toeing the line ideologically, and the third was the *Sunday Times*. The concept of subjectivisation refers to the manner in which an attempt was made by the ANC-led government to subject the *Sunday Times* to its unitary view. This empirical case study will show how these relationships unfolded during 2007. Theoretically, the chapter elucidates how ideology works in trying to create unity in the divided social, how there is an excess attached to the media through its interpellation as enemies of the people, lacking in *ubuntu*,²⁵⁷ and finally how the attempted subjectivisation of the *Sunday Times* failed, signalling an optimistic moment for democracy. It also discusses, as in the Zizek quote above, how differences over the

²⁵⁵ Zizek said this in *The Ticklish Subject : the absent centre of political ontology* (1999) and used the example of St Paul and unconditional Christian universalism, where everyone can be redeemed, since in the eyes of Christ, there are no Jews, Greeks, no men, no women. However, in this chapter, I argue that the true universalists were, for example, Leshilo who was fighting against the particularisms of, for example, journalists Thami Mazwai and Dali Mpofu and who argued that *Sunday Times* journalists were lifting values not intrinsic to Africa as in freedom of speech and were then lacking in 'ubuntu' or human kindness and compassion.

²⁵⁶ The *Sunday Times* ran a story in 2007 about the former Health Minister being a 'drunk' and a 'thief' and this caused a massive split between the ANC and the media.

²⁵⁷ Ubuntu is a Zulu word meaning the essence of humanity, compassion and kindness or 'I am what I am because of who we all are'. It defines us in so many ways, and is found in many of Africa's different cultures. "A person with ubuntu is open and available to others, affirming of others, does not feel threatened that others are able and good, for he or she has a proper self-assurance that comes from knowing that he or she belongs in a greater whole and is diminished when others are humiliated or diminished, when others are tortured or oppressed." – Nelson Mandela.

'truth' was dealt with between the media and the government over two stories in the *Sunday Times*: 'Manto's Hospital Booze Binge' (12 August 2007) and 'Manto: A drunk and a thief' (19 August 2007). On the one hand, how the question of *ubuntu* was used by the ANC to try and rein in journalists is explored, and how, on the other, journalists believed that they were engaged in a passionate fight for the truth, holding those in power to account for their behaviour and actions, while serving their profession and democracy. Finally, while ideological interpellation took place, with the labelling of *Sunday Times* journalists as 'enemies of the people', and there was a resistance to this, there was ambivalence too: there were 'half-turns' made towards the interpellating voices. I have developed the concept 'half-turn' from Butler's conceptualisation of the reflexive turn, which she developed from Althusser's concept of 'the turn' towards the interpellating voice of power (1997:107-130). This concept implies a turn against oneself. From Nietzsche is derived the idea of subjection as a turn of conscience while from Foucault comes the understanding of power as forming the subject as well. However, the story of what occurred must first be told.

7.1 The *Sunday Times* versus the Minister of Health: the Events

About a month before the two stories²⁵⁸, an Eastern Cape newspaper the *Daily Dispatch*²⁵⁹ in July 2007 began a series of reportage exposing an appalling set of conditions in the maternity wards at the Mount Frere Hospital. Some of the front-page headlines of the newspaper included: 'Why Frere's babies die' (12 July 2007) and 'A mother's pain' (13 July 2007). The Deputy Minister of Health, and women's rights' activist Nozizwe Madlala-Routledge²⁶⁰ was coincidentally in the Eastern Cape for a conference at the time of the news reports. She made a spontaneous visit to Mount Frere Hospital after reading the reports that newborn babies had died at the hospital owing to a lack of care and resources. The next day she suggested that the situation was tantamount to a 'national emergency'. The report from the hospital showed that

²⁵⁸ Manto's hospital booze binge of 12 August 2007 and Manto: A drunk and a thief of 19 August 2007

²⁵⁹ The *Daily Dispatch* is owned by the company Avusa and is in the same stable as the *Sunday Times*.

²⁶⁰ Madlala-Routledge was also a member of the ANC and the SACP.

there was a dire shortage of medical equipment as well as clinical and support staff, inadequate infection control and a lack of management action on baby deaths.²⁶¹ The ANC then placed an advertisement in a newspaper, for R45 000, asserting that the media reports were a distortion of the facts after the Minister of Health, Tshabalala-Msimang herself visited the hospital on 22 July 2007 when she found everything to be 'in order'. She duly declared that the *Daily Dispatch* reports were unfounded and that her Deputy Minister's comments were based on untruths (Mail & Guardian: 27 July-2 August 2007). Not only were the reports about conditions in the hospital construed as 'media lies', but Madlala-Routledge was fired from her position on 7 August 2007. The stated reason for her firing, according to President Mbeki, was that she was 'not able to work as part of a collective' (*Business Day*: 27 August 2007). Madlala-Routledge told reporters that she was fired for 'speaking out' and cited 'common denialism' as a key factor in explaining why Tshabalala-Msimang remained in the Cabinet (*Sunday Times* 2 September 2007). By 'common denialism' Madlala-Routledge meant Mbeki's AIDS denialism policies, (i.e. HIV did not cause AIDS), which was echoed by the Health Minister as well. Mark Gevisser, author of Mbeki's unofficial biography, argued that this echoing was due to Tshabalala-Msimang being Mbeki's loyal fervent believer in Mbeki's position on AIDS, (2007:758). Journalist Paddy Harper agreed with Gevisser. He quoted political analyst Protas Madlala:²⁶²

On HIV/AIDS the president dreams and Manto implements. She is the one who in effect implements his policies. The common denialism is a very strong factor – they share this vision and she is very faithful to him and that is why she is getting this level of protection (ibid).

The reality was that the more people criticised the President's favourite appointees, 'the more he digs in his heels', Harper wrote, and, 'if you are a favoured appointee and in his good books, irrespective of how badly you mess up in your ministry, he will not remove you' (*Sunday Times*: 2 Sept. 2007). It is worth taking a small digression to clarify what, in my view, was the central issue in relation to Mbeki's denialist position on HIV/AIDS in order to understand the tension that arose after the *Sunday Times* exposé of the Health

²⁶¹ See *Mail & Guardian*: Mbeki won't meddle in minister clash: 27 July - 2 August 2007.

²⁶² No relation to Madlala-Routledge

Minister, which led to the threat of arrest of the editor and his managing editor, and a threat by the Minister in the Office of the Presidency, Essop Pahad, to withdraw government advertising (*Mail & Guardian*: 7-13 September 2007). The denialist position on HIV/AIDS is encapsulated by Mbeki's now infamous comment in Parliament, in the year 2000, when he said: 'You see if you ask the question does HIV cause AIDS...the question is, does a virus cause a syndrome? How does a virus cause a syndrome? It can't.' (Health-e: 2009). He then called treatment, the anti retrovirals for HIV/AIDS sufferers, toxic.

7.2 Thabo Mbeki: HIV/AIDS and Race

And thus does it happen that others who consider themselves to be our leaders take to the streets carrying their placards, to demand that because we are germ carriers, and human beings of a lower order that cannot subject its passions to reason, we must perforce adopt strange opinions, to save a depraved and diseased people from perishing from self-inflicted disease ... Convinced that we are but natural-born, promiscuous carriers of germs, unique in the world, they proclaim that our continent is doomed to an inevitable mortal end because of our unconquerable devotion to the sin of lust. (Mbeki, 2001 quoted in Daniels, 2006)

In the above extract, we see how Mbeki's discourse constitutes an excess in relation to the conception of Africa and Africans as lustful sinners. If you subtracted the excess, you would lose the enjoyment, wrote Žižek (1989: 52). He argued that it was not a surplus which simply attached itself to some 'normal' fundamental enjoyment, because enjoyment as such emerged only in this surplus, because it was constitutively an 'excess' (ibid). No other excerpt from the South African public discourse could be more apposite an example of how Mbeki himself was subject to his own social fantasy and constituted the gaze from the outside that showed his own prejudices. The excerpt exposes what Žižek calls 'surplus enjoyment' (op cit: 52-53). It is full of *jouissance*, the kind of pleasure that in Lacan is always sexualised, in other words, always transgressive, at the limits of what subjects can talk about in public.²⁶³ In the way Mbeki

²⁶³ See also Kay, S (2003:162-163) in Žižek: *A critical Introduction*: 'jouis-sens'='enjoy meaning'. 'Enjoyment is also qualified as 'idiotic', because we are unaware of it; it is by definition excluded from the experience of the speaking

articulates his critique, one can see that for him both the excess and the enjoyment are coupled with the feeling of suffering and persecution, a kind of perverse *schadenfreude*, which is altogether too much to bear.²⁶⁴ Mbeki's stance on HIV/AIDS, tied it to colonialism, poverty and race, the Master Signifier, in his discourse, and had far-reaching implications for how he dealt with the pandemic in political and policy terms. Since 1999, the issue had become one of the most politicised and racially charged issues in the country, with the discursive structure on HIV/AIDS rooted in his passionate attachment to the signifier race. Rather than accepting the growing scientific evidence that HIV caused AIDS that emanated from risky sexual behaviour of multiple concurrent partnerships, he resorted to diatribes against prevailing views and to accepting dissident interpretations.

The Medical Research Council and Statistics South Africa estimated that in 2005 over 5-million people in South Africa already had HIV or AIDS, while there were about 1 000 new infections daily, and about 600 people died of diseases caused by the virus every day. In 2005 Stephen Lewis, the UN Secretary General's special envoy for HIV/AIDS in Africa, said that an estimated 6-million people were infected with the virus in South Africa²⁶⁵ (*The Sunday Independent*: 30 October 2005). This constituted the highest proportion of any population in the world, he argued (*ibid*). In view of these statistics, and the fact that Mbeki's former spokesperson Parks Mankahlana almost certainly died of an AIDS-related illness in mid-2000, it was perplexing that Mbeki made a statement in a *Washington Post* interview in September 2003 that he personally did not know anybody who had died of AIDS. An investigation of the government's policy on HIV/AIDS showed how the issue had been characterised from inception by denial, ambiguity, a conflation of issues and prevarication. When Mbeki took the political centre stage in 1999, however, the issue also became racially charged.

subject. In Žižek's usage, enjoyment is usually identifiable with what Lacan calls 'surplus enjoyment'. Given that the real [that which is outside symbolisation] as such is inaccessible; enjoyment comes in the form of a surplus, or remainder, which permeates all our symbolic institutions as their obscene underside [...]

²⁶⁴ See also Darien and Groves (1995) in *How to Read Lacan* for the same kind of explanation.

²⁶⁵ Stephen Lewis wrote in his book: *Race against Time* that he was mystified by the SA government's approach to Aids; he was deeply concerned about the slow roll out of anti-retrovirals, and that something had gone wrong with the post-Mandela government.

In contextualising the politics of HIV/AIDS, Tim Quinlan and Samantha Willan wrote that the professional staff of many ministries had given due consideration to the challenges facing the government, and that the national executive had this knowledge. However, they argued, the ‘ambiguities and ambivalence on HIV/AIDS in major policy speeches of the President, as well as statements by the Minister of Health, indicated a lack of decisiveness about how to use that knowledge’ (2005: 228). In 2009, after a change in leadership in the ANC, the official policy that anti-retroviral drugs should be rolled out in all provinces began to be implemented with greater seriousness. Manto Tshabalala was moved from her position as Minister of Health and sidelined to a relatively powerless administrative/management position in the office of the new President, Jacob Zuma. And in November 2009, debate in the public domain, for example the Young Communist League leader Buti Manamela, said Mbeki should be charged with genocide (*The Times*: 17 November 2009). A documentary: *The Price of Denial*, by Health E News service, was delayed from being broadcast on SABC, probably due to the fact that the allegations against the former Health Minister and Mbeki were too controversial. The programme was then aired on ETV in November 2009. According to a Health-e News Agency press release:

Ten years ago, the seeds were sown for one of the deepest human tragedies of post-apartheid South Africa. The seeds were sown by none other than our very own president and his minister of health. Together, President Thabo Mbeki and Dr Manto Tshabalala-Msimang questioned the scientific truth that a sexually transmitted virus caused AIDS. It was nothing less than state-sponsored AIDS denialism. If the link was denied, one could overlook the devastating behavioural patterns that fuel the spread of HIV. If the link wasn’t proven, then there was no need to roll out anti-HIV medicine. The two leaders courted denialists and quacks from around the world, delaying the speedy roll-out of proven treatment, while death swept through our cities, villages and townships. Scientists say that well over 330 000 people died from AIDS-related illnesses during the Mbeki era – some of these deaths could have been prevented by the timely and purposeful roll-out of life-prolonging anti-retrovirals. We ask: Should Thabo Mbeki and his administration be charged with genocide?

(Extract from Health-E²⁶⁶ press release: 17 November 2009)

As the Health Minister had unquestioningly followed Mbeki's path on HIV/AIDS, but also became an active agent when she advocated that people with HIV/AIDS should eat beetroot, onions, African potato and garlic, it would then stand to reason that for her loyalty as a subject, she would be protected. This was exactly what happened when she was challenged by her Deputy Minister after the exposé of conditions at Mount Frere hospital. The exposure of conditions at the Eastern Cape hospital led to the Deputy Minister criticising her own minister; which in turn led to her firing. Shortly thereafter, on 19 August 2007, the *Sunday Times* wrote a damning report on the Health Minister exposing past misdemeanours, such as kleptomania and the fact that she was an alcoholic. This resulted in the editor and his investigative reporter being threatened with arrest and the President's office threatening to withdraw all advertising from the newspaper. The President and some of his friends and fellow politicians then formed a company, Koni, to buy out the country's biggest circulating weekend newspaper, the *Sunday Times*. These different forms of subjectivation will be analysed below.

Lacking in *Ubuntu*

A month after the conditions at Mount Frere Hospital were exposed in the *Daily Dispatch*, the *Sunday Times* on 12 August 2007, ran a story about alcohol abuse and tantrums of the Health Minister which took place in 2005 at the Cape Medi Clinic, under the headline: Manto's hospital booze binge. The article said that red wine and whiskey was smuggled into her room before she underwent surgery, and that she had dispatched hospital staff to buy her food and alcohol. Then on 19 August 2007, it ran an 'exclusive' front page story whose headline read: 'Manto: A drunk and a thief: Shocking new revelations about the health minister' by senior investigative journalists Jocelyn Maker, Megan Power, Charles Molele and Buddy Naidu.

²⁶⁶ Health-E is a health news service based in South Africa

First, the story created uproar within the government, while the publication of the story gained huge support from some sections of the public. Second, it stirred heated, and even vitriolic, debate within the journalist profession about whether publishing the story was in the public interest, or whether it was just sensational vindictiveness and anti-*ubuntu*. Third, it raised discussion about whether the publication of the investigation constituted freedom of expression in which the independent press was merely performing its duties to have public figures account for their actions, or whether it was invading rights to privacy. Fourth, it led to the threatened arrest of the editor of the *Sunday Times*, Mondli Makhanya, and his managing editor, also senior investigator, Jocelyn Maker for the theft of medical records from the Cape Medi-Clinic. Within weeks of both stories, some politicians and businessmen close to Mbeki, formed a company, Koni Media, and made a R7-bn buyout bid for the *Sunday Times*. Some extracts from the newspaper follow below:

Manto: A drunk and a thief

Health minister Manto Tshabalala-Msimang had alcoholic liver disease caused by years of excessive drinking when she had a transplant this year. Today the *Sunday Times* exposes a cover-up around the transplant by medical staff to hide her true condition — alcoholic liver cirrhosis — a disease synonymous with chronic alcoholism. The minister, despite getting the gift of life donated to her by a teenage suicide victim, is still drinking — damaging her new liver. And, in another explosive revelation, the paper can reveal that Tshabalala-Msimang was convicted of theft when she was a medical superintendent at the Athlone Hospital in Botswana in the mid 1970s. Hospital staff became suspicious as for months watches, jewellery, hats, handbags and even shoes were being stolen from patients. She was found guilty in the Lobatse Magistrate's Court of stealing a patient's watch, hospital blankets, linen, and heaters, and was declared a 'prohibited immigrant'.

On March 14 this year, just days after her controversial transplant at the Donald Gordon Medi-Clinic in Johannesburg, the minister's medical team stated publicly that their patient's liver had been damaged by auto-immune hepatitis – a long-term disease in which the body's immune system attacks liver cells. What they failed to tell the public was that the custodian of the country's health system was an alcoholic, which was why she needed a new liver. The *Sunday Times* has established that: Pressure was put on medical staff to keep secret her true condition. [...]The transplant and subsequent cover-up caused tension among doctors and staff involved in the minister's care who knew that Tshabalala-Msimang had been drinking before the procedure. Standard transplant criteria dictate that alcoholic patients stop drinking for between six and twelve months before surgery and permanently after surgery to protect the liver.

Patients who do not comply are barred from transplant programmes. Experts said Tshabalala-Msimang only got the liver because she was the minister of health. Had it been any other patient in her condition they would not have qualified for the transplant and would have died. But witnesses have since come forward saying they've seen the minister drinking on numerous occasions since the transplant. In July she drank wine on a Sunday night flight from Durban to Johannesburg while she sat in business class. And in May, at a Pretoria birthday party she was drunk after drinking red wine. Just this week she was again seen drinking whisky. Medical experts, who refused to be named for fear of victimisation, said there had been other more deserving recipients on the liver transplant waiting list. They claimed that, given the circumstances, the allocation of a scarce donor liver to the Minister was inappropriate.

In Lobatse this week, a retired nurse, who gave evidence at Tshabalala-Msimang's theft trial, said she was found out after wearing a stolen patient's watch to work three weeks after it was reported missing. She said police later found other stolen items during a search at Tshabalala-Msimang's home. Contacted for comment on Friday, Gaborone High Court Judge Ian Kirby, who was Tshabalala-Msimang's lawyer at the time, confirmed he had represented her. [...] Other retired nurses and hospital staff also confirmed the incident. Current medical superintendent Dr M. Hirui refused to comment but an employee said Tshabalala-Msimang's antics were common knowledge among staff. 'Everyone here thinks it's hilarious that she is today a health minister in South Africa,' he said. These new revelations are part of a five-month investigation and come within a week of a *Sunday Times* exposé into how booze was smuggled into her hospital room at the Cape Town Medi-Clinic in 2005. She was hospitalised for a shoulder operation performed by Dr Joe de Beer.

Staff at the clinic labelled her behaviour as 'appalling' and that she 'knew she had the power and misused it'. She also demanded food from Woolworths and lemons during the early hours of the morning. Hospital staff were dispatched to buy alcohol on a number of occasions by her bodyguards, a female friend and a senior staff member. Witnesses said the minister was drunk on a number of occasions. Today we can further reveal that in 2005 a hospital in Cape Town refused her entry for a shoulder operation because of her security demands. It was after this refusal that she was admitted to the Cape Town Medi-Clinic in Hof Street. Here, too, she insisted that all operations be cancelled on the Wednesday when she was due to have her shoulder operation. [...] on the Friday she was admitted he heard her 'screaming and shouting' at nurses. He said he also heard her ordering food and wine from Woolworths. [...] he thought at the time she must have been a psychiatric patient. Her treatment of the nursing staff was shocking. It was only later that night when a nurse came to take my blood pressure that I found out that it was actually the Minister of Health.' (*Sunday Times*: 19 August 2007).

It was undisputed by the Health Minister herself that she was fond of alcohol, even after it was contra-indicated for her condition, cirrhosis of the liver. From the report it seems

that she had been abusive to hospital staff and she was a character hopelessly lacking in judgement, having stolen a watch, from a patient who was under anaesthetic *nogal*.²⁶⁷ The reaction of the government was to launch a high-powered hunt for the person or persons who had broken the law by leaking copies of Tshabalala-Msimang's medical records. The then Minister in the Office of the President, Essop Pahad, condemned the story on the Health Minister as an outrageous invasion of privacy and threatened to withdraw government advertising from the *Sunday Times*. Mbeki opined in his public offering 'Letter from the President: Who are our heroes and heroines?'

Some in our country and others elsewhere in the world, including the media, have acclaimed Ms Madlala-Routledge as a great heroine, before and after her dismissal on the basis that she seemed to demonstrate intellectual and personal 'courage' by defying the obligation to speak and act as part of a collective. In this regard, in her 10 August press conference [...] , she made a point of emphasising her obligation to be accountable to the media [...] while the ANC serves as government, [...] it will ensure that its members respect the principle and practice of collective responsibility. Time will tell what happened that gave the *Sunday Times* the right to tell the story it told, whether right or wrong, about what might have happened in our Minister Tshabalala-Msimang's private space in hospital. All of us, up to now, assumed that we had a constitutional and common sense entitlement to treat this 'hospital space' as being subject to the 'privacy and dignity' human right and privilege to which our citizens, including ministers, are constitutionally entitled (*ANC Today* 17 - 23 August 2007).

The essence of the above letter was that Madlala-Routledge was far from a heroine. For Mbeki, Tshabalala-Msimang was the heroine, after all her dignity and privacy was violated. Clearly, it did not suit Mbeki to have a questioning subject in his Deputy Health Minister. His talk of 'collective responsibility' meant that he desired ideological unity which had and continued to serve him well with the Health Minister. His defence of Tshabalala-Msimang was based on what he called her constitutional right to privacy and dignity. The whole discussion, however, masked other issues. These were that

²⁶⁷ Afrikaans word meaning on top of all that, or, too. In the 1970s she had stolen a watch from a patient in a Botswana hospital.

conditions at Mount Frere Hospital in the Eastern Cape were shocking, and this under the watch of a Health Minister who toed the President's rather obstreperous and peculiar line that HIV did not cause AIDS. The scandal of Msimang's earlier history was something of a digression, but Mbeki's was a false argument, an obfuscation of the real issues about the inability of the Health Department to manage deteriorating conditions in hospitals and a health minister found through the media's exposure to be unfit for office. Mbeki, though, sought unquestioning authority from his Cabinet, and the independent action of Madlala-Routledge, led to her sacking. Mbeki saw her action of speaking out as an implicit criticism that went against the grain of cabinet loyalty. They had to be loyal team players to survive office. In essence, his ministers were his subjects *par excellence* and were not allowed to exercise their own judgments on any particular issue, be these appalling conditions at a public hospital or the serious crisis of HIV/AIDS in the country.²⁶⁸

Madlala-Routledge discovered this at great personal cost and lost her job. By declaring that the conditions at Mount Frere Hospital were tantamount to a 'national emergency', she played the role not just of a questioning subject but of a defiant subject. By firing her, Mbeki hoped to enforce hegemonic unity within the ANC by asserting his authority. Ironically, his actions set off a train of events that alienated even members of his own party. The outcome, further, was that the discourse of opposition in civil society grew, particularly when the press became subject to state vilification, harassment and even potential criminalisation.

7.3 Attempted Subjectivisation: Threatened Arrest of the *Sunday Times* Editor and his Senior Investigative Reporter

On 14 October 2007 the *Sunday Times* lead story was 'Editor, Journalist to be arrested'. Maker and Makhanya faced arrest for the illegal possession of medical records of the

²⁶⁸ This was confirmed by Professor Kader Asmal who was Mbeki's Minister of Education. He was a keynote speaker at the University of the Witwatersrand on the occasion of the commemoration of Black Wednesday, 19 October 2010 on a topic called 'Free Speech is Life Itself'. He said during the discussion time: 'we were not allowed to voice our opposition to certain policies such as HIV/AIDS and Zimbabwe' (Asmal, 2010)

Health Minister, related to the 12 August story about the Health Minister's stay at the Cape Medi-Clinic when she 'dispatched staff to buy her alcohol, threw drunken tantrums, abused nurses and washed down medication with wine and whiskey' (*Sunday Times*: 12 August 2007). The charges were related to contravention of Section 14 of the National Health Act (no 63 of 2003), which made it an offence to gain access to a person's personal medical records and to publish them. It must be noted that the story about the Health Minister's behaviour at the Medi-Clinic did not reveal many specific details from her medical records, save to say that she had a serious liver condition, yet was consuming alcohol. The story raised the issue of whether she was fit to hold the office of Health Minister. On 16 August 2007, Tshabalala-Msimang's legal team lodged an urgent application in Johannesburg High Court²⁶⁹ to compel the *Sunday Times* to return copies of the minister's health records to the Cape Town Medi-Clinic. Judge Mohamed Jajbhay ruled that the *Sunday Times* hand over copies of the medical records to the Medi-Clinic and that the *Sunday Times* pay the minister's legal costs. He also commented that there was a pressing need for the public to be informed and the story was in the public interest and that personal notes taken by journalists were not affected (*Sunday Times*: 2 September 2007). So, he freed the newspaper to write further on the matter of the Health Minister's fitness for office. The judge, however, also warned journalists to be cautious about using information that was tainted by criminal activity (ibid). The *Sunday Times* and Sanef claimed the judgment as a victory for freedom of the press, while the government claimed it as their victory: records had to be handed back to the Medi-Clinic, and the court ordered the *Sunday Times* to pay the legal fees. The judgement also criticised the *Sunday Times* for not affording the Health Minister enough time to respond to allegations in the story (*Mail & Guardian*: 31 August-6 September 2007). Clearly, this was not an outright victory for either side: the judge gave with one hand, and took with another. Indeed, not all media commentators found the judgement a victory for freedom of expression.

Jane Duncan, for instance, made an apposite observation that the right to the privacy in respect of the Health Minister's medical records gave way to the right of the *Sunday*

²⁶⁹ This name was subsequently changed to the South Gauteng High Court

Times to disclose the information. The concession to freedom of expression did not go far enough (*Mail & Guardian*: 31 August-6 September 2007).²⁷⁰ She described the situation: 'Media freedom could be considered a canary in the coal mine. If recent pressures on media freedom were anything to go by, the canary had died and South Africa's democracy was heading for the critical list' (*The Star*: 17 October 2007). She explained:

When you are a public figure, then the rules begin to change. In some instances, the right of the public to know may outweigh your right to privacy, if there is a compelling reason for the disclosure of the information. The *Sunday Times* reporting on the Minister is one such case. In fact, the National Health Act actually excuses possession of confidential medical information if its exposure is necessary to prevent serious threats to public health and safety. If the Minister is unfit for office – and the August 18 newspaper piece points to this possibility – then the health of all those who use the public health system stands to be affected negatively. In spite of the overwhelming public interest in the report, the authorities seem hell bent on ignoring this message, and rather pummelling the messenger into submission (*The Star*: 17 October 2007).

In my argument, both stories, the Health Minister's drunken behaviour at the Cape Medi-Clinic and the later story about her being a drunk and a thief, were in the public interest. She was, after all, a Health Minister and this behaviour made her unfit for office. The 'pummelling of the messenger into submission' to use Duncan's phrase, was an attempt at turning a critical voice, i.e. the newspaper, into a voice of loyalty, hegemonising the social and foreclosing the spaces for debate and difference. The fact that the *Sunday Times* had to pay the Health Minister's legal fees could not possibly constitute a victory for freedom of expression. It was punitive, in legal terms, and in terms of the political philosophy of this thesis, it was an attempt at subjectivisation which aimed to create unity in the social. Creating unity via social consensus constituted an unprogressive form of hegemony as it foreclosed spaces for the uncovering of 'truths', or exposing abuse of power, and therefore curtailed the space of a free media. After the

²⁷⁰ Duncan was executive director of the Freedom of Expression Institute (FXI) for about 10 years up until 2009, when she left to take up a professorship at Rhodes University in Grahamstown, in the Eastern Cape.

stories were published, journalists at the *Sunday Times* and those who supported the newspaper's decision to run with the exposure were hailed as enemies of the people, who lacked *ubuntu*. Interpellation or hailing in the discursive formation took place via language as this analysis shows.

The objective of interpellation, according to Butler's theories of power and subjection was to bring the subject into line. The making of a subject was also not just about external power pressing upon a subject but was also about a subject making a reflexive turn, or a turn against him or herself. This theoretical perspective provides a useful explanatory tool in the case of the media. Throughout this whole saga of the Health Minister the media were interpellated as the enemy and lacking in *ubuntu*, and supportive of the 'western notions of press freedom'. How they responded to the attempted subjection and what this meant for the media's relationship to democracy resulted in the question: Was there resilience, resistance, agency, or a succumbing to the ideological interpellation or was there ambivalence in their response? In the *Sunday Times* article of 14 October 2007, 'Editor, Journalist to be arrested', it was reported that Makhanya and Maker's phones were being tapped and intelligence operatives were trying to 'dig up dirt' on them (*Sunday Times*: 14 October 2007). Then, inexplicably, the next day, Makhanya announced, through his lawyer, Eric Van en Berg, that he and Maker would hand themselves over to the police, instead of waiting to be arrested. They would do this so that the matter could be dealt with as quickly as possible (*Business Day*: 15 October 2007). Indeed Makhanya had nothing to hide, why was he then offering to make the police's work easier? This turn could be called a reflexive turn, based in ambivalence.

7.4 The Media: Enemies of the People who have no *Ubuntu*

The events brought to the fore contentions and contestations among journalists themselves, with some averring that the *Sunday Times* had gone beyond the realms of acceptable press freedom. It created debate about presumably a Eurocentric and

western mindset within journalism. For example, Thami Mazwai²⁷¹, a veteran journalist on economic affairs at the *Sowetan* and later Mafube publisher, in an article written a year after these events, entitled, 'What culture is press freedom?' expressed the view that if the media must enjoy its constitutional independence, and this right must be protected at all costs then is it not time that it became more culturally literate in the context and interpretation of South African issues? (*Enterprise*, 2008: 59). He said:

-then is it not time that it became more culturally literate in the context and interpretation of South African issues? ... Many black journalists who are graduates of the Model C system or white universities were trained by white colleagues and, through no fault of theirs, also see western thinking and ways of doing things as the orthodoxy. And, add to this, the power dynamics and relations in South Africa are pro western and Afro centrism is viewed with curiosity (*Enterprise* magazine: November 2008: 59).

Mazwai's argument opposed the idea of a universal press freedom and suggested rather that press freedom was contingent within its particular context, in this case South Africa. To take this argument further then, what he was purporting was an 'African press freedom'. The ruling bloc calls this developmental journalism²⁷² which means that journalists should show support of the transformation project of the government by being less critical. Developmental journalism, as I discuss in the next chapter, is rigidly designated through the fixed meaning imposed on it. In effect, the rich variety of meanings in the polyphonic voices of the media, are halted through the 'logic' or injunction to be loyal to the transformation project of the ANC by highlighting the positives, while having convenient amnesia about the negatives. This contention and contestation played itself out in the immediate aftermath of the exposé of the Health

²⁷¹ Mazwai is a veteran journalist who was head of Mafube, which published *Enterprise* magazine among other publications. He was also among one of the first groups of journalists to meet with the first democratic President Nelson Mandela as a member of Sanef, as discussed in Chapter Six. While Mazwai, in this article, was talking directly to the issue of Zapiro's Lady Justice cartoon in 2008, the question of freedom of speech and culture and traditional values began in South Africa in earnest after the *Sunday Times* stories on the Health Minister in 2007.

²⁷² Developmental journalism and its multiple meanings are discussed in the next chapter, Chapter Seven. Essentially this view of journalism in South Africa means that journalism must meet the developmental goals of transformation. It is tied into this notion of transformation, which in turn means that there should be more unity in the social.

Minister. On the one hand, the then CEO of the SABC, Dali Mpofu²⁷³, launched a tirade against the newspaper's journalists, then withdrew the SABC from Sanef membership while on the other hand, journalists, such as the then editor of the *Sowetan*, Thabo Leshilo argued for a universal press freedom. Mpofu announced on 31 August 2007, in a letter to Sanef, that he did not want to be associated with 'enemies of our freedom and of our people'. This is how he expressed his view:

As editor-in-chief of the SABC it is my duty to inform you that we will no longer stand idle while we are being made a whipping-boy and a scapegoat by the profit-driven media. Even less are we prepared to associate with the enemies of our freedom and our people. We cannot remain quiet while our mothers and our democratically chosen leaders are stripped naked for the sole reason of selling newspapers. This is Women's month nogal [...].When you [...] justify criminal theft you must know that you are NOT speaking for the SABC and the majority of South Africans. The same people who at the beginning of the year were frothing in the mouth about how soft the government is on crime are now flag bearers for the theft of medical records, which might actually result in endangering a human being's life and her future treatment! How inhumane and how far removed from the basic value of ubuntu. Shame on all of you. (SABC CEO, *Mail & Guardian*: 7-13 September 2007)

The hysteria is contained in phrases such as 'shame on all of you', and the media was 'stripping democratic leaders naked for profit motives'. Using political economy arguments against the media, as in the 'profit driven media' and 'our democratic leaders are stripped' for the sole reason of selling newspapers', Mpofu conflated issues. His discourse ideologically interpellated the *Sunday Times* as 'enemies' who lacked *ubuntu*. But he went further, for talking about 'our people' he collapsed the ANC with 'the people'. Leshilo responded to Mpofu in a piece entitled *Enemies of the People?*, saying, 'We are, after all, savages incapable of comprehending the intricacies of such "foreign" universal values as press freedom in a free society' (*Mail & Guardian*: 7-13 September

²⁷³ Mpofu was suspended by the board of the SABC several times since 2008, which he challenged in court several times in 2008-2009. He eventually left the broadcaster in August 2009 with the golden handshake of nearly R12-million. He was accused of serious mismanagement of the broadcaster which led to a crisis that the SABC is still saddled with.

2007). Leshilo said he had developed an 'uncanny ability to detect racist slurs and stereotyping very early in life'. And to him:

the most demeaning caricature remains that of black Africans as subhuman savages who missed the evolutionary bus. Sadly, that stereotype persists to this day that black people are concerned only with fulfilling their daily needs. And, many black commentators perpetuate the backward notion that we black people should not be concerned with such esoteric and European issues such as global warming or media freedom (ibid)

Leshilo found Mpofu's letter to Sanef the 'most explicit display I have yet encountered of the racist notion that genuine concern about the erosion of press freedom is nothing but a bourgeoisie indulgence or a white pastime' (ibid). Mpofu attacked the independent media and said that in a new democracy it is 'incumbent on all who treasure our freedom not to leave any uncontested space for those who seek to undermine or misrepresent it' (ibid). Leshilo countered this view:

In other words, all black journalists and editors should rally behind him in the SABC's imaginary war against black haters who hide behind press freedom to 'hijack our democracy'. [...] Sorry Dali, I'm unavailable for this intellectual buffoonery. Similarly, you have only yourself to blame for your inability to understand that Sanef could accept funding from the SABC and still criticise it. That is what happens in a democracy. Mpofu and his cronies want to ram down our throats their sycophantic brand of patriotic journalism. This non-journalism would have us extol the expertise of the surgeons who successfully implanted Manto Tshabalala-Msimang's new liver to show that we have world class medical expertise. The *Sunday Times* today is the most hated newspaper in government circles because it dared to tell the public that she is a convicted thief whose ineptitude has ruined our public health system. Mpofu tells us that reporting in the public interest is inhumane and inimical to the values of ubuntu. He pours scorn on Sanef for defending the newspaper's right to bring us these stories [...] We are after all, savages incapable of comprehending the intricacies of such 'foreign' universal values as press freedom in a free society (ibid)

For Mpofu the publication of the article exposing the former Health Minister as a drunk and a thief, was equal to 'inhumanity' or a lack of ubuntu. For Leshilo Mpofu this response showed a lack of understanding about what the role of the media was in a

democracy. Leshilo called it 'intellectual buffoonery', arguing that it was the likes of Mporu that were hijacking democracy through their sycophancy. Duncan concurred with Leshilo when she too identified the race essentialisation within the arguments (2009: 15-17). For Leshilo, sycophancy was non-journalism. He was not kow-towing to 'white interests', he felt the *Sunday Times* was just serving ethical codes in the profession as well as democracy by being a watchdog and holding power to account. He used the phrase, 'universal values such as press freedom in a free society'. This is apposite and leads to the question of universalism versus particularism²⁷⁴ and the clash of traditional values, as proffered by Mporu, with the liberal values contained in the Constitution that found their way into the public discourse. The clash signalled an example of a healthy contestation for the unfolding, unrealised, incomplete or radically indeterminate democracy, with no ultimate reconciliation possible.

Let us return here to the Mouffian conception of democracy: it is not a deliberation à la Habermas, aimed at reaching the one rational solution to be accepted by all, but constitutes a confrontation among adversaries. However, in the above master narrative formulated by the ANC and its supporters, the media, in this case the *Sunday Times*, was not an adversary but rather an enemy. The hailing of the independent media as enemies of the people, who lack *ubuntu*, showed the excess or surplus attached to the media. And as Žižek theorised, if you subtract the surplus you lose the enjoyment, and surplus is the last support of ideology (1989: 124). In other words, if independent journalists were seen as legitimate adversaries, there would be no excess. But in conceptualising them as enemy, they were positioned as outsiders to democracy. The displacement trick used here is that of heterogeneous antagonisms condensed into one entity (in Žižek this is what he meant by the figure of the Jew into which the antagonisms he spoke about were condensed). In this example it was the *Sunday Times* which had exposed the Health Minister for her unsavoury and unseemly

²⁷⁴ See also Žižek (2002) who said in an interview with the Left Observer that many left wing thinkers just dismiss universal human rights as a tool of the West, but it's "not that simple" he said. 'I think we should accept that universalism is a Eurocentric notion. This may sound racist but I don't think it is. Even third world countries appeal to freedom and democracy when they formulate their struggle against European imperialism. You may remember that in the struggle against apartheid in South Africa, the ANC always appealed to enlightenment values'. See how this concurs with Leshilo's comments about are we such savages that we cannot understand universal values of press freedom.

behaviour. The heterogeneous antagonisms consisted in the labelling, hailing or interpellating of: anti-*ubuntu*, racist, enemies, that colonial creature²⁷⁵, anti-transformation and apes of universal values of the west. There is a symbolic over-determination invested in the media as seen in the discourse of Mpofu. The Althusserian interpellation was clear.²⁷⁶ What does this interpellation aim at? It is a social demand, a symbolic injunction in the discursive, with the aim to bring those the critics back into line, to rein them in. Of course, there is always the risk of misrecognition, as in the case of Leshilo who fought back against the totalising reduction of identity of the media being constructed as 'enemy'. He made no turn towards the voice of interpellation, nor against himself.

7.5 The Plurality of Voices in Civil Society

While, on the one hand, the President, his Health Minister, the Office of the President, and the ANC all tried to create unity in the social through ideological interpellation supported by some, for example Mazwai and Mpofu, the plurality in society reared its head in a display of democratic dissension, showing fluidity and lack of unity in the social. The news of the firing of Madlala-Routledge generated international headlines.²⁷⁷ Locally, opposition parties, civil society groups, including the Treatment Action Campaign (TAC), as well as the Congress of South African Trade Unions (Cosatu), and the Aids Law Project (ALP), condemned the firing and circulated a petition to this effect. Fatima Hassan, senior attorney at the ALP and convenor of the Joint Civil Society Monitoring Forum, together with Mark Heywood, director of the ALP, commented:

²⁷⁵ This was a gem from Ronald Suresh Roberts, an ardent Mbeki supporter who called Makhanya that 'colonial creature' *Mail & Guardian Online* (2007) Ronald Suresh Roberts's ode to Mbeki

²⁷⁶ See Zizek (2006: 35) in *How to Read Lacan* on ideological interpellation: 'the symbolic identity conferred on us is the result of the ruling ideology which 'interpellates us as citizens, democrats, Christians...'

²⁷⁷ For instance, see the *Washington Post*: 'Aids activists rally in South Africa': 29 August 2007. In addition, the *Observer* in the United Kingdom ran with a headline: 'Is Mandela's successor one of the world's worst presidents?' (September 2007) *The Independent* wrote: 'Thabo Mbeki's stance on Aids has left South Africa with the world's worst HIV epidemic. Yesterday, he silenced the woman fighting to end the suffering of millions': 10 August 2007. Many people believe that her dismissal went against the spirit of the Constitution and the long-standing traditions and values of the ANC (see *Mail & Guardian*: 'Nozizwe: Sublime or Subprime?' 17-23 August 2007).

Everyone seems to have forgotten about section 195 of the Constitution, which sets out the basic principles that should govern politicians. It states that public officials have a duty to promote and maintain a high standard of professional ethics, to be accountable, transparent and to respond to people's needs. All politicians must provide the public with timely, accessible and accurate information. Is this not what Madlala-Routledge did at Mount Frere Hospital, and on other occasions? (*Mail & Guardian*: 17-23 August 2007).

Hassan and Heywood then made the following observation on Tshabalala-Msimang: 'The Minister's conduct can also be measured accurately against the Constitution. Despite several Constitutional Court findings against her, she has remained part of the team. Indeed, she is the quintessential "team player"' (ibid). The phenomenon of the 'team player' was innocuous on the surface but in South African politics and in particular the politics between the media and the government and the ANC, its meaning was intrinsically interwoven into and bound up with ideology, and how to stop dissension from the voice of authority or power. This will be more fully explored and analysed at the end of this section using the concepts ideology, excess, surplus and subjectivisation. At this juncture, the government's argument on the matter of the two Health Ministers must be conveyed.

7.6 The Government's Side of the Story

The spokesperson for the Department of Health in 2007, Sibani Mngadi, provided the reasons for Madlala-Routledge's firing. 'A self-proclaimed communist who became an idol of the opposition, the "bourgeois" media and global capital institutions, has ended up in conflict with the government she represented', he wrote:

This is how one can sum up the three-year period of Nozizwe Madlala-Routledge as the deputy minister of health, which ended last week. She was dismissed for, among other things, flying to Spain with her son and a consultant despite her request to travel being disapproved by the president [...]. When visiting Frere Hospital after a newspaper report alleged that it was experiencing a high level of maternal and infant mortality as a result of equipment and other problems, Madlala-Routledge declared a 'national emergency' to her invited media without consulting any other government authority. The effect of such a

declaration on improving service delivery is yet to be felt. Her superior Tshabalala-Msimang used a different approach. She appointed a team of officials with expertise in maternal and child health to investigate, and their recommendations are being implemented by the national and provincial governments [...] Whatever her intentions were, Madlala-Routledge was loved by some international bodies that would like to change policies that are part of the government developmental agenda. She provided great opportunity for the opposition to attack health policies in particular, and she gave great sound bites to the media – but none of this was helpful to the institution she represented – the government of the people of South Africa (*Mail & Guardian*: 17-23 August 2007).

Mngadi, in representing the view of Mbeki, showed in his discourse how dissensus from the government line was not to be tolerated. His deflection tactic was to talk about a trip to Spain. Clearly from the above discourse, Madlala-Routledge had embarrassed the government. But essentially she was just doing her job, which was to highlight problems of delivery in order to tackle them. For the government though, she was not a ‘team-player’: in other words, she questioned, did not follow the rules of the game. Political analyst Judith February, head of Idasa’s Political Information and Monitoring Service, provided an apposite analysis of the situation in an article: ‘How sick is our democracy in light of Frere Hospital?’. She found that the response to the story on Mount Frere Hospital was ‘hardly one of a government that empathises’ (*Business Day*: 27 August 2007). She commented on the reductionist logic:

Instead it was one of obfuscation and nitpicking about statistics. In the process, too, Mbeki has chosen, all too predictably, to shoot the messenger. Critics are either racists or anti-ANC. Black analysts, commentators or journalists who find themselves critical of government action become unhelpfully labelled as lackeys of white colonialists. Once one frames the public debate on such issues in such crass and absolute terms, it becomes very difficult to have any sort of debate about SA’s future. The reductionist logic of such labelling is, surely, insulting to black people as black critics are thereby perpetually viewed as unthinking. It also denies the complex reality of present day South African society where opinion has become far more nuanced and less influenced by race [...] There are concerns that the Madlala-Routledge dismissal is symbolic of a further shrinkage of the public space to debate, differ and ultimately decide our future trajectory ...her dramatic

dismissal has served to highlight several worrying examples of individuals either suspended or dismissed when they have tried to expose corrupt or wrongful action in the public sphere ...So, while the constitutional framework within which SA operates provides the legal space for citizens to engage, the political reality is increasingly being marked by at best, increasing defensiveness by the government and at worst, plain intolerance of dissent. (ibid)

February showed the radical ambiguity of democracy, in that 'democracy' can be used by those in power to close spaces in the public sphere – just the opposite of what democracy is supposed to be. Madlala-Routledge's dismissal was symbolic of the shrinkage of the public space to debate. February's conclusion was instructive in the observation that agency, the participation of citizens and accountable governance, was the lifeblood of democracy. In the Mouffian philosophy, active citizenship, she felt, required that we continue to prise open the public space at all cost. The argument is that the consequences of passivity will be too great. This is precisely what the *Sunday Times* did: it prised open the public space through the unsavoury story of the Health Minister at whatever cost this might incur. It caused both dislocation and fracture in society, and brought to the fore the issue of African values of '*ubuntu*'. Journalists who supported the publication of the story argued that they performed their professional roles and their function in a democracy, (to be shown in the section 'Universalism versus Particularism'). This was to hold power to account. They felt they owed *ubuntu* to the people of South Africa who were suffering under a Health Minister who was both inept and a drunk, who refused to provide adequate HIV/AIDS care to the country which still had the highest HIV-infection rate in the world. This remained the case in 2010.²⁷⁸ Ironically, this was the anti-*ubuntu* legacy left by Mbeki and Tshabalala-Msimang. However, to turn the gaze on the media, and its inadequacies, the question could be asked why did it not undertake its investigations prior to 2007? After all, she became Health Minister in 1999, at the inception of Mbeki's presidency. Was it not the duty and responsibility of the media to investigate the past of every public figure? The media's

²⁷⁸ The Humans Sciences Research Council's report, released on 30 March 2010, showed that there was a prevalence of 16.9% of HIV in the South African population aged between 15-49 years (*Business Day*: Survey shows students find little support against HIV stigma: 30 March 2010: 4) The UN AIDS report 2009 said that South Africa was reported to be home to the world's largest population of people living with HIV – about 5.7-million (*The Star*: HIV risk for students on the rise: 30 March 2010: 7).

role is to act as a watch-dog over the performance of government and civil society. And, while it does perform this role, it is in an uneven and imperfect manner. Nevertheless, its duty is to be vigilant and expose malpractice in society and the state – this deepens democracy.

Unity in the Social and Ideology at Work

In democratic discourse the media are widely acknowledged as a 'public space'. The trick of obfuscation that February alluded to was ideology at work. The point is that ideology deflects from the key issue and 'works best on the stupid subject'. Stupidity, Zizek asserted, was a key category in ideology (2007: 200-201). Zizek's theory of ideology stemmed from Lacan who was in turn, influenced by Freud. Lacan said: 'My teaching is in fact quite simply language and absolutely nothing else' (2008: 26). While Lacan claimed to reduce his teaching to this simple statement, the central point was to emphasise how language shapes ideology. He said: 'A lot of people here probably believe that language is superstructure. Even Mr Stalin did not believe that'. Lacan then referred to Freud: 'Open the book on dreams,' he wrote, 'and you will see that he talks of nothing but things to do with words.' (op cit: 26-30). For Lacan, the subject performed a double function in language. In his argument, the subject functioned as a divided self, which was why he developed the concept of the split subject. The post-modern subject was the split subject. This is what we see in all the subjects discussed above: Mbeki's love and hatred for the people as discussed above; Madlala-Routledge confronted by the conundrum of her loyalty to the ANC and the government line on HIV/AIDS and her commitment and *ubuntu* in relation to people.

Zizek developed these notions further in his discussions on ideology and how it works best on the stupid subject. He used Robert Zemeckis's film *Forrest Gump* to explain the point in his work *The Indivisible Remainder* (2007: 200). The film, he observed, 'offered as a point of identification, as the ideal ego, a simpleton and thus asserted stupidity as a key category of ideology' (ibid). The story is about the extraordinary life of a simple man, Gump. He becomes a wealthy businessman after becoming a symbol of American

heroism for his selfless attachment to his friends in Vietnam. Then later he was celebrated for his achievements in running around America. His girlfriend, becomes a hippie, and later a stripper, and for one night, his lover. The denouement: she dies from AIDS and leaves him to bring up their son. The symbolism in the story is that his stupidity makes him an unconscious participant in history, an automaton who executes orders, but ultimately he becomes a successful wealthy man whereas his beloved fails despite being an active conscious agent, wrote Zizek (op cit: 201). The ideological mystification of the film resides in the fact that it presents ideology at its purest as non-ideological, an extra-ideological good-natured participation in social life. That is to say, the ultimate lesson of the film was: 'don't even try to understand; obey and you shall succeed'. Gump ended up a famous millionaire; his lover died of AIDS. The secret of ideology was revealed: its successful functioning involved the stupidity of its subjects.

There are parallels between the story of Gump and his girlfriend and the relationship of Tshabalala-Msimang and Madlala-Routledge to power. The latter questioned, sought the truth, and was fired for her efforts; the former followed the rules and kept her position, as did Gump. However, in this particular context, the Health Minister, even though she was a loyal subject to Mbeki's AIDS denialism policies, was also an active agent, as hers was a strategic and instrumental deployment of stupidity to maximise her personal interests. She mouthed Mbeki's views at every turn when she repeated his views that it was poverty that caused disease in general, and HIV/AIDS in particular. She argued, following Mbeki denialism, that anti-retrovirals were poisonous and advocated instead a healthy diet of beetroot, onions, garlic, the African potato and vitamins. The general secretary of Cosatu, Zwelinzima Vavi, and Zizek would probably agree if they had to theorise the issue of the treatment of the two ministers by Mbeki. Vavi said of Madlala-Routledge:

In the absence of any convincing explanation, we conclude that she was fired because of her views on HIV/AIDS, which were not shared by the president and Minister Manto Tshabalala-Msimang. It is very sad because this means the sheep mentality of following the leader will persist. It will deepen the culture of sycophancy among government ministers and officials (*Mail & Guardian* online: 2007).

In this chapter, the issue of a 'sheep mentality' or sycophancy, of conflating disagreement with disloyalty, of obfuscation under the rubric of '*ubuntu*' was raised by many voices in South Africa's plural democracy. I have pointed to the diversity of dissenting voices. From different points of the civil society map we have heard voices from the journalist sector, as in Leshilo and the media academic sector as in Duncan, from society's independent political monitoring organisations, such as the Idasa, the voice of February, from the HIV/AIDS sector, Heywood and Hassan, and from the union movement, and a partner within the ruling alliance, the voice of Vavi, all signalling the plurality of civil society. The voices contested the attempts at subjectivisation and ideological interpellation by the politically dominant political party, the ANC. All the players, including the ANC represented by Mbeki, Tshabalala-Msimang and Madlala-Routledge, journalists such as Mpofu, Leshilo and Makhanya, and the voices of civil society were involved in a 'fight' internal to democracy itself, showing also the radical ambiguity of the term 'democracy'.

7.7 Universalism versus Particularism: Through the Gaze of Journalists

There is an enigma to universalism according to Žižek (2007: 214) who asked: 'How is it that Homer's poem, *The Iliad*, even though it hailed from a particular historical context has retained its universal appeal today?' Applying the Hegelian approach to universalism as opposed to the standard historicist approach, he explained his contention thus: 'The universal appeal is founded upon a gap that is to say between their universality and their always imperfect realisation'. (op cit: 215). It was precisely the issue of human rights that formed the basis for an on-going appeal for him. He asked whether the appeal was universal or just due to a specific Western context.

This question, about universalisms and particularisms, was posed to editors too concerning freedom of speech and the right of the newspaper to publish such a story. From one point of view, for example, interviews with journalists, they agreed that the *Sunday Times* should publish the exposé on the Health Minister. They agreed with the

view that independence of the press was a 'universal' value in a democracy. This was a contestation with views, from Mporu, for example, that the publication of such a story, was lacking in *ubuntu* or humanity. The contest, it could be argued, showed a clash of principles and ideas, a clash between values of 'African respect' and enlightenment values on which the Constitution was based. It could also be more plausibly argued that the argument for the media lacking in *ubuntu* was just an ideological deflection from the ruling party's own inadequacies and wanting to protect 'its own', or one of Mbeki's own. Many journalists who were interviewed on the matter said that they did not buy into Mporu's *ubuntu* argument, and by so doing showed what Butler called 'resignifications', or detaching from passionate attachments to the past which are injurious. The terms of the past, could be seen as being soft on those of the same race as oneself (see Malala below), or loyalty to the ANC because it was the liberation party.

As the following interviews show, they felt the publication of the story about the Health Minister, in so far as it was in the public interest, was critical to deepening democracy, and that press freedom was a universal value and should not be dependent on any particular context of democracy. Their discourse showed that they were refusing to succumb to the ideological interpellations of the ruling bloc. The interviews were conducted in January and February, 2008.

Justice Malala, columnist for *The Times* daily newspaper and publisher of Avusa magazines put forward the following view:

This was a very scary development – a shooting the messenger phenomenon. There isn't a single fact about what was exposed about her that was disputed. The paper was accused of trespassing on her dignity and her privacy but this is a public figure. Her drinking and kleptomania affected her work. I didn't see what the problem was in exposing her except the ANC wanted to protect her. The SABC in its statements was then just an extension of the ANC. They accused the *Sunday Times* of a lack of *ubuntu*, among things, but what about the hundreds of thousands of lives lost because of this minister's policies of not rolling out ARVs? There was also in the *ubuntu* argument an implication that we must protect this minister because she was black but the thousands of poor that have died from receiving no ARVs, were they

not black? The *Sunday Times* did admirably well on the Manto issue and it showed up the government's paranoia (Interview: 23 January 2008).

Malala observed, as pointed out earlier, that the lack of *ubuntu* emanated from the Health Minister herself, against all the people of South Africa who did not receive the adequate HIV/AIDS medication that was their due. He also mentioned the holy cow issue of protecting someone because she was black, yet the irony is that the people who died because of a lack of treatment were mostly black themselves. He mentioned the government's 'paranoia' signalling that, in his view, there was an excess and surplus attached to the media by the ANC-led government, an overinvestment as such.

Rehana Rossouw, executive editor of the *Weekender* said:

Independence of the media is a universal principle to me, closely tied to the principle of freedom of expression. Without a doubt the *Sunday Times* story on Manto Tshabalala-Msimang was in the public interest. I await eagerly the next instalment (Interview: 24 January 2008).

For Rossouw, the issue was clear. The story was in the interest of the public and it was a worthy story. She was unambiguous in the sense that this was purely a professional issue. The story had to be covered. She held that independence of the media was a universal principle, not contingent upon any state of democracy the country was in.

Mondli Makhanya, editor of the *Sunday Times*, argued:

Independence of the media is a universal, no-compromise principle. It should be 100% a principle not contingent on particular stages of democracy. There is an argument that we shouldn't see ourselves as an advanced democracy of the world, but then there are these countries that have made compromises; take the Zimbabwe media and where they ended up after being respectful to Zanu PF for too long. I have no regrets about the Manto Tshabalala-Msimang story. It was an important moment in South African media and in journalism because we took something that everyone was whispering about behind the scenes and brought it out in the open. It provoked; the government had never been shaken like that. The letters from the public and phone calls of support,

even from ANC members who said 'well done' and 'carry on', were just great. They said thank you to me, and 'you guys are brave and courageous'. Imagine that! ANC guys themselves were saying this. Sales went up which showed the credibility of the news item. People said this story was definitely in the interest of the public. The point is that when you put yourself in positions of leadership you have to behave in a certain way. I, Mondli Makhanya, as editor of the *Sunday Times* should be held to exactly the same standards being in a leadership position. I can't just do certain things. You have to have that responsibility that comes with power (Interview: 24 January 2008).

Makhanya said that in retrospect he would publish the story all over again. For him, holding a position of power, as he himself did as the editor of the country's largest newspaper, meant behaving with responsibility. He did not turn his back on the story, and showed no ambiguity. He pointed out that if one had to make press freedom contingent upon what stage of democracy one was in, one could find oneself on a slippery slope, which could easily lead to Zimbabwean meltdown and media repression. Makhanya was buoyed by the support he received from the public in the form of letters, emails and telephone calls, including, interestingly enough, supportive calls from some members of the ANC. The latter showed the lack of unity within the organisation, and suggested that there was no real centre and no single unified ANC.

Hopewell Radebe, foreign editor of *Business Day* posited:

Independence of the media is a principle that must be embraced but in the end it is as free as the ruling party allows it to be. The Manto story was in the public interest, because of her public stature. She abused her position and it was despicable. The newspaper was absolutely correct to get those documents – how else will we get some stories unless people give us documents? The documents prove that she was there at that clinic at that time. There was no invasion of privacy because none of the medical details about her particular condition were revealed in the stories. Fortunately, the court ruled that it was in the public interest. The court appreciated that her medical history was not revealed but that she was getting nurses to buy her booze and undermine their integrity and that she was a thief in her past was in the public interest. All cases of fraud and corruption are in the public interest, so with this stealing issue it's the same thing. The media cannot be blamed for this story; we are part of fight against corruption.

The way the newspaper was treated was indeed a case of shoot the messenger (Interview: 25 January 2008).

Radebe's words against the Ministers were strong: this was about exposing corruption, and this was the media's task in a democracy. For him, the Minister's behaviour, that is 'getting nurses to buy her booze', was an abuse of power. It undermined their integrity. He asked the pertinent question: how else would the media get stories to expose abuse unless they received documents they could use? There was no theft of medical records. For Radebe, someone had passed the information to the *Sunday Times*.

Abdul Milazi, *Business Times* journalist, suggested:

Media freedom is universal value to me. It is the oil that keeps the wheels of any democracy turning. I see no difference in the Manto Tshabalala-Msimang issue to that of the former US President Bill Clinton and Monica Lewinsky scandal, except that the former did not involve any sexual act. A government official who abuses power or acts in a manner unbecoming of someone holding public office should be exposed. The *Sunday Times* tackled the story as any other newspaper anywhere in the world would have. I do not see why the *Sunday Times* coverage became such a big issue (Interview: 28 January 2008).

Milazi was also crystal clear that his role as a journalist was not to be loyal to the powerful but to be a watchdog and to hold powerful figures to account. The issue he raised was about the public accountability of powerful figures, and the role of the media in a democracy, as in the breaking of the sex scandal of former United States President Bill Clinton. The answer Milazi's question about why it became such a big issue, in the theory of this thesis is that the media was tackling and exposing one of Mbeki's friends and appointees, a faithful and loyal subject.

All the respondents felt that independence of the media and a free press were in the interests of democracy and formed a 'universal' value that should not be dependent or contingent on any particular stage of democracy. What the discourse of the journalists showed was resistance, despite their labelling as enemies who lacked ubuntu. Instead, they preferred to misrecognise the calling and adhere to the codes and principles of

their profession. There was a commitment to universal values which echoed Žižek in the opening quote of this chapter: 'True universalists are not those who preach global tolerance of differences and all-encompassing unity, but those who engage in a passionate fight for the assertion of the Truth that enthuses them' (1999: 226). For Žižek, the conundrum of human rights forms was whether they were embedded in a specific Western context or whether they were universal. It was to recognise the universal appeal of human rights rather than dismiss them as imposed Western values. This meant asking what the contention and contestation with universalism was. Left wing political philosophers have criticised universalism and ignored the politico-historical context. Mouffe, for example, offered a critique of universalism (2000: 62) when she cited the assertion of Rawls and Habermas that the aim of political theory was to establish universal truths valid in any historico-cultural context. Instead, she preferred to follow the Wittgensteinian philosophy:

Following a rule is analogous to obeying an order. We are trained to do so; we react to an order in a particular way. But what if one person reacts in one way and another reacts in another to the order and the training? Which one is right? (ibid)

In Mouffe's thesis, space needed to be created for the different practices in which obedience to the democratic rules could be inscribed (op cit: 73). So then, for her, democratic citizenship should take diverse forms and the necessary clash and conflict would be a struggle among adversaries and not enemies. This was her understanding of agonistic pluralism or democratic politics. This was one perspective. But contestation did not necessarily invalidate the universal applicability of, say, human rights or democracy as a value. Žižek offered an alternative. He noted in an interview in the *Left Observer* (February 2002) that certain values should not summarily be dismissed just because of where they hail from.

This may sound racist, but I don't think it is. Even when third world countries appeal to freedom and democracy, when they formulate their struggle against European imperialism, they are at a more radical level endorsing the European principle of universalism. You may remember

that in the struggle against apartheid in South Africa, the ANC always appealed to universal enlightenment values [...] (Žižek, 2002).

Ironically, then, that post apartheid, some unenlightened views were emerging within the ANC, as reflected in the discourse over the former Health Minister's exposure in the media. I agree with Žižek that to dismiss universalism would be 'left conservatism' (ibid). At the same time, the discourse of the journalists on the matter of supporting the story on the Health Minister being made public, despite the harsh ideological interpellations from the ruling bloc, showed the universalism of freedom of speech in action and the rich plurality and multiplicity of voices, all of which contribute towards deepening spaces for democracy. It also showed a turning away from and misrecognition of the ideological interpellations, rather than a turning towards the voice of power. Within their discourse no reflexive turns were witnessed.

7.8 Further Subjection: the Attempted Koni Media Buyout

Further attempted subjection of the *Sunday Times* occurred when political connections of Mbeki established a company to buy out the country's biggest independent newspaper. The story broke in the *Sunday Times* in a headline 'Mbeki Men in R7-bn bid to own *Sunday Times*' (*Sunday Times*: 4 November 2007). *Did Somebody Say Totalitarianism?*²⁷⁹ Not yet, but the Koni buyout bid for the company that owned the *Sunday Times*, was alarming. Why? Because the timing was suspect; it came shortly after the exposés in the *Daily Dispatch* and the *Sunday Times*. Mbeki's advisor, Titus Mafolo, foreign affairs communications spokesperson, Ronnie Mamoepa, retired chief of state protocol, Billy Modise and business man, Groovin Nchabeleng – all partners in Koni – made a R7-billion takeover bid (later reduced to R5-billion) for Johncom²⁸⁰ in

²⁷⁹ *Did Somebody Say Totalitarianism* is a book by Žižek (2002) in which he says the minute one accepts the term 'totalitarianism' then one is already in the liberal democratic horizon. My view is, so what? In exactly the same way that he feels about the left wing dismissing universalism. But this swing of Žižek back to his old traditions of wanting more state control has to be questioned and does not suit this research's project of pointing out the inherent dangers for the media of more state intervention.

²⁸⁰ Johncom became Avusa at the end of 2007, and is the company that owns the *Sunday Times*, the country's largest newspaper. It also owns the *Sowetan*, *Sunday World*, *Daily Dispatch* and has a 50% stake in *Business Day* and *Financial Mail*.

November 2007, within a few months of the events detailed above. Nchalabeleng denied that the company was a front for the ANC and Mbeki. He denied that Koni Media was a threat to media freedom. The bid raised questions about the ANC's commitment to the independence of the media, and brought to the fore the organisation's plans to take the proposal for a Media Tribunal to its December 2007 Polokwane Policy Conference. However, while there was no proof that the Koni bid consisted of Mbeki's friends it still raised the question of political interference in editorial content. As chairperson of Sanef, at the time, Raymond Louw, agreed: 'This is deeply alarming, as the company [Koni] is composed of prominent civil servants, and this may be an attempt to bring their own opinions to the *Sunday Times*' (*Sunday Times*: 4 February 2008). He explained his view further: 'We are not suggesting that they are out to suppress press freedom but, as civil servants, they represent government's viewpoint and they could use the publications as a platform for government propaganda'. (ibid). Louw made an instructive point: 'I cannot imagine how Mafolo, for instance, would allow a newspaper to publish stories like those on Health Minister Manto Tshabalala-Msimang' (ibid). The attempted buyout created heated debate and put the ANC on the defensive. Pallo Jordan, for example, an ANC national executive member and chairperson of its communications subcommittee, in 2007 argued:

There is always resistance when people who support the ruling party want to buy a newspaper. Why should it be seen as something dubious? Is it being suggested that people who support the ANC should not have a voice in the media? (*The Star*: 11 February 2008).

This was disingenuous of Jordan. Arguing for diversification of media ownership, as the ANC had done on numerous occasions, was one issue, but owning newspapers and then calling this 'diversification' is quite another. To conflate the two was blatantly disingenuous. A former ambassador and chief of state protocol, Billy Modise argued that his was 'purely business' (*Sunday Times*: 11 November 2007). When questioned about the high price of the bid when the company was probably worth R3.5-billion he responded: 'I'm sorry, I am not able to argue back and forth on this. We are still waiting to see what other bids are and where our bid will stand' (*The Star*: 11 February 2008).

Mbeki dismissed the allegations that a government front company was involved in a takeover bid. Speaking at a gathering of the International Investment Council on 11 November 2007 he scoffed: 'Let's stop the propaganda. The media should not be raising "scarecrows" but should do its homework first and study the company [Koni] (*The Star*: 12 February 2007). There were some in the national political discourse over the Koni bid, close allies of Mbeki, who saw the development as a positive one, with no sinister or cynical Machiavellian motives behind it. Business man, Onkgopotse JJ Tabane, wrote:

Last week's bid for the ownership of Johncom by the Mvelaphanda²⁸¹ group, as well as another possible bid by Koni Media Holdings, is a positive sign of the future diversity of one of the most influential groups in media landscape. Somebody has seen the light ... In a country where more than 70% of the electorate have voted for the ANC, it should come as no surprise that many deals will be linked with people who have some kind of connection to the ANC or government ... This link, however, cannot be used to prejudice these people and dismiss them immediately as surrogates of government. ... We live in interesting times. And so we watch as the cookie crumbles and arguments for the status quo in media monopolies remain, now dressed in the borrowed robes of concern for freedom of expression and the imagined threat to press freedom (*The Star*: 12 November 2007).

For Tabane, there was excitement because the cookie of media monopoly was crumbling. Clearly, for him a government monopoly would be better than a capitalist monopoly. Tabane felt the threat to press freedom was 'imagined'. Mazwai was supportive of the buyout bid too. However, he racialised the issue when he wrote that while he found the uproar 'fascinating and typically South African' upon a 'closer look at the basis of the outrage', he found 'the usual suspects'. He said this was the country's 'right-wing dynasty masquerading as liberals, as Suresh Roberts has poignantly observed' (*The Star*: 12 November 2007). He continued:

²⁸¹ Owner of Mvelaphanda Holdings, former politician Tokyo Sexwale, at the same time made a bid for Johncom and then subsequently made a bid for a 30% stake in the *Mail & Guardian*.

Of course they are joined by their black fellow travellers, whom Christine Qunta graciously refers to as Askaris [...] There is nothing wrong with liberalism as it represents lofty ideals worldwide; however as pointed out, South Africa's liberal constituency consists of dyed in the wool right wingers whose sole purpose is to ensure that blacks do not mess up this democracy, which is defined in their terms [...] (ibid).

Like in Mbeki's discourse on HIV/AIDS, Mazwai's discourse on the buyout bid brought in the signifier race, converting it into a Master Signifier. Professor Guy Berger entered the fray with his observations showing how race became the Master-Signifier when he, in turn, criticised Tabane's comments that 'critics are racially opposed to black empowerment' (*Mail & Guardian*: 16-22 November 2007). Berger felt that to function fully in democratic governance, the media should stay separate from the state. The answer, for him, was that 'political ownership by anyone is not good for democracy' (ibid). The point was not that critics of the buyout were opposed to black economic empowerment and were thus anti-black or, to use Christine Qunta's phrase, 'askaris' (the term for black traitors during the liberation struggle), as quoted by Mazwai.

A *Business Day* editorial entitled, 'The Passion Counts', reflected in a light tone on the Koni bid:

There's not a print journalist worth his or her salt who doesn't dream of owning a newspaper one day. So we understand how a group of bright South Africans might dream of owning the *Sunday Times* and its many sister newspapers in the Johncom group ... Perhaps the entry of a group of Mbeki loyalists into the press would be no catastrophe. But if they don't win the *Sunday Times*, will they still dream of newspapers? We doubt it. You don't bid for Johncom at a huge premium and without a business plan unless you don't care about how you're going to make a profit. And if you're not in it for the money, then your bid's political and, ultimately, a sham. The passion counts (*Business Day*: 7 November 2007).

There was no passion for journalism with the Koni bidders. Bruce's editorial made sense. Since the bid was unsuccessful, there were no further 'dreams of owning newspapers' that found expression in Koni or any other consortium until *The New Age* newspaper venture in 2010 (see Epilogue).

Before concluding with post-modern/psychoanalytical reflections on the situation of the *Sunday Times* and its attempted subjectivisation of the stories about the Health Minister, I would suggest that the events above constituted a negative turning point in the ANC-media relations leading up to the national Policy Conference in Polokwane in December 2007. Duncan calls this moment a 'tipping point' in ANC-media relations (2009: 15). She said 'that various events unfolded that altered fundamentally relations between the party and the media, and that strengthened the party's resentment of the media... But it was the *Sunday Times*, and its editor Mondli Makhanya, whom Roberts²⁸² referred to as 'that colonial creature', that provoked outright rage from the ANC' (ibid). It was indeed at the Polokwane conference in December 2007, four months after the Health Minister's exposure began, that a resolution was passed for the Media Tribunal to be investigated. Such a tribunal would, in effect, see more state control of the media, as discussed in Chapter Six.

7.9 Failed Subjection, Resignifications and Half Turns

How are we to blend this empirical case study and the interviews with the theoretical concepts delineated at the outset: ideology, subjection, excess, surplus and the three kinds of subjects, subjectivities, and subjectivisation? First, there is the ideological subjection of Tshabalala-Msimang by Mbeki: she was the loyal, unquestioning subject but one who was also an active agent in promoting the former President's denialist AIDS policies. Second, we had the questioning subject, Madlala-Routledge, who was fired for not toeing the line ideologically. Third, there was attempted subjection of the *Sunday Times*, through the threatened arrest of the editor and his senior journalist, the threat from Minister in the Presidency, Essop Pahad that the government should consider withdrawing its advertising²⁸³ and the attempted buyout by Koni. All of the latter attempts failed.

²⁸² Ronald Suresh Roberts, author and legal academic is a staunch supporter of Mbeki and is fond of labelling any critique of the ANC government as either 'racist' or 'colonial'.

²⁸³ See *Mail & Guardian*: 7-14 September 2007

The Master-Signifier was race in the cases of the exposure of the former Health Minister, and the buyout bid of the *Sunday Times*. Those who were against the publication of the story, for instance Mazwai, Mpofu and Suresh Roberts, hailed journalists in various ways. For example, Makhanya was called that 'colonial creature' (*Mail & Guardian Online*: 15 June 2007). They were hailed or interpellated as racist enemies who lacked *ubuntu* while pandering to western notions of a free press, with no understanding of what transformation entailed in the South African context and history. In other words, they were not bowing down to the master narrative. Those in support of the story being published argued in the name of exposing the abuse of power, the unfit nature of this minister to hold that particular portfolio, professional ethics, and loyalty to democracy. Loyalty to democracy, as in the editors' interviews, meant loyalty to the people of South Africa, or the public, irrespective of race, class or gender, or indeed political affiliation. The populist intervention by those who interpellated the media as 'enemy' was illogical: if you expose corruption but it is 'one of our own' then you are anti-transformation, you are anti-black, and therefore you are an enemy of the people. This master narrative was a conflation or a rigidifying of the meaning of transformation, and of democracy. The radical ambiguity of the term 'democracy' was shown.

The study also exposed the deep desire on the part of some for social consensus with the media. Deploying Foucault, Freud, Hegel and Althusser's works as philosophical backdrops to develop her theories of subjection, Butler (1997: 84) argued that subjection was, literally, the *making* of a subject. But there was also the ambivalent effect of power, in the effect of a psyche that turned against itself, a reflexive turn, which could be said to be a turn of conscience. The subject, Makhanya, could be viewed as having made a turn, but a half turn, not a full turn, against himself when he offered to hand himself over to the police after his threatened arrest.²⁸⁴ While he maintained he had done the 'right' thing by publishing the story, there appeared to be ambivalence in this turning towards the voice of power; in effect, a reflexive turn, or turn against himself. A reflexive turn, in Butlerian terms, was a double bind in the sense that it was a turn against oneself. Butler recognised the gap in Althusser, when she said he did not

²⁸⁴ See article in *Business Day* 15 October 2007, 'Times editors to hand themselves over'.

answer the question as to why the subject turned. So she took the gap herself. Could it be a guilty conscience,²⁸⁵ she asked, that makes a subject turn towards the voice of power, the interpellating voice? In this case, the interpellating voice was the voice of the ANC. There was ambivalence, witnessed in Makhanya's response, and he could be viewed as the typical post-modern split subject, partially subjecting himself to interpellation when he said he would hand himself over to the police station. Butler's theories seemed to elucidate 360 degree turns. I would like to argue that Makhanya's turn was only a half turn, maybe a 180 degree turn, probably just a 90 degree turn, in the sense that he did not succumb to the voice of power completely. His newspaper continued with its critical reporting. He also said in his interview that he had 'no regrets' about the publication of the story. The ambivalence in the subjectivities of Makhanya was of the same kind as that of Zapiro (in Chapter Five). The cartoonist decided to temporarily suspend the shower from President Jacob Zuma's head.²⁸⁶ However, as we shall see in the next chapter, Zapiro made another turn in February 2010 by reinserting the shower head in a bigger than ever way after Zuma, the polygamous President, fathered a child outside wedlock.²⁸⁷ This shows the fluid nature of floating signifiers, the fluid and changing nature of the undecided democracy, and how subjects become divided and split, then whole, then divided and split again. However, there is also another way of viewing the halved, reflexive turn made by Makhanya.²⁸⁸ It was precisely because he felt guilty of nothing that he could afford to say he would offer himself over to the police. A further reading, a more optimistic one, of Makhanya, was that he was a true universalist in the Zizekean sense of not supporting the ANC's hegemonic demand for an all-encompassing unity (see opening quote). This would also be true for the journalists interviewed (Radebe, Rossouw, Malala, Milazi) who were

²⁸⁵ Butler explains that Nietzsche made a distinction between good and bad conscience (1997: 63-82). The origin of bad conscience is the joy taken in persecuting oneself, where the self-persecution does not exist outside the orbit of that persecution, and while Butler theorises about self prohibition in relation to homosexual desire, hence a turning back against oneself, a turning towards the law, and so forth, this concept can be applied here as in, a small capitulation to one's own subordination. This is not the same as the love of the shackles, as in Hegel's *Unhappy Consciousness*, or stubborn attachment to wounds of the past and enslavement.

²⁸⁶ Zapiro inserted a shower head over Zuma after the alleged rape trial when Zuma famously said he took a shower after having sex with an HIV-positive woman. Zuma was acquitted of rape charges. This is discussed in chapters five and eight.

²⁸⁷ See *Mail & Guardian*: Anger at Big Daddy Zuma Grows: 5 – 11 February 2010.

²⁸⁸ This reflexive turn could also be seen to be a case of the divided subject as in Lacan, who defined this division as that between the subject who speaks and the unconscious subject who is independent of language. See Lacan in *My Teaching* (2008:54).

enthused by their perceived role in the social, that is, they were performing an invaluable function towards the deepening of democracy in the country. There was an excess attached to the media, witnessed in their hailing as enemies of the people, lacking in *ubuntu*. However, as Milazi remarked: 'The *Sunday Times* tackled the story as any other newspaper anywhere in the world would have. I do not see why the *Sunday Times* coverage became such a big issue' (Interview 28 January 2008).

Then, we have the subject formation of Madlala-Routledge. For asserting herself and talking out against conditions at the Mount Frere Hospital and for criticising the 'beetroot policies' of Tshabalala-Msimang, she was interpellated as a 'non-team player' who was courting the international media. She caused dislocation in the imagined united social, and she was fired from her job. It would also seem that she 'lost'. But the democracy in South Africa is a constantly negotiated, fluid, open-ended space, radically ambiguous, as stated earlier. This is reflected in the events at Polokwane in December 2007, where Mbeki was axed in a most humiliating but bloodless coup, by a narrow margin, which saw the left-wing and populist favourite, Jacob Zuma, become President. Madlala-Routledge returned when the ANC appointed her as Deputy Speaker of the House of Assembly after the 2008 elections.

Besides the multiple subjectivities and subjections, this study has also shown that South Africa is a fluid society, undecidable in nature, unessentialised as characterised by the post-modern condition, with robust fights and contestations. However, there were clear attempts by many within the ruling bloc to hegemonise the social by creating unity and foreclosures. This was done through ideological interpellations and the attempted buyout of the company which publishes the *Sunday Times* in an attempt to rein journalists in. The media played the role of watchdog by attempting to hold power to account and speaking truth to power, but did not recognise the ideological interpellations or hailings. It played its role in a democracy, but in a way that was less than perfect.²⁸⁹ The media's misrecognition of its interpellations and its resistance to

²⁸⁹ For instance, I have pointed out that the media could have done a proper job prior to Tshabalala-Msimang becoming Health Minister. Had they investigated her background, they would then have found her to have been a

subjectivisation signalled an optimistic moment for its role in a democracy. In Chapter Eight, I turn to a discussion of how hegemony is constituted through the concept of developmental journalism in the 'transformation' discourse of the ruling elite.

kleptomaniac, hence we have seen in the newspaper article by the *Sunday Times* that staff at a Lobatse Hospital in Botswana had laughed that South Africa had her as a Health Minister. To stretch the argument, the media could possibly have saved hundreds of thousands of lives from death by HIV/AIDS if they had exposed the former Health Minister before she took office. On the other hand, it could also be argued that Mbeki would just have had another loyal subject carrying out his AIDS denialism policies.

Chapter 8

Hegemonising the Social via the Construct of 'Developmental Journalism'

*[The media] has no respect for our people ... It has no time to tell people what really is going on. It ignores government programmes and focuses on scandals and issues that are private. This media, this media, this media ... The media in this country want to insult us. They publish only points of view that they agree with, points of view that paint the ANC in a bad light. I'm angry. Angry because people who sacrificed their lives for this country are being treated with contempt. And I'm not the only angry one. The comrades are angry... [I want to] lead the charge to restrict the media in this country. The media needs to be controlled (ANC member 'Mthunzi' in Rantao, Daily News: 21 August 2007).*²⁹⁰

The focus of this chapter is on how attempts are made by the ANC to hegemonise the social via the construct of 'developmental journalism' in post apartheid South Africa. The argument is that if you stitch the floating signifier, 'development', to the 'transformation' project, as the ANC understands it, then developmental journalism takes on a fixed signification. This is a populist intervention²⁹¹, an unprogressive kind of hegemony, as portrayed in the quotation by ANC member, 'Mthunzi' above. Mthunzi was 'angry' because the ANC was 'painted in a bad light' by the media, yet it was ANC members who sacrificed themselves for this country. Thus because the ANC was the movement of liberation, so the media should be more supportive of the party. The implication of this view was that the media must step out of its professional role and be less critical. However, with this kind of 'logic' and, it is not an isolated view,²⁹² the lines between party, state and the role of the media become blurred.

²⁹⁰ Rantao, J. 2007. 'SA's media can learn from Zambia'. *Daily News*. 21 August 2007

²⁹¹ See Laclau in the chapter 'The People and the discursive production of emptiness' in the book *On Populist Reason* (2009:78) where he notes that there cannot be totalisation without exclusion. In Mthunzi's discourse we see both exclusion (of the media) and its totalizing function. In other words, 'our people' means us the ANC and the people, and you the media, the Other: an antagonistic frontier is created.

²⁹² In July 2010 this same view emanated from an ANC MP in a parliament hearing on submissions by civil society groupings, including the *Mail & Guardian*, against the broad clauses in the Protection of Information Bill which could see journalists jailed for being in possession of classified information. ANC MP, Cecil Burgess, chairperson of the

The chapter, which has four sections, deploys the concepts of hegemony²⁹³; *point de capiton*,²⁹⁴ excess and surplus enjoyment. First, it discusses how ‘developmental journalism’ is a floating signifier²⁹⁵ in the discursive formation, but how attempts at foreclosures are made, as reflected in the opening quote: ‘It ignores government programmes and focuses on scandals and issues that are private’ and, ‘the media need to be controlled’ (ibid). However, it must be stated that the ANC does not hold a single unified view of the media with respect to issues, and in particular with regard to the view that it must be controlled, as shown in the previous chapter. There are more nuanced views such as that of Jeremy Cronin, an ANC NEC and SACP member.²⁹⁶ Secondly, the chapter scrutinises what developmental journalism means to journalists and how in their discourses it seems to be a floating signifier, unfixed or untied to one particular meaning. Thirdly, the chapter discusses the significant developmental role played by journalists when they covered service delivery protests in Sakhile, Mpumalanga in October 2009, but criticises them for not following up a year later. Finally, it discusses the role of the media in the controversy²⁹⁷ surrounding President Zuma’s private life in 2010, which I have termed ‘Babygate’. This entails an examination of the public versus the private and the role journalism played in Babygate. In this instance, the chapter reflects on whether the role of the media could be called ‘developmental journalism’ or scandal-driven and sensationalist journalism, focusing largely on issues that are ‘private’, as Mthunzi alleges in the opening quotation and as Cronin suggests in his

parliamentary ad hoc committee heading the submissions asked Nic Dawes editor of the *Mail & Guardian*: ‘As they would have said in the days of the struggle: are you with the struggle or are you against the struggle, Sir? (See Paul Hoffman, founding director of the Institute for Accountability in South Africa and a former director of the Centre for Constitutional Rights in *The Times*: Yes, we have trust issues: 28 July 2010).

²⁹³ Hegemony in this chapter is used in the same sense as that deployed by Laclau and Mouffe in *Hegemony and Socialist Strategy* (1985) to mean ‘social consensus’.

²⁹⁴ The *point de capiton* in Lacan is a nodal point or an upholstery button, a kind of knot of meanings, which has a quilting function. It unifies a given field. See Žižek in *The Sublime Object of Ideology* (1989: 94-95) in the chapter *Che Vuoi*; and Laclau in: *On Populist Reason* (2005: 103) in the chapter ‘The ‘People’ and the Discursive Production of Emptiness’. The concept provides a useful entry point into an analysis of ‘developmental journalism’.

²⁹⁵ To remind, a floating signifier is a signifier that does not have full meaning that has not been linked to another signifier, making a signified: for example ‘worker’ being linked to ‘revolutionary’ rather than ‘free employee’.

²⁹⁶ From 2009, Cronin was Deputy Transport Minister. He is also a writer and poet and was an anti-apartheid activist for many years. In 1976 he was sentenced to seven years imprisonment for his activities, 17 counts of ‘terrorism’. He spent some time in exile in Lusaka, and was involved in multi-party negotiations in the early 1990s.

²⁹⁷ Zuma fathered his twentieth child in 2010, and this was done out of wedlock, and coming from a polygamous .

interview. Before engaging these issues, an explication of the concepts 'hegemony', 'developmental journalism', and 'surplus enjoyment' is necessary.

8.1 Hegemony

The term 'hegemony' in this chapter is used in the sense deployed by Laclau, as an explanation for populism. It means the creation of antagonistic frontiers to exclude. As he puts it, 'a frontier of exclusion divides people into two camps [...] the "people" in that case, is something less than the totality of the members of the community: it is a partial component which nevertheless aspires to be conceived as the only legitimate totality.' (2005: 81) This is what I call an unprogressive hegemony and is elucidated through the discourse of 'Mthunzi', using populist interventions to attempt to create more unity in the social via reining in and excluding the media in the democratic matrix. It is through the demonisation of a section of the population that a society reaches its own sense of cohesion, Laclau opined (2005: 70). This we see in 'Mthunzi's intervention: 'They publish only points of view that they agree with, points of view that paint the ANC in a bad light' (in Rantao, *Daily News*: 21 August 2007). However, ultimately it is a failed totality.

. 'Hegemony', as discussed in a much earlier work by Laclau and Mouffe, *Hegemony and Socialist Strategy* (1985), was focussed on the dangers of totalising and essentialising of class and the privileging of base/superstructure. However, they also pointed to the dangers of attempting to essentialise identities and meanings. Hegemony could, in their view, grow and expand in a progressive sense to accommodate everyone, except for racists, sexists, right-wing fascists and so forth. This constituted an expansive and progressive hegemony, which encouraged dissension rather than consensus. Such a hegemonic process could constitute a radical, plural democracy. I have adapted this argument in this chapter. A radical political project is irreducible to the demands of one particular issue, be this race, gender, environment or class. In this case, it is irreducible to the demands of the ANC's understanding of developmental journalism. I have integrated this view of a radical pluralist democracy with the issue of

how 'developmental journalism' has been used in an unprogressive hegemonic way against the media. The argument is that the ruling party, and some of its alliance partners, seem to assert that they have the ultimate moral and political authority as to what should constitute developmental journalism and they tie this in with the transformation and democracy project as they understand it. Their aim is to assert and sustain control and this desire for consensus is thus constitutive of an unprogressive hegemony. It does this via its ideological interpellation of journalists as 'anti-transformation' outsiders to democracy, unless they express approval of ANC policies and actions. In its desire for common understandings of what development, democracy and transformation means, the ruling party forecloses spaces for debate.

8.2 What is Developmental Journalism?

To assist in defining developmental journalism, I have turned first to an example in the international context, before scrutinising the South African post-apartheid context. The following extract from an article by Craig LaMay (2004), shows how developmental journalism is related to the role of the media in civil society. LaMay argued that the embrace of civil society was now ubiquitous in the field of democracy-promotion, and, that no matter how one understood the role of the media in a democracy, its primary purpose was to inform the public on issues of importance and thus to make civil society's political participation meaningful. Further, he noted that of the many challenges journalists faced virtually everywhere, in both developed and developing countries alike, one that they shared was a political and social environment that they perceived to be, in one way or another, hostile to independent, professional journalism (ibid). Using the power of their voices, journalists potentially had the ability to change that environment through their engagement with and support of civil society associations. In short, both the media and civil society were forms of pressure from below that affected the decisions and activities of governments. LaMay wrote:

In democratic theory, civil society is also the essential element in mobilizing opposition to authoritarian or totalitarian regimes. Civil society, in short, gives democracy what the law, with its rules and

sanctions, cannot [...] Ultimately, how journalism fits into the mix of institutions that compose civil society depends on how one understands journalism's core purpose in a democracy [...] civil society's job is to 'blow the whistle' when the government acts in ways that are repressive or irresponsible ...the Western 'fourth estate' or 'liberal' view of journalism [...] sees journalism as institutionalizing the expressive freedoms that provide a moderating influence on sources of power. [...] Put another way, in the fourth estate formulation, the journalist 'blows the whistle' and civil society acts on the information. Finally, civil society also fits with a conception of journalism that is essentially developmental, which understands its role as promoting socio-economic change through education, economic expansion, and growth. The problem with this view is in the way governments typically use it. In Asia particularly, **but also Africa and Latin America, nominally democratic governments continue to justify strict controls of the news media in the name of socioeconomic development and political stability** (emphasis added). Those controls include restrictions on ownership, national security and sedition laws, and annual licensing requirements (LaMay, 2004).

Of significance in LaMay's view was how theorising the issues of the media, democracy and development were similar in different countries. In South Africa too, the independent media and civil society acted as 'pressure from below', and as whistle blowers. Pertinent to this argument is LaMay's statement that nominally democratic governments continue to justify strict controls over the news media in the name of socio-economic development and political stability. In South Africa, the difference was that while there was no strict control of news, there was strong advocacy from sections within the powerful ruling party that journalists should be ideologically more in tandem with it and be more loyal to the transformation project in the name of 'developmental journalism.'

8.3 The Point de Capiton and Jouissance or the Knot and Surplus Enjoyment

To discuss what developmental journalism means from the point of view of the ruling bloc, three views in the post-apartheid context will be discussed and analysed: Mthunzi, Cronin, and ANC spokesperson Brian Sokutu. I have chosen these three views as they expound differences pertaining to the same concept of development.

The quilting point, the *point de capiton*, or the nodal point or the knot, in Zizek's political philosophy, were the terms used to describe how a given field takes on a fixed identity from the operation of naming. In other words, this naming is like an upholstery button which ties meaning in a knot, to prevent slipping and sliding. Mthunzi's view of the media was a hostile one, embedded in populist²⁹⁸ rhetoric, and fixes the meaning of transformation to loyalty to the ANC. He drew an antagonistic frontier showing totalisation, which included exclusion, that is, of the media in an 'us' and 'them' formulation. 'Our people' in other words, belonged to the ANC, and the 'Other' was the media. This was a discursive totalisation because of the exclusion. As Laclau asserted: 'Populism requires the dichotomic division of society into two camps: one presenting itself as a part which claims to be the whole', and that, 'this dichotomy involves the antagonistic division of the social field'. (2009: 83). Zizek's approach to the question of popular identities (in this case 'our people' and 'this media') was grounded, according to Laclau, in the performative dimension of naming. In this performative dimension of naming, Mthunzi created totalisation through exclusion of the media within the social and, in fact, he went further to say that he would like to lead the charge to restrict the media in the country. This quote emanated from an emergent discourse in 2007; by 2010 this was no longer an isolated charge for there were many in the ruling alliance who wanted to restrict the freedom of the media. We see this in the desire for a Media Tribunal by leader of the ANC and President of the country, Jacob Zuma, SACP General Secretary, Blade Nzimande, and ANC Youth League Leader, Julius Malema. We have also seen this in the form of those in the cabinet, for example, Minister of State Security Siyabonga Cwele who wished to push through the Protection of Information Bill²⁹⁹ despite submissions from civil society and the media's protest that without a

²⁹⁸ Laclau noted that in populism, a frontier of exclusion divided society into two camps. The 'people' was something less than the totality of the members of the community: it was a partial component which nevertheless aspired to be conceived as the only legitimate totality (2009: 81).

²⁹⁹ It could be argued that this is an isolated view of the media, that it is too random to select such a view. However, by July 2010 the ANC had released a document for its National General Council meeting: *Media, Transformation, Ownership and Diversity* (ANC, 2010), where restriction of the media was to be discussed, as in Media Appeals Tribunal. Other voices against the media's independence, as in being a self-regulating institution, emanated from SACP leader, Blade Nzimande (see *Business Day*: ANC intent on tough media watchdog plan: 30 July 2010); national spokesperson, Jackson Mthembu (see *Mail & Guardian*: Big stick to beat errant journalists 23-29 July 2010); the ANC MP, Cecil Burgess (see article in *The Times*: Yes, we have trust issues: 28 July 2010), and Communications

public interest defence, it would create a society of secrets and would hinder the work of investigative journalism.

8.4 An Unprogressive Hegemony: the Voices of Cronin, Sokhuto, Mthunzi

Compared to Nzimande and Malema, more nuanced views on the media's 'developmental' role emanated from Cronin and Sokutu, juxtaposed with that of Mthunzi. Cronin explained in an interview that there was a section within the ruling alliance which viewed the media as the enemy, but he did not. To understand 'developmental journalism', he commented, the notion of the 'developmental state' was a 'useful reference or starting point'.

The developmental state was introduced into the South African discourse from the left part of the alliance. Cosatu and the SACP during the 90s challenged GEAR's³⁰⁰ neoliberal perspective of things. What we wanted was a different path from the Asian tigers and contrary to what was being pushed down our throats. We wanted a strong state role for coordination rather than just being driven by market forces. It is a 'swing to put the state back into the picture' (Interview: 1 October 2009).

For him, developmental journalism, 'existed in the 1980s, with a proliferation of newspapers, such as *Grassroots* in Cape Town and *New Nation* in Johannesburg, which enabled communities to achieve identity, debate, discuss issues and learn from each other, and for anti-apartheid organisations to popularise boycotts' (ibid). Cronin continued:

Then in the 90s, talk radio played a role in discussions of the stories emanating from the Truth and Reconciliation Commission. National conversations were happening. My father-in-law, who was in denial about what happened during apartheid, had the scales fall from his eyes. By the end of that year, he said how could we have lied to

Minister, Simphiwe Nyanda (see article in *Sunday Times*: Media threatens freedoms by abusing them: 1 August 2010). Nyanda was axed as Communications Minister in November 2010.

³⁰⁰ GEAR stands for the Growth Economic Redistribution strategy (GEAR) which was adopted in 1997 at the ANC conference in Mafikeng. This economic strategy for transformation and development replaced the Reconstruction and Development Programme (RDP) under the Mandela administration. GEAR then gave way to ASGISA, the Accelerated Shared Growth Initiative for South Africa, two years before the Zuma administration assumed power.

ourselves? Media like this created a space for victims in our society. Today, journalism is shallow, sensationalist and personalised a lot of the time. It's scandal-driven. I'm not saying scandals should not be covered but journalism should not be driven by them. That's not 'developmental journalism'. Scandal-driven journalism makes people spectators in a spectacle, for instance, watching a spectacle of youth league leaders prancing around doing ridiculous things. The reaction to this journalism is that you are picking on us. Journalists as watchdogs have located themselves or positioned themselves in the same way as the opposition party, the DA. The opposition's take on things is that the country is going to the dogs, about to become Zimbabwe. Many politicians see this as 'Afro-pessimism'. So you've had the ANC always talking about starting its own newspaper. We don't want a tame media but we want a media that contributes to nation building. We do want a diversity of views but it is necessary to achieve a set of common understandings, focusing on the developmental challenges. It requires introspection on both sides – maybe more on the side of the ANC but also on the side of the media (ibid)

Several issues emerge from Cronin's understanding of developmental journalism. First, his understanding could be encapsulated in the term 'common understanding' within which different ideas and disparate beliefs were foreclosed. It was in essence a tying into a knot, a tying of a variety of meanings into one, to prevent slippages and sliding. It was the work of a *point de capiton*. His views suggested a desire for unity in society, within which there was consensus rather than dissensus. The rationale for equating the media with the opposition seems to be because the media is critical of the ruling alliance. This conflation is a misunderstanding of the role of disagreement, critique and deliberation and indeed the role of the media in deepening democracy. Second, Cronin's perspective focused on the idea that the media was shallow, superficial and driven by scandal-mongering that personalised politics rather than adopting an approach that assisted in nation-building. It is ironic that at approximately the same time as Cronin was interviewed, his comrade, Nzimande, made headlines in September 2009 for purchasing a luxury vehicle at state expense (*Mail & Guardian On-line*: 13 July 2007).³⁰¹ The journalists pointed to the gross materialism and elitism of political leadership purportedly fighting the capitalist system. It could be the media's focus on these contradictions that Cronin alluded to as 'scandal-driven' and personalised

³⁰¹ See also *Sowetan Live*: 'Return those bling cars – Cosatu': 8 September 2009; and *Times Live* 'Politicians and their cars': 12 September 2009.

journalism. To say that 'scandal-driven journalism makes people spectators in a spectacle' turns the issue around from the reality, which is that the journalism is not actually the creator of the spectacle, it was reporting on the spectacle itself. The question arises whether this kind of scandal, that is, buying luxury cars at state expense, should be reported on? Surely this kind of extravagant expenditure paid for by tax-payers and citizens is not merely shallow reporting and scandal-mongering. The behaviour points to the contradiction of Nzimande's extravagance in the face of the extreme poverty of those he purports to represent and speak for in public life.

Despite these criticisms, Cronin's discourse is more nuanced than that of Mthunzi who displayed in his words 'this media, this media, this media' a rather hysterical position to which Lacan's *Jouissance*³⁰² would be more apposite to deconstruct it. While 'jouissance' means enjoyment and ecstasy, in Lacan it implied also its opposite: it was suffering too, persecution, and ultimately paranoia. In *How to Read Lacan*, Žižek explained Lacan's best known formula, that the unconscious is structured as a language, thus the unconscious is not the preserve of wild drives that have to be tamed by the ego, but the site where a traumatic truth speaks out (2006: 3). The discourse of Mthunzi showed this traumatic 'truth'. For Mthunzi there is a big other (the media) pulling the strings. Žižek explains this 'big other' in Lacan to be 'God' or 'Communism' watching over one (2006:8-12). In this case, for Mthunzi, the big other, the media, is watching over the ANC. The important point here is that the big other 'exists only in so far as subjects *act as if it exists*' (2006: 10). While Žižek discussed the subjection to communism and God, in the case of Mthunzi, subjection refers to the media on behalf of his organisation. It is not that the media does not exist, but the question is does it exist in the way that Mthunzi says it does, with such excess and surplus enjoyment attached?

Mthunzi's view showed the persecution and suffering because of the media's critiques of the ANC, while for Cronin and Sokutu, the experience of hysteria was not in evidence. However, it could be argued that all three voices, Cronin's, Sokutu's and

³⁰² 'Jouissance' also means over-excitedness or surplus excitation which can mean enjoyment, but in Lacan it means more than this; it means too much to bear, and so in paranoia 'jouissance' is linked to something outside identified as the Other, in some agency external, for example. In this thesis, the media is the Other.

Mthunzi's, displayed an attempt to close off spaces for dissension, albeit to different degrees. This was done by trying to pin meaning down to one thing, or to bring the meaning to a halt via the *point de capiton*, in other words, to prevent the floating meanings of development and transformation from sliding away from loyalty to the ANC. Mthunzi's views could not, and do not, reflect those of the whole organisation, widely known to hold a variety of views of a 'broad church'.³⁰³ For example, spokesperson, Sokutu explained how he saw the situation:

Journalists have to understand where we came from, and where we are going. We don't expect them to take our statements and write them as is. Of course, journalists have to expose corruption; after all we are talking about taxpayers' money. But the development agenda needs to be looked at; this means you can't just write the negative stuff. There is lots of good news and the positives are not highlighted (Interview: 2 October 2009)

Sokutu's views could be juxtaposed with Mthunzi's surplus excitement, jouissance or enjoyment within which the ideology was encapsulated. Sokutu's statement that, 'journalists have to understand where we come from' is indicative of the question of contingency. In other words, because we have come from a repressive apartheid past, and we now have a progressive government leading us, we must therefore be a bit softer on the ruling political elite. In addition, he voiced one of the commonly held views in the ANC, that the good news was not told. For him, reporting on the good news would be part of the developmental programme for journalists. Further on in this chapter, journalists identify issues of compromising on critical and professional journalism as precisely what the problem is. It underlies their frustration with the ruling party and its alliance partners.

³⁰³ But more than a 'broad church', the ANC by 2010 appeared to be at its height for lacking a centre, given the splits and factions within the alliance and within the ANC itself. See *Mail & Guardian*: ANC factions head for ring: 30 July-5 August 2010: 'A showdown is looming between the leftist and nationalist factions when the ANC's national general council, its highest policy meeting between national conferences kicks off in Durban in September [2010]. The first salvos were fired this week when the ANC and its youth league released documents on key issues the conference will debate, including divisive leadership struggles in the movement, nationalization and proposals for a media tribunal.'

The aim of these voices in the ruling bloc is to try to mask antagonism in the social, and to create more unity, but this can only work if there is unity in a harmonious society. As in the Mouffian theory, borrowing from Derrida's 'democracy to come', this unity and harmony does not exist. Social antagonisms among human beings and within and among social structures were constitutive and intrinsic to the social fabric. In South Africa this appeared to be particularly fractured and dislocated with regard to the media (itself not a unified monolithic entity) and its relationship with the ruling alliance, in itself not unified, but fractured and dislocated. But to try to create unity in the social via a consensual relationship with the media is detrimental for democracy. Cronin's comment that there should be a 'common understanding', exemplifies this contention. In reality there can never be a fixed, 'common understanding' in a radical plural democracy because identities are always 'becoming' and are not *a priori* fixed. How unfixed and how untotaled the nature of journalism was in the country, would be a sign then of the open, unfixed nature of the fluid, undecided post-colonial society itself.

In his various discussions of ideology (*The Sublime Object of Ideology*, 1989; *The Indivisible Remainder*, 1996; *How to Read Lacan*, 2006; *Interrogating the Real*, 2006; *The Ticklish Subject*, 2008) Žižek discussed how, within an ideological field, meaning was kept consistent by preventing slippages and by attempting to essentialise and totalise identities. Relying on Lacan, he concluded that there was a *point de capiton*, a button on a quilt, a knot which held meaning firm or rigid. The word 'freedom' in Žižekian political philosophy, for instance, had different meanings depending on the context but what pinned it down was the ideological field of left wing or right wing. However, in South Africa, 'development' existed in one field, the 'democracy' field, but the meaning remained contested nevertheless. The attempts to pin it down by journalists on the one hand, and the ruling party on the other, did not succeed in rigidifying its meaning. The above conceptual analysis was supported by the following, journalist, Issa Sikithi Da Silva:

Some observers urge the media to not only concentrate on profit-making, but also embrace a reconciliatory, humanitarian and developmental approach and to stop acting as a 'prosecutor' and 'witch-

hunter'. On one or more occasions, some influential members of the ruling African National Congress (ANC) wary of the media's historical loyalties – have accused the media of ignoring issues of social development and focusing instead on the government's shortcomings, all as they put it, in the aim of undermining the democratically-elected black government and boosting circulation (Da Silva, 2009).

Ironically, while the media believed that the ANC was trying to silence all its criticism, in the name of reconciliation, development and humanitarianism as pointed out by Da Silva, the ANC believed the media was trying to silence it. As Mbeki wrote in ANC Today:

[...] some in the media are very quick to argue that such criticism constitutes an attempt to limit the constitutional right of freedom of the press. They do this to silence all criticism. Unfortunately, in most cases, regardless of the legitimacy of the intervention, the media succeeds to silence its critics, all of whom are frightened of being labelled as enemies of our constitutional democracy, whether this accusation is justified or not (ANC Today, 30 March – 5 April 2007).³⁰⁴

Evidently, the ANC seemed to attribute excessively powerful authority to the media, and this, I argue, is an over-investment. These then were some of the tangents, trajectories, and layers associated with the floating meanings of 'developmental journalism'. The ruling alliance tried to create a *point de capiton* by tying down the meaning of developmental journalism as loyalty to the party, less criticism and a greater focus on the positives, or the good news. In the more excessive discourses, for example Mthunzi (as well as Nzimande, Duarte and Mthembu, as shown in other chapters), the ANC seems to suffer from jouissance or surplus excitation or over-enjoyment in its view of the media.

³⁰⁴ For the rest of the piece: What the Media says: False reports undermine credibility of media.: ANC Today Vol 7, No 12, 30 March – 5 April 2007

8.5 Openness and Fluidity: the Voices from Civil Society and Journalism

The media disrupts the meaning of developmental journalism in the way the ruling alliance understands it. My analysis now turns to voices within civil society and the discourse of journalists, which contrast starkly to the views of some within the alliance. The interviews show how developmental journalism is not tied to the project of liberation or loyalty to the ruling party. The fluidness of the views encapsulated from civil society, I suggest, is an example of how a deepening of democracy could take place. A researcher from the Freedom of Expression Institute (FXI), Tendayi Sithole expressed how he viewed the ANC's gaze on developmental journalism. For the ANC, he reflected, media reports should include only 'the good' of the government.

According to this framework the media is supposed to be the agent of development; then coverage of issues like police brutality, corruption, accountability are regarded as anti-developmental. This means they should not be reported since they are not on the national developmental agenda. The watchdog role of the media is curtailed (Interview: 25 July 2009)

Sithole's comment exposed the problem with many in the ruling bloc's view of developmental journalism. For him, reporting issues of corruption and police brutality, as well as holding power to account via a watchdog role, was what developmental journalism meant. In a similar vein, Paula Fray, head of the Inter Press Service News Agency (IPS), a global developmental journalism institute with a focus on Africa, commented that non-governmental organisations such as the FXI, as well as IPS, played important roles in promoting developmental journalism and bridging the gap between media and civil society. Fray explained:

The IPS trains journalists, is involved in good governance issues, informing and educating the citizenry, bringing more women into the profession while performing a watchdog role. For me, a great concern is to build the relationship between the general media and the consumers of media. We also call on our reporters to ask questions they don't normally ask, across the continent. South Africa has a good media environment; we tend to take this for granted (Interview: 21 July 2009).

Fray, through her organisation, plays a developmental role in society and in journalism by, for example, the dissemination of information to the citizenry and involvement in good governance. Part of this developmental role is being conscious of gender imbalance and so she aims to 'bring more women into the profession'. Both the voices of Fray and Sithole emanated from NGOs, part of civil society. Sithole's view highlighted the terms of reference applied by the ruling party in respect of 'developmental journalism'. Fray emphasised the watchdog role as well as the need to ask questions. Both views were similar to those of the journalists interviewed, to be shown below. This section will show the intersection, or cross fertilisation, between civil society and the media. It will explore how ideology works, and why Althusser's theory of interpellation still has relevance in explaining relationships in the South African transitional democratic context. Althusser's thesis was reflected in Žižek's *The Sublime Object of Ideology*, in his insistence that 'a certain cleft, a certain fissure, or misrecognition characterises the human condition' (1989:2) and that the subject was constituted through this misrecognition in the process of ideological interpellation, which happens through language. But this did not comprise closure. Rather, through the concept of misrecognition, there were possibilities for resistance.

Ideologically in Tandem or the More Dissension the Better³⁰⁵

The reflections below from journalists on how they understood developmental journalism in the democratic South Africa elucidated a somewhat Mouffian conception of radical democracy: in essence the more dissension, the less consensus, the better for the deepening of democracy, or, as Derrida philosophised, of 'democracy to come' (2004).³⁰⁶ There appeared to be an understanding that the social was fractured and that

³⁰⁵ While this idea comes from Mouffe's radical democracy, she does qualify it by saying there has to be some minimal consensus. In South Africa there is some sort of minimal consensus as in the fact that all these fights and contestations take place internal to democracy itself, as stated in the introduction to this work. However, what precisely democracy is, is contested, hence the radical ambiguity of the term and the indeterminacy of it in the state of media, ANC and state relations post apartheid.

³⁰⁶ This Derridean philosophical assertion does not mean that democracy will come, and in some ideal state, at some future date, but rather that the nature of pluralistic democratic politics means that it is a process, always unfolding, meaning there can never be a final solution. See also Mouffe in *The Democratic Paradox* (2000: 139). So then, dreams of an impossible reconciliation are really a waste of time.

an irreducible heterogeneity existed, and that there was an impossible reconciliation between the ANC and an independent media. The way in which journalists understood developmental journalism was at odds with the way in which it was understood by the alliance, as shown above. The journalists preferred to misrecognise the ideological interpellations of the independent media as playing an anti-transformation role, who were therefore enemies of the people. All of them stated, in a variety of ways, that the ANC's discourse showed an unfortunate conflation, that is to say: patriotism meant loyalty to the ANC and not to the country. The editors understood developmental journalism to mean playing an educative, informative role and holding power to account through their traditional professional role, but they were also loyal to the Constitution and to democracy. They did not believe that being soft on the ANC because the country was still in a transitional stage of democracy was in the best interests of the country or the democratic project. On the contrary, for example, *Avusa* magazine publisher and *The Times* columnist, Justice Malala, supported a particular view of developmental journalism which was tied to education. Malala elaborated:

Developmental journalism means empowering readers, for example, with basic information on finance. You get this in the *Sowetan*. It includes exposing corruption. The ANC would like us not to show up its deficiencies. They conflate patriotism with being loyal to the ANC. I love my country, that's why I write critically. There is a total disjuncture between the ANC and the ideals of the Constitution. Many of us today feel betrayed by what the ANC wants today. It is so different from the ANC that we fought for. The SABC, for the ANC, is what transformation of the media and development journalism is about. The ANC feels that because it has been elected by the majority of South Africans, its deficiencies must not be shown up. Because it has a two-thirds majority support it thinks we should kow-tow to its understanding of what developmental journalism means. This is rubbish, for me. The ANC can't make certain distinctions; they feel development means being soft on the elected ones, and they conflate patriotism with being loyal to the ANC, a conflation of party and country (Interview: 23 January 2008).

the range of disparate forces in the social. In this desire, the ANC illogically sees the media as a stumbling block to transformation, unity and national reconciliation because it exposes corruption, deficiencies and does not kow-tow to the ruling party's understanding of what developmental journalism means. He pointed to the conflation of

‘the party’ and ‘the people’, all rigidly designated by the fact that the ANC led the liberation struggle. For the editor of the country’s largest circulating weekly newspaper, the *Sunday Times*, Mondli Makhanya³⁰⁷, there was some concurrence with Malala’s views when he argued:

They [the ANC] want us to focus on the positives, what they have done for the country, delivered houses etc. We must be a conduit for this information. Yes, there is a place for that, but we also need to be critical. They would like us to be there when a minister cuts a ribbon. They would like us to be ideologically in tandem (Interview: 24 January 2008).

Makhanya’s frustration lay with the ANC’s inability to ‘see’ that it was not the role of the media to be ‘ideologically in tandem’ with the ruling party. In theoretical terms, he would be Mouffian in his understanding that the social consisted of a plurality of struggles, a plurality of demands and a decided lack of unity. He conceded that the media should indeed cover the positives aspects of government, for example the delivery of houses, where it has performed this function, but there also needed to be a focus on the lack of delivery. Rehana Rossouw, editor of *The Weekender*,³⁰⁸ struck at a critical issue when she said she was not sure about what the developmental project of the ANC was anymore:³⁰⁹

The ANC is trying to say we must be part of the developmental project but right now I’m not sure what their development programme is any more. They want us to be supportive of government’s role; the problem is the ANC doesn’t see the difference between ANC and government. My understanding of development journalism is what I learnt in community newspapers. Journalists could and should educate people, could politicise, educate and mobilise. When South Africa became a democracy we had to ask what democracy meant. We take up issues, for instance, the importance of Eskom providing electricity. Even

³⁰⁷ Makhanya was editor of the *Sunday Times* at the time of the interview in January 2008. By mid 2010, he became editor in chief at Avusa.

³⁰⁸ *The Weekender* newspaper folded owing to financial constraints on 7 November 2009. Rossouw was managing editor of *The Weekender* before becoming the executive editor. When the paper folded she went on to take the position as associate editor at the *Financial Mail* in 2010.

³⁰⁹ This issue about the project of the ANC and its lack of a centre has been mentioned a few times in this thesis, as in the splits and the tensions within an ANC which seemed to have no centre. Even after the Polokwane split of the two factions between Zuma and Mbeki, there were still further splits between the nationalists and the communists within the Zuma faction in 2010.

newspapers such as *Business Day*, aimed at an elite readership, have debates on its Opinion pages which are educational, for example, we ran for six weeks what it is to be a developmental state (Interview: 24 January 2008).

Rossouw was forthright in saying that she no longer understood the ANC's developmental programme. She was clear that her own experience in community journalism (in the 1980s) had shown her that it meant playing an educative, informative and critical role. For her, in the same vein as Makhanya and Malala, this contrasted with the expectation from the ANC-led government, that there should be more support for it. Similarly, Hopewell Radebe, foreign editor of *Business Day*, pointed to the wide chasm in understanding, between independent journalists and the ANC, of the role of the media in development and transformation.

To me it's about looking at all the different issues that affect society and how the government responds: rural issues, access to markets, roads, lack of infrastructure. But the ANC wants us to look at what has been done and feel we are not clapping our hands enough. The Fourth Estate acts as a watchdog. There will always be debate between governments and the media. But they say why should we listen to you? Who elected you; we are elected by 'the People'. Civil society is important for democracy so if you take Treatment Action Campaign or rates and services issues, who brings all these together and makes public the issues? It's the media. And it's not only about the bad stuff that's happening; it's also about the good. The government wants us to just talk about the good that's happening but we have to bring all aspects together, the positive and the negative (Interview: 25 January 2008)

Radebe's comment honed in on the fact that the ANC assumed an unprogressive hegemonic stance when it asks the question of the media: 'Who elected you?'³¹² It is an unprogressive hegemonic or ideological process with the assumption that because we, the ANC were elected by 'the people' we were keepers of the moral truth. This kind of hegemony by the ANC does not accept the media as agonists or legitimate adversaries.

³¹² Radebe was interviewed in 2008, but as late as 2010 President Zuma intimated that the media was not elected by the people. He also asked: does it have a role to play in nation building? Does it have a role to play in the promotion of the country's prosperity, stability and well being of its people? The media, he said, had put itself on the pedestal of being the guardian. 'We therefore have the right to ask: who is guarding the guardian?' (*The Times*: 16 August 2010). The questions posed by Zuma showed he believed that the issues of nation building, promotion of prosperity and so forth, were the media's role. It is a misunderstanding of the role.

Radebe positioned the media's role in a democracy within civil society, the same way that LaMay did at the beginning of the chapter, as the role of watchdog. From Radebe's commentary, it is clear that the ANC views the media as outside 'the people', rather than as playing a role in deepening democracy. From the reflections of Malala, Makhanya, Rossouw and Radebe it was clear that they were aware of an 'us' and 'them' formulation.

Similarly, news editor, of *The Times*, Abdul Milazi argued:

Developmental journalism to me means the media must get involved in the promotion of delivery with the same vigilance it tackles corruption. When the government fails to deliver on the people's mandate, the media should raise the alarm. In the same vein we must report on the positives. The media should shine the spotlight on the plight of the voiceless and never relent until something is done about it (Interview: 28 January 2008).

The discourse of the journalists elucidated misrecognition of the interpellation by the ruling party the ANC, in other words, they refused to accept the negative labelling terms. For example, Malala said: 'They conflate patriotism with being loyal to the ANC. I love my country, that's why I write critically'. He refused to accept that his critical writing should mean that he was anti-democratic or anti-transformation. Indeed, in his view, his critical perspective was quite the reverse of being anti-transformation. This was his developmental role. This misrecognition constituted resistance. In returning to Butler's understanding of the Althusserian interpellation as a symbolic injunction, in other words a disciplinary scenario aimed to bring someone back in line, she noted: The 'performative effort of naming can only *attempt* to bring its addressee into being: there is always the risk of a certain *misrecognition*. If one misrecognises that effort to produce the subject, the production itself falters. The one who is hailed may fail to hear, misread the call, turn the other way, answer to another name, insist on not being addressed in that way' (1997: 95). The discourse of the journalists showed this misrecognition, through their refusal to accept the totalising function of the interpellations. It was a

‘talking back’, to use Schippers’s phrase (2009:78), ³¹³ if you like, in the same way that we saw in the preceding chapters, i.e. the *Sunday Times* continuing with its exposures of corruption despite the attempted subjectivisations, and Zapiro’s cartoons remaining as irreverent as ever despite his lawsuit. The injured subject can challenge the injurious interpellation he or she is subjected to. The discourse from the journalists above, constitutes this challenge.

As stated earlier, ideology and hegemony cannot be conflated. However, ‘ideology plays a crucial role in the construction of hegemony’, according to Torfing (1999: 113)³¹⁴. And, as Eagleton noted (1994: 198), we may define hegemony as a whole range of practical strategies by which a dominant power elicits consent to its rule from which it subjugates. Explaining the Gramscian view of hegemony, he argued: ‘To win hegemony is to establish moral, political and intellectual leadership in social life by diffusing one’s own world view throughout the fabric of society as a whole, thus equating one’s own interests with the interests of society at large (1994: 198). This was the crux of the matter, as highlighted in the journalists’ discourse on the ANC. Hegemonising the social via the ANC’s construct of developmental journalism is an attempt to close off spaces for open debate. It comprised an ‘unprogressive hegemony’ which in effect would foreclose the fluidity required of democratic practice. The unprogressive hegemony also stops ‘development’, as well as transformation and democracy, from being floating signifiers.

8.6 An Interpellation: Journalism is ‘Shallow’, ‘Sensational’ and ‘Scandal-Driven’

From the ANC and the SACP’s point of view, journalism in the country is shallow, scandal-driven and sensational, as we saw in Cronin’s interview (1 October 2009). The question is: is it journalism that is shallow, sensational and scandal-driven or is it the characters and the behaviour from within the ruling elite that is shallow, sensational and scandalous? The argument here is that it is difficult to have sober or reflective headlines

³¹³ Schippers analysed Butler’s concept of resignifications in the book *The Politics of Radical Democracy* (2009).

³¹⁴ Torfing’s book *New Theories of Discourse* (1999) provides a coverage of the theories of Laclau, Mouffe, Butler and Žižek, as well as the philosophical debates and differences between them.

when some of the stories and characters among the political elite are sensational and scandalous. A classic example of this was the reporting on the Msimang-Tshabalala debacle, covered in the previous chapter. The headline: 'Manto's Hospital Booze Binge' (*Sunday Times*: 12 August 2007), was a good example of a sensational and scandalous story for the ANC. Yet it was her behaviour, the consumption of alcohol while in hospital, that warranted the story. For all the journalists, interviewed for this thesis, there was no question that it should indeed have been reported on³¹⁵ and that it was in the public interest to do so, not only because she was a public figure, but also because she as the Health Minister and had transgressed by insisting that wine and whisky be smuggled into her hospital room as she was preparing for surgery, and liver surgery at that. The scandalous behaviour was hers, not the media's. It would have been difficult to write the story under any other headline. A sober, serious and reflective story or headline would have been inappropriate to the story.

For many in the ruling alliance (see Cronin's interview), when the media uncovers fraud and corruption in 'sensational' stories, it functions as an opposition party. The reaction to this journalism is that you are picking on us, Cronin explained. 'Journalists as watchdogs have located themselves or positioned themselves in the same way as the opposition party. The opposition's take on things is that the country is going to the dogs, about to become Zimbabwe. Many politicians see this as Afro-pessimism' (ibid). This equation of the media 'picking on us', and is therefore functioning as an opposition party, does not pass the test of logic. But then, even less so do sensational and scandalous stories about service delivery pass the test of logic that the media is functioning like an opposition party, or the opposition party, read Democratic Alliance. When the media highlights the plight of the poor, is it really functioning as an opposition party?

Let us turn to an example of the media highlighting a lack of service delivery. The media in all its main forms, for instance radio, television and newspapers, covered

³¹⁵ This was elucidated in the interviews with journalists on the subject of whether this story was in the public interest ala the remarks of Milazi, Radebe, Makhanya, Rossouw, Leshilo, but not in the views of Mpofu, Mazwai who found the coverage anti-ubuntu and anti-transformation

service delivery protests in the poor township, Sakhile in Mpumalanga, in October 2009. The protests garnered headlines nearly every day for three weeks. In this community, people who had little access to basic sanitation, water and housing, were shown on television and in pictures and stories in newspapers, burning tyres, stoning police vehicles and toyi-toying in protest against their local municipality for the lack of basic services. The story must surely have embarrassed the ANC, both locally and internationally, for it reflected administrative failure. Some might have regarded this coverage as 'sensational'. There was an interesting outcome. After three weeks of protests and three weeks of headline-making, on 21 October 2009 Mayor Juliette Radebe-Khumalo and her executive committee were fired by the Zuma government. Besides the lack of service delivery, the residents were protesting against a municipal finance report which showed R30-million in municipal funds could not be accounted for (*The Times*: 22 October 2009). After the firing, a resident, Thabo Selepe, was reported to have said: 'We are so happy and delighted that democracy has won. It showed that community structures work' (ibid). It might be argued that, besides the protest action taken by the Sakhile community, it was indeed also the media's role in covering the protests which brought pressure on the ANC government to take action against the corrupt and inefficient mayor and her committee. If the protests had not made headlines, sensational though they might have been, without them, it could be argued that no action might have been taken. However, an irony was that the media was not regarded as the heroes for highlighting the plight of the service-less residents of Sakhile: the day on which the firing took place, it was the leader of the ANCYL, Julius Malema, who was hailed as a hero. He visited the township and was carried high on the shoulders of the residents, while people sang freedom songs in his honour. I am not suggesting that the media should have been regarded as heroes; after all it was merely doing its job. This latter development of the ANCYL being hailed as the hero could be read in two ways: One 'the people' were duped into believing that Malema had rescued them, and there was a false conscious in operation; or two, their frustration was relieved that someone in power thought their plight was serious enough to visit the township. The main point, however, is that the media was performing its role in a democracy by highlighting the struggle of residents in Sakhile. This concurs with the view of LaMay

that in the fourth estate formulation, the journalist 'blows the whistle' and civil society acts on the information (2004). Finally, civil society also fits with a conception of journalism that is essentially developmental, which understands its role as promoting socio-economic change through education, economic expansion, and growth, according to LaMay (ibid).

Of course, in this situation, it was the ANC itself which acted to fire the mayor. It was a set of heterogeneous forces that came together to make a difference to the plight of the people of Sakhile: the community structures, as resident Selepe noted, the whistle blower who gave information to the media about the R30-million in municipal funds that could not be accounted for, the violent protests, and the month long coverage by different forms of media. The ANC announced its plan in October 2009 to place the township under the provincial government administration for a year, while all the fraud, corruption and mismanagement of the local council were addressed (News24.com: 22 October 2009)

However, while the media played a developmental role, it did not follow through a year later, in October 2010, to ask the questions: have the residents received basic services, such as water and sanitation? Is the new system which placed the municipality under the administration of the Mpumalanga Provincial government effective? Is there more transparency with municipal funds? Are there consultations, between the provincial government and the residents, about the needs of the community? This leads one to reflect that, although the media plays its role in deepening democracy, as it did in a developmental journalism way when it highlighted the plight of Sakhile residents, it often does so inadequately. In November 2010, more than a year later, there were no reports in the newspapers, radio or television about what was happening in the township of Sakhile. Is this just carelessness on the part of the media, callousness, perhaps a lack of enough commitment to development?

Radical democracy is characterised by heterogeneity, and as a result, it invokes and embraces a politics of contingency and contestation, according to Little and Lloyd

(2009: 199). Radical democracy, in their analysis,³¹⁶ emphasised a vibrant, dynamic conception of politics that ensured that the object of analysis was never settled, uncontested or essentialised. Likewise then, if journalists are to be radical actors in a democracy, they have to ensure follow ups on stories such as the one in Sakhile as issues are never settled and uncontested in a democracy, struggles are on-going.

Dissensus Rather than Consensus is Good for Democracy

A further point of the media coverage of the plight of Sakhile residents is that this was not a personalised scandal about a leader of the ruling alliance: it exposed poverty and a lack of service delivery, as well as fraud in connection with the millions of missing rand in a municipality. It was a scandalous situation, not a scandalous media. The point is that the stories highlighted some sensational occurrences in the social. The media played its significant role as a watchdog of holding power to account and exposing corruption. It could be argued then, that these stories caused dissensus (as opposed to social consensus), dislocation, and fracture in the ANC's ruling alliance project to unify the social via an unprogressive hegemony which suggested foreclosures. The above stories depicted a society in which these spaces were open and debate was robust. They showed a media that was deeply embedded within civil society and not embedded within state institutions.

The interviews with journalists on developmental journalism showed that they felt strongly that they would not kow-tow to the ruling alliance's desire for a more loyal press; rather their loyalty was to a developmental journalism whose conception was embedded in democracy. This shows Mouffe's agonistic pluralism in action. These agonisms are constitutive of the social. The above depicted plural struggles in the radical ambiguity of the democracy in South Africa. It causes a disruption in the ANC's project of developmental journalism. The meaning of developmental journalism from the ANC's point of view was that journalists should be shining the light on the positive aspects of the government's programmes, as Radebe and Makhanya commented and

³¹⁶ Their analyses ultimately hails from Laclau and Mouffe's conception of democracy

as Cronin thought, providing a 'set of common understandings' derived from the experience of an oppressive past. In this view, the media should promote a unified and singular consensual voice, and so in the ANC's logics, then, it should not have highlighted the struggles of the Sakhile community.

So when the media fulfils its developmental role in deepening democracy, such as covering the service delivery and fraud issues in Sakhile, it is also by the nature of its job (albeit an inadequate one, as there was no evidence of returning to the community a year later to investigate further) reflecting agonisms, dislocation and dissensus in the social. There was an irreducible heterogeneity to the social in South Africa and this was reflected in the media. To try to enforce homogeneity on these polyphonic voices for as long as there is no political control of the media would be impossible. There was no privileged element to developmental journalism for the media. There was a privileged element to developmental journalism for the ruling alliance and that was loyalty to the party which had liberated South Africa.

The final section of this chapter, 'Babygate' which refers to the birth of President Jacob Zuma's twentieth child, this one out of wedlock, attested to this irreducible heterogeneity, to the fractured social, to the undecided democracy, and finally to developmental journalism, in action. In February 2010, just before Zuma's State of the Nation address, the press broke a story that Zuma, a polygamist, who already had three wives and a fiancé, had fathered another child out of wedlock with a woman who was the daughter of a prominent public figure, and purportedly one of his friends, Irwin Khoza. The press and the public who had previously been sympathetic to the President and to his polygamous practices, turned against him in this instance. The situation raised several issues: the public versus private; that the private was political; the chasms within the ANC; the liberal western constitution and customary marriage; not using a condom during the scourge of HIV/AIDS in the country, while preaching the practice in theory; and sexism, patriarchy and gender equality. He did not use a

condom, yet he had already suffered embarrassment before, in 2006,³¹⁷ during his rape trial when it was exposed that he had not used one then as well. The debates raged in the country through the press. It could be argued that this was ultimately what developmental journalism was supposed to be. This section to follow will scrutinise what judgments were made, not just from civil society, but also from the leaders within the alliance itself who eventually pressured Zuma into apologising for his behaviour to South Africa. My argument is that the covering of the scandal, rather than the covering up of the story, was a good example of developmental journalism in action.

8.7 Is 'Babygate' Developmental Journalism?

On 31 January 2010, the *Sunday Times* broke a story under the headline: 'Zuma fathers baby with Irwin Khoza's³¹⁸ daughter'. The newspaper article revealed that a woman, Sonono Khoza, gave birth to a baby girl in October 2009, fathered by Zuma. This occurred three months before the country's polygamist President married for the fifth time. This brought to twenty the number of children known to have been fathered by Zuma. The revelation highlighted to the public that, yet again, Zuma had had unprotected sex with a woman who was not one of his wives. The first time that Zuma's philandering had been exposed was in December 2005, when he was charged with alleged rape. He was then acquitted in the Johannesburg High Court in May 2006. He subsequently apologised to South Africans: 'I wish to state categorically and place on record that I erred in having unprotected sex [...] I should have known better and I should have acted with greater responsibility [...] I unconditionally apologise to all South Africans' (ANC Media statement: 9 May 2006). Yet four years later, another scandal broke attesting to Zuma's risky sexual behaviour and lack of fidelity to his wives.

The revelation of the birth of Zuma's twentieth child took place in the same week as the World Economic Forum's annual meeting in Davos, Switzerland. While all other leaders

³¹⁷ He was charged with the rape of a young woman called 'Kwezi', an HIV-positive woman, who was also the daughter of a close friend in exile. The Johannesburg High Court found that it was consensual sex and not rape. Zuma was acquitted of the rape charge.

³¹⁸ Irwin Khoza was a long-time friend of Zuma and chairperson of the soccer World Cup local organising committee.

were questioned about serious issues such as world poverty, climate change and how to reduce inequality in the world, Zuma was forced to answer questions about his private life and his polygamy. For example, *Newsweek International* editor Fareed Zakaria, who chaired a panel on South Africa, asked Zuma about whether he loved all his wives equally. The President smiled benignly and replied: 'Absolutely', drawing howls of laughter from the audience. The report in the paper (*Sunday Times*: 31 January 2010) under a headline 'Zuma's child no 20' was sensational for an appropriately sensational story. It informed the newspaper-reading public that each of Zuma's wives was entitled to a personal assistant, a post worth R145 920 a year, and that medical expenses, air travel and security costs of the spouses were borne by the state. This, of course, raised questions among the taxpayers about how public money was being spent.

The Personal and the Political

The media's interpellation of Zuma enabled the public and the media to subject their President to deep scrutiny: was this man morally fit to be leading the nation? What example was the President setting for the citizenry when his government was campaigning for monogamy or one partner at a time, and the use of condoms to prevent the spread of HIV/AIDS? Was he following his own government policies? In addition, the public was reminded through the press that Zuma, as Deputy President of the country, headed the 'Moral Regeneration' campaign in 2003, which was meant to stamp onto the consciousness of the citizens the values and mores of living with integrity, not being promiscuous and having one partner at a time. The obvious contradictions in the conduct of the President were pointed out.

There were two responses of the ANC to the story. The initial reaction of the ANC to Zuma fathering his twentieth child out of wedlock was that this was not of public interest, it was a private matter. ANC spokesperson, Jackson Mthembu on 1 February 2010 issued a statement which said that the President had done nothing wrong and that this was a private matter between two consenting adults.

The African National Congress (ANC) would like to set records straight that the matter between the ANC President and his personal relationship with anyone remains a personal matter. [...] Our view is that the matter between any two consenting adults remains their own personal affair, not in the interest of anyone. That goes for some individuals and some media institutions. For the record, President Zuma has gone on record sharing his believe in polygamy and has demonstrated his responsibilities and his responsiveness that comes with any of the relationships. As the ANC, we have always made a distinction between people's personal affairs and their public responsibilities. In so far as we are concerned, the alleged relationship of the President and anyone should be treated as such. We do not see the correlation between the ANC policies on HIV and Aids and the President's personal relationships. [...] Why should a relationship between two adults be made an issue? Why should it make headlines? Why is it characterised by some media as a 'Shame to the nation'? [...] We are of the view that the media and some political commentators are making a mountain out of nothing. [...] This unjustified attack to the President is disingenuous. There is nothing wrong that the President had done. There is nothing 'shameful' when two adults have a relationship. How does a relationship between two adults become 'shameful' to the people? Such headlines are alarmist and create unnecessary tensions and confusion. [...] (ANC Media Statement: 1 February 2010).

According to the ANC, there was no correlation between the ANC's policies on HIV/AIDS and the President's personal relationships. In addition, such headlines were 'alarmist' and 'created confusion' and the media was 'making a mountain out of nothing'. Mthembu said that only time would tell what the motives of the media were. His discourse on the matter was a classic example of the tricks of ideological deflection or displacement. The questions that the above statement raised were significant. In the context of a country riven by risky sexual behaviour that increased the incidence of HIV infection, how could personal behaviour of politicians, meant to set an example, not be of significance? Thus the question is pertinent whether the press were prying beyond their mandate of watchdog. Was the matter a private one considering that Zuma was not just a public figure but also the President? The question was what kind of example was Zuma, as the head of state and of the ANC, setting to South African citizens in the context of the high prevalence of HIV/AIDS related to sexual promiscuity? Were such

headlines alarmist, creating unnecessary tensions and confusions, or were they directly in the public interest? These were the questions the story raised. Yet Mthembu asked: 'Why should this make headlines?' (ibid). While he placed the blame on the media for being disingenuous, in the light of the context one could argue that he himself was being disingenuous. In principle, there was indeed nothing shameful about having a private, consensual sexual relationship. But the context of a married man having unprotected sex outside of wedlock (and the President had three wives and a fiancée already) appeared to fly in the face of norms of fidelity that marriage entailed – even in a polygamous household. There was also something deeply disingenuous, dishonest and hypocritical about preaching to young people about condom usage to prevent the spread of HIV/AIDS and then not using one yourself. This was one of the reasons that the story should have made headlines, however scandalous and sensational they appeared to be. After all the action of impregnating a woman while having many wives and a fiancé already, was sensational and scandalous behaviour.

However, given Mthembu's statement that this was a private matter, the ANC then made aThe leader of the Democratic Alliance, Helen Zille averred that 'the ANC did not understand the relationship between public office and private behaviour' (*The Star*: 3 February 2010). She made the salient point that changing people's attitudes to the private act of intercourse lay at the heart of the government's challenge with its campaign against HIV/AIDS. In this case, 'the problem is particularly serious' because the issue is a President who is being 'duplicitous' about a national threat, HIV/AIDS, and thus the damage is more acute [...] A good leader is both consistent and transparent...it was not the first time that Zuma has been dishonest' (ibid). The newspapers did not drop the issue in spite of the set-down from the ANC. The sensational headlines fulfilled a role by informing the public about the various tangents and implications of the Zuma 'Babygate' crisis. For example, *Business Times* editor, Phylcia Oppelt³²⁰ wrote in her column My Day, in a piece entitled: 'The error of Zuma's ways':

³²⁰ In 2010 Oppelt left *Business Times* to edit *The Times*.

If this was anyone but the President of the Republic of South Africa, I would have just shrugged my shoulders and written him off as a dirty old man who has more sperm than brain cells ... It certainly makes me ask what lessons he has learnt from the disgrace of testifying in 2006 that he had unprotected sex with a woman who was HIV-positive and that he had thought a shower might lessen the chances of contracting the disease. Similarly, what lessons did the President learn while he was Deputy President under Thabo Mbeki and was appointed the government's representative on the Moral Regeneration Movement in 2003? Does he remember the launch of the movement on September 19, 2003, in Bhisho, when he said: 'Every South African must be a moral regeneration agent'? So what happened to Zuma's role as a moral regeneration agent? Does our President think about the message he sends out to young people across this country about unprotected sex? Or is he so filled with a sense of invincibility that he has no cause to fear what the rest of us mortals do – unwanted pregnancies, sexual diseases and HIV/AIDS? As a woman and a South African, I am outraged (*The Times*: 2 February 2010)

The issues raised by Oppelt told us why the matter was of public interest, why the private was political, why the President should be accounting for his actions, how Zuma appeared not to have learnt lessons from 2006, and how young people needed strong and responsible role models so that they would use condoms, for example, when having sexual relations. And of course, in the final analysis, in the process of writing such a story, Oppelt was an example of the press performing its critical and independent role in a democracy. It was the developmental role of journalism in action. The 'Babygate' scandal elucidated a press that comprised independent and diverse voices playing an important role in the emerging democracy (see for example, Zapiro's 'Baby shower' cartoon on the next page, published in the *Mail & Guardian*: 5-11 February 2010).

Most importantly, it provided the spaces for open debate. The media also provided the ANC with the space to air its views. It also gave the space to Zuma himself, to defend himself, or apologise. Given Mthembu's statement that this was a private matter, the ANC then made a self-reflexive turn, when sections of the party pressured Zuma to 'come clean', to talk about the issue and apologise to the nation (*The Star* : 3 February 2010). On 7 February 2010, Zuma, subjected to the pressure from some ANC leaders

and probably also through the press coverage and letters from the public in newspapers, made an apology to the nation for his behaviour. A *Sunday Times*, headline told us 'Zuma: I'm sorry for the pain I've caused you' (7 February 2010).

20 babies in a mass Zuma baby shower



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Dissensus: From Civil Society, within the ANC itself and between Zuma and Cosatu

The excess in the above cartoon by Zapiro shows his *jouissance*, it could be argued. However, it was not just journalists, for instance Oppelt and Zapiro, voicing their opinion on the matter, showing the cracks, and dislocation in the social. It showed too the dissensus within the Zuma administration and within the ruling alliance, for instance the apology that the President was forced to make after pressure from his fellow alliance leaders. The media gave voice and space to those from civil society as well. A cacophony of voices expressed themselves through the media.

For instance, from a feminist perspective, director of the NGO, Gender Links, Colleen Lowe Morna, wrote critically about the issue in a newspaper article entitled: 'This sets us back decades: Zuma's behaviour insults the ANC's progressive policies' (*The Times*: 9 February 2010). She argued that 2010 opened with a frenzy of reports about Zuma's third wife – his fifth marriage – peppered with letters and opinion pieces justifying polygamy on the grounds that it was not illegal or unconstitutional; that it was better to be transparent about relationships than have concubines hidden away; and that liberalism demanded tolerance of all lifestyles. 'The love-child shattered this sycophantic barrage. It showed that contrary to Zuma's own claims about openness within his polygamous circle, the President philanders at will outside this circle' (ibid). Lowe Morna identified the turning point against Zuma. Besides newspapers, letters to the editors, civil society organisations, and the official opposition's protests, other parties, for instance the African Christian Democratic Party (ACDP), the Congress of the People (Cope) and the Independent Democrats, called for Zuma's resignation on the basis that he was not morally fit to run the country.

On the eve of the State of the Nation address, there was another sensational headline for the public to digest: 'More Zuma Kids!' (*The Star*: 11 February 2010).³²¹ Zuma delivered his address on the same day, and it seemed as though he had lost confidence, evidenced in an eighty-minute, dull and lacklustre address, which did not meet expectations.³²² It must be noted that it was not just newspapers that opined Zuma

³²¹ According to the story, it appeared that Zuma had two children, aged 12 and seven, with a prominent Pietermaritzburg business woman. However, as one read further into the story, these children were part of the 20 children that had thus far been counted in Zuma's entourage of children. Even though it appeared that the headline was disingenuous, it must be pointed out that these children were not from one of the official wives. A presidential aide commented in the story that there was 'nothing new' about Nonkululeko Mhlongo and her children. When Mhlongo was contacted by the press to confirm her relationship with Zuma she denied knowing him and denied that he was the father (*The Star*: 11 February 2010).

³²² See the following articles: A wasted opportunity (*Sunday Independent* 14 February 2010); Year of action packs no punches (*Saturday Star*: 13 February 2010); Anger at Big Daddy Zuma Grows (*Mail & Guardian*: 5-11 February 2010); How far can Zuma push the sex scandal boundary (*Sunday Times*: 14 February 2010); Zuma has to show that he is fit to govern (*Sunday Independent*: 14 February 2010); President fails to cross the rubicon (*Sunday Times*: 14 February 2010);

fell short of expectations. Within a week of the State of the Nation address, the Budget speech by Finance Minister, Pravin Gordhan, took place on 17 February 2010. It was hailed by the business sector as a good one. However, the inflation targeting monetary strategy was maintained, which made Cosatu dissatisfied and feel betrayed: 'There's not even an attempt to meet us half way [...]' (*Times Live*: 1 March 2010). The federation's leader, Zwelinzima Vavi said he would not put faith in 'individuals' again, meaning Zuma whom he had backed before the December 2007 National Policy Conference in Polokwane. Vavi was famous in 2006-2007, calling Zuma's bid for the presidency an 'unstoppable tsunami'. In 2010, he did an about turn and said that in future the federation would focus on 'policy' rather than personalities and individuals (*Mail & Guardian*: 19-25 February 2010). Zuma responded that Cosatu should have read the Finance Minister's speech more closely.

The populist alliance between Zuma and Cosatu seemed to be falling apart. As Laclau argued in *On Populist Reason* (2005: 180), the dimensions of populism consisted of an aggregation of heterogeneous forces and demands which could not be integrated with the existing structure. There were links between the demands in an equivalential chain, having the same enemy (in this case it was Mbeki, who was the common enemy). Then the demands were crystallised in a new force or figure, Zuma. On 23 February 2010, Zuma dashed Cosatu's hopes again when he said that the lifestyle audit, which the federation was demanding to investigate corruption, would not take place. Zuma said those who thought that the budget speech was a declaration of war on the ANC's left-wing allies, had not read the document well enough to recognise that it was unapologetically pro-poor (*The Times*: 23 February 2010). Cosatu was beginning to see that backing Zuma and putting all its eggs in the 'Zuma basket' was beginning to be dangerous and, indeed, empty. The populist alliance was unravelling, indicative of the open, fractured social in the undecided democracy. Just as the social was open, so was

In Madiba's shadow (*Mail & Guardian*: 12-18 February 2010). Some of the ways in which the media played a developmental role in society was seen through the critical headlines over both Babygate and the lack lustre state of the nation speech, for example. These headlines show the constructive role of journalism in a democracy. It is not the role of journalism to create unity and national reconciliation but rather to expose what needs to be exposed, a la Babygate.

the nature of the alliances that had formed but these were constantly changing. The example above of the bond between Zuma and Vavi unravelling, further serves to show how trying to create unity in the social was impossible, according to Mouffe's thesis.

8.8 Concluding Reflections: the Media's Role: Developmental or Sensationalist?

In this chapter it has been argued that attempts were made to hegemonise the social, in the sense of trying to create more consensus between the media and the ruling alliance, through the construct of 'development journalism'. The term 'developmental journalism' for the ANC was tied into a rigid knot of meaning that limited the transformation project to loyalty to the ANC's perspectives. The media was viewed as the constitutive outsider in this 'democratic' matrix.

Surplus enjoyment characterised the discourse against the media by some in the ANC, for example Mthunzi. While for others, for instance Cronin, the desire for more unity in the social was reflected in his statement that there needed to be more 'common understandings'. He then described journalism as shallow, sensational and scandal-driven. It has, however, been argued here that it was through journalists' understanding of what developmental journalism meant, through its educative and informative role, that the creation of the space for debate of controversial issues was made possible. This is clear from the examples of 'Babygate' as well as the growing tensions between Cosatu and the ANC. The newspaper-reading public was informed about pertinent issues in their interest: the President's rampant sex life and how tax payers' money was being spent. It was argued that the personal was political.

What these contestations also highlighted was the dissensus in the fractured social, characteristic of a radical ambiguity in democracy. Clearly, from this point of view, the media's role in the South African democracy was not to create an unnatural social unity, but was rather to reflect the dissensus that exists, while playing an informative and educative role. The issue of Babygate allowed people to debate monogamy versus polygamy, question why there was no known incidence of polyandry in the country,

debate the HIV/AIDS issue, and expose the hypocrisy of the President, who on the one hand was preaching the use of condoms, while on the other was not using them himself. This speaks directly to the media's role of holding power to account for their policies and their actions and the chasms therein.

It also showed how quickly a new administration which came into power through populist demands could be de-centred and split. For instance, public opinion turned against Zuma but popularity within his own ranks began to dwindle too.³²³ This highlighted the cracks and the lack of a centre within the ruling party's new populist wing, showing Laclau's theory of populist reason in action: as quickly as popular demands become crystallised in a figure, as quickly can they disappear.

How are we to further understand these issues theoretically? First, the media, as seen through the interviews with journalists, were well aware of their ideological interpellations from the ruling alliance via the construct of developmental journalism. The journalists preferred to misrecognise these interpellations, and not embrace their naming as creators of sensation, scandal-driven with no understanding of transformation and no loyalty to the new South Africa. They understood their role in a democracy to be one which informed the public about abuse of office, overspending, corruption, and highlighting scandals that affected the public interest where they existed, even in private life as the Babygate scandal appeared to be. Their role, in summary, was not to be 'ideologically in tandem', to use Makhanya's phrase (Interview: 24 January 2008), with the ruling party, but to take a more radical democratic path. However, it must be pointed out that while the media played this role in democracy, for example highlighting the plight of the poor, rural community of Sakhile, it does not focus enough on such stories. Newspapers tend to focus on the middle class and are mainly urban based. In addition, it focused on a particular story for a while, a whole month in the case of Sakhile, and then moved on, without any follow up. A year later, the public was ignorant about whether the people of Sakhile had had their service delivery

³²³ For example in an article entitled, 'Zip up ANC tells Zuma' an NEC member said: 'We really want the to make sure this doesn't happen again. If it does, it's over.' (See *Mail & Guardian* 12-18 February 2010).

demands met, after having been placed under the provincial government, how long this arrangement would last and, indeed, if a new mayor had been installed in the local council.

Second, the ruling bloc showed that there was a variety of tendencies and splits within its alliance to how they viewed the media. For example, there is no evidence of Cosatu desiring a more loyal media, nor suggestions from the federation that the media was disloyal to democracy.³²⁴ Through the desire for common understandings, a la Cronin from the SACP/ANC, there was a need for more loyalty which suggested foreclosures. This could also be seen in Sokutu's comment that the media should understand where we are coming from. In other words, the media should understand the inhumane past of apartheid, that the ANC liberated 'the people' and therefore there should be less criticism. The interpellations of the media by elements within the ruling alliance showed an unprogressive hegemony through their desire for social consensus. This is not ideal for the deepening of democracy.

Third, the fissures within the ruling alliance came to the fore after 'Babygate' when the ANC spokesperson, Mthembu said there was nothing wrong with what the President had done. Then a week later the ANC said it had welcomed the apology of the President. The splits within the ruling party and between alliance partners showed that the social is heterogeneous in nature, split and fractured. In the seemingly sensational scandal-mongering and shallow headlines was embedded serious information for the citizenry to process and make up their minds about the state of the nation, the state of corruption, the future paths, and the kind of leadership it had.

Finally, through the deployment of Butler's thesis of reflexivity we saw that journalists turned their back on the ANC's notions of development journalism, in active

³²⁴ In fact in July 2010 Cosatu, along with the media and other civil society bodies such as the Freedom of Expression Institute, made a submission to parliament against the enactment of the Protection of Information Bill, as it stood, which would curtail freedoms of journalists and even see them being jailed for being in possession of classified information. Cosatu asserted, along with the media, that the Bill confused national interest and national security. See document: Cosatu submission on the Protection of Information Bill [B6-2010]: Submitted to the ad hoc committee on the Protection of Information Legislation: 25 June 2010

misappropriation of subjugating signifiers. We witnessed in the discourse of journalists that they saw the ideological interpellation to be a conflation of party, state and government. Instead they asserted their independent role, denying the interpellation and call to homogeneity. For the media, it was not about being loyal to the party but rather loyalty to the codes of their profession: the watchdog role, holding power to account, and ultimately being loyal to democracy, irrespective of who was in power. We also witnessed misappropriations of subjugating terms such as 'enemies of the people', as in Mthunzi's hysteria and demonisation of the media. These terms were not accepted by the journalists. And finally, we saw resignifications taking place as Cosatu detached itself from the figure Zuma within whom all their demands were crystallised, when Vavi said that 'perhaps we made a mistake, we should have focused on policies, rather than on personalities' (Interview, SABC 3: 3 February, 2010). It was an important example of the contingency and radical ambiguity intrinsic to democracy. Explaining Butler's theory, Schippers (2009: 81) argued that an 'expansive use of resignification becomes inherently democratic because it opens up signifiers to challenge and contestation'. This analysis highlighted the challenges and the contestations of meanings, including the attempts to tie the floating signifier 'development' down to loyalty to the name 'ANC' in South Africa's post-apartheid democracy. It showed that these efforts by the ANC have so far not succeeded, and that the social, as reflected through the media, is richly heterogeneous and characterised by contingency, factors which are optimistic for the development of an open-ended and radical democracy.

Chapter 9

Concluding Reflections: Optimistic and Pessimistic Moments for Democracy

Perfect democracy would indeed destroy itself. This is why it should be conceived as a good that exists as good only as long as it cannot be reached.
(Mouffe, 2005: 137)

Torring explained Mouffe's logics in the following way: 'Once we accept the necessity of the political and the impossibility of the world without antagonism, what needs to be envisioned is **how it is possible under those conditions** to create or maintain a pluralistic democratic order, with 'such an order based on the distinction between 'enemy' and 'adversary' (1999: 121). One of the main theoretical starting points in this thesis is that 'democracy' is secured precisely through its resistance to perfect or final realisation, and is ultimately characterised by indeterminacy. The conceptual starting point therefore is that the tension between the media, the ruling party (and its frequent elision with the state) is internal to democracy itself. One of the main conclusions is that through populist intervention, such as ideological interpellations, disparate heterogeneous antagonisms are condensed into one figure, 'the media'. These antagonistic interpellations include: anti-transformation, profit-driven, enemies of the people, who lack *ubuntu* and are hysterical. The linkages will now be explained in a theoretical synthesis. In trying to control the media, or in desiring unity with the media in South Africa, the ANC and some of its alliance partners, have not accepted the impossibility of the fractured social to exist without contestations. Nor has it been accepted that the unstable matrix of the social shows that a distinction between enemy and adversary is necessary in a pluralistic democratic order.

This thesis developed and applied conceptual tools from radical democratic theory, psycho-analysis and post-modernism to theorise the fight for democracy between the media and the ruling party in South Africa, a fight internal to democracy itself. My

argument is that the independent media is an agonistic, adversarial space, while journalists are legitimate adversaries, who have a significant role to play in the creation of and deepening of a pluralistic radical democratic order. It is therefore inappropriate to gaze on them as enemies who are anti-transformation and unpatriotic. To constitute the media in an 'us and them' formulation, within the grammar of democracy, is to constitute the media as an outsider in the democratic space. While this thesis has relied on post-modern conceptual tools, it has also drawn heavily on Žižek's political philosophy which he claimed was not 'post-modern' because his theorising did not fall into the trap that we live in a post-ideological world. Certainly, if the South African terrain of political discourse against the media is to be considered, then we live in an extremely ideological world. Žižek was critical of Foucault's work as having Althusserian 'amnesia'. In other words, Foucault neglected 'ideology' and how it worked. So then resurrecting the Althusserian use of ideology and blending this with Žižek's Lacanian psychoanalysis through the deployment of the concepts of ideological interpellation, Master-Signifiers and floating signifiers, social fantasy, and the gaze, I suggest that the ANC is unmasked as having regressive tendencies, and through its paranoia and hysteria could itself be blocking transformation. Instead it turned the issue around to interpellate the media as the regressive force. In short, the ANC indulges in ideological interpellation of critical voices in the media, hailing them through the discursive and the performative of naming. It has summoned the intervention of a Media Tribunal which would be controlled by parliament, the majority of whom are ANC members, in its attempt to rein in the media. In addition, in November 2010 as this conclusion is being written, the Minister of State Security, Siyabonga Cwele refused to add a public interest defence into the Protection of Information Bill, despite a huge civil society protest in the form of the Right2Know campaign, which included petitions, marches and submissions to parliament, signed by 400 organisations and over 11 000 individuals (Right2Know Coalition: 2010).

Chapter One set out the parameters of this work, delineating the aim, the rationale, literature review, methodology and theoretical framework. It relied heavily on three main texts: Žižek's *Sublime Object of Ideology* (1989), Mouffe's *The Democratic Paradox*

(2000) and Butler's *The Psychic Life of Power: Theories in Subjection* (1997). Chapter Two provided an overview of the media landscape with a particular focus on newspapers. It dealt specifically with the role of the media in a democracy, and how so many strands in the broad church that makes up the ANC had expectations which were inappropriate in a constitutional democracy, right from the onset of the new dispensation. Through the discourse of the first three democratic Presidents, as well as voices within the party, it is clear that the ANC believed that because it was the liberation movement which had rescued the country from the inhumanity and brutality of apartheid, the media should be soft on the ANC-led government. Chapter Three scrutinised different kinds of subjections, including legislative intervention which hinders the work of investigative journalists. It focussed specifically on the Protection of Information Bill, and how its lack of a public interest defence could spell the death for investigative journalism. In part two of this chapter, a discussion of commercial imperatives, showed how newspapers all over the world are in decline, and discussed the impact of New Media on the world of traditional journalism. The floating signifier, race, was the subject of elucidation in Chapter Four. This was effected through two case studies, the failure of the re-launch of the Forum for Black Journalists (FBJ), and the firing of columnist David Bullard from the *Sunday Times*. The theme of what constitutes freedom of speech was continued in Chapter Five, through an elucidation of the interpellations of cartoonist Zapiro, as an 'enemy', a 'right-winger' and 'racist'. The case of Zapiro's subjection through a lawsuit over the Lady Justice cartoon was interrogated. Further, the ambivalence and loss the cartoonist experienced, because he was treated as an outsider to democracy, rather than a legitimate adversary, was also analysed. The ANC's discourse on the media was the subject of Chapter Six, The Ideological Social Fantasy. This used the concepts of excess and surplus enjoyment to describe and analyse the gaze of the ANC on the media. The discourse of the three democratic Presidents, Nelson Mandela, Thabo Mbeki and Jacob Zuma, plus reference to interim President, Kgalema Motlanthe, was scrutinised. In addition, *Letters from the President* and the *ANC-Online* contribution to the public were examined. The negativity in the discourse showed a paranoid overinvestment in the media. This has been called an 'unprogressive hegemony'. In Chapter Seven, further interpellations and subjections

in the 'fight' between the *Sunday Times* and the former Health Minister, Dr Manto Tshabalala-Msimang were examined. Journalists who broke two stories about the Health Minister's misdemeanours and unsavoury conduct were then hailed as enemies of the people who lacked *ubuntu*. This was an ideological deflection from the ruling party's own shortcomings. And finally, in Chapter Eight, developmental journalism was examined from various alliance partners' points of views and juxtaposed with those of journalists. Here, the ideological tricks of obfuscation and displacement were used to rigidify and fix the meaning of 'developmental journalism', to the loyalty to the ANC. This was the hegemonic project of the ruling party. The Epilogue deals with the final events of the last few months of 2010: the Sanef/government summit; the Right2Know campaign against the Protection of Information Bill. It gazes on the splits, twists and turns within the journalism profession itself vis-à-vis negotiations with the government about its threat to curb press freedom. It also reflects on the twists and turns journalists made towards the government-sympathetic newspaper, *The New Age*.

The Mouffian conception of a radical democracy, in the opening quotation, has been used as an important framework. The conception of a radical democracy hails from Laclau and Mouffe's *Hegemony and Socialist Strategy* (HSS) and was a fundamental break from the essentialism of their Marxist theoretical past. Mouffe then developed this concept further in her more recent work *The Democratic Paradox*. 'Radical', for her, did not mean aiming at a radical or ultimate solution. Every solution was provisional and temporary, 'a kind of postponing of a fundamental impossibility' (Zizek, 1989: 6). 'Radical democracy' was thus to be taken somehow paradoxically: it was precisely *not* 'radical' in the sense of pure, true democracy. Its radical character implied that democracy can be saved only by *taking into account its own radical impossibility*, according to Zizek (ibid). One of the central thesis points of HSS was that the multiplication of political spaces and the prevention of power in one point were, then, preconditions of every truly democratic transformation of society (1985: 178). This notion was applied in my argument for the continued independence of the media in South Africa. The independent media is a space which seems to interfere with all powerful control and appears to cause dislocation. The media occupies one of these

open dislocated spaces, with its multiple voices. It cannot, nor is its function to, create a perfect democracy but it can steer it towards an imperfect, un-ending 'realisation' of it. Mouffe built on this foundation from *HSS*, to develop the concepts legitimate adversaries, and agonistic pluralism. In this thesis, journalists were positioned as legitimate adversaries and agonists. These concepts provided the means to unravel the relationships between the media, democracy, the ANC, the government and the state. The concluding reflection is that unity of the social is not possible and attempts at unity suggest foreclosures for the democratic spaces. Different voices in the ANC and its alliance partners, as well as their hands in state interventions, have to different degrees attempted to close these open spaces via the ideological interpellations, lawsuits, interdicts against publishing, the Protection of Information Bill and the proposed Media Tribunal.

Finally, Butler's concepts of passionate attachments, misrecognition and refused identification, witnessed particularly in 'turns', away from and sometimes towards the ideologically interpellating voices were useful to understand the multiple subjectivities of journalists. The editors interviewed for this thesis showed in their discourse, and in their actions (in other words in the stories they published), that they turned their backs on the interpellating voices of power: they misrecognised the labels. The editors interviewed did not, for example, attach to race as a Master-Signifier, nor was loyalty to the party which brought about liberation, because it brought liberation, a Master-Signifier. It is possible then that there was little conscious ideology at work in the different, disparate worlds of journalists, contrary to the suggestion by Duarte, and others, that there was a conspiracy theory in the media against the ANC, as shown in Chapter Six. While a few journalists made reflexive turns to the voice of power (the ANC) when they heeded a call for more loyalty and attempted to relaunch the FBJ, reiterating norms of the past, the majority did not. The re-launch failed to take off, signalling an optimistic moment for democracy.

Before elaborating on the above reflections, it is worth taking a small digression to consider some of the gaps that have emerged in this research, both in the philosophies

deployed from Žižek, Mouffe and Butler, but then also in my own analysis of the intersect between the floating signifier 'democracy' and its relationship with the ANC and the media. At the same time, it must be noted that while there might be gaps in the analysis of the particular theoreticians within their particular political imaginaries, the deployment of their conceptual tools have not posed serious problems for this specific analysis.

9.1 The Inadequacies of the Political Philosophising of Žižek, Mouffe and Butler

The problem with Žižek was that he did not take the issues of excess, surplus and overinvestment further to say how they could be helpful, how these could turn into something else, for example political action or activism. However, Sarah Kay pointed out that in fact his whole body of work should be read as a call to action as this would offer 'practical hope' for greater equality and humanity (2003: 130). Then, according to Laclau and Butler in *Contingency, Hegemony and Universality: Contemporary Dialogues of the Left* (2000), Žižek too easily criticised them for theorising within liberal market economic frameworks. His remarks were a bit too lofty about Laclau and Mouffe's theoretical project: that their 'radical democracy' merely radicalised the liberal democratic imaginary. Žižek argued instead for something 'radically different', yet, as Laclau observed, he himself could not pin point precisely what that 'radically different' structure of society was. Indeed, Žižek was reluctant to break with his Marxist past, lending confusion to what he actually believed in. However, in all fairness to Žižek, I venture to suggest, in his defence, that his ambivalence and his dilemma stemmed from the fact that the 'democratic' framework within today's globalised world is so unequal and so inadequate *vis-à-vis* equality and humanity that he finds it difficult to support it wholeheartedly.

It is necessary to be critical of Žižek on this score, following the Laclau and Butler critiques: he did not outline precisely what form of democratic order he saw as the ideal political imaginary, he criticised democracy for its perpetuation of inequality, and thus he swayed backwards and forwards between radical democracy and state socialism. In

any event, these deficiencies did not detract from his canny deployment of Lacanian conceptual tools, a valuable contribution to political philosophy which has proved apposite for the analysis of the intersect between the media and the floating signifier, democracy, in the unstable matrix of South Africa's democracy. And whereas Butler seemed to find Žižek's use of illustration, jokes and films rather overdone (2000: 279), I have found them to be both witty and useful as critical tools.

For the foundational framework, I've relied primarily on Mouffe's development of the concepts 'agonistic pluralism' and 'friendly enemies' or 'legitimate adversaries' I have shown why journalists should be conceptualised in this way, rather than as enemies or outsiders. Adrian Little and Moya Lloyd in *The Politics of Radical Democracy* (2009) noted that Mouffe did not say much about what happens in the situation where two parties did not share a common ethico-political framework; how can they then be 'friendly enemies'? (2009: 166). It was for example, impossible to turn abolitionists and slave masters into 'friendly enemies' (ibid). Indeed, Mouffe's conceptual framework did not and could not suit all contexts, but it did fit well with the South African case where all the parties under scrutiny in this work, the media, the government, the ANC and its elision with the state, all agree with the social democratic idea, an independent press and freedom of expression as stated in the Constitution. The tension, in other words, is between 'democrats', not between right-wingers and left-wingers. So it is within this democratic matrix that democracy is a floating signifier and the independence of the press is contested by the ANC.

This is not to let Mouffe off the hook completely. Ironically, even though she progressed from the Marxist essentialism of the past, she remains trapped in a dogmatic left-wing postulation vis-à-vis the western media. These conundrums, interestingly enough, were also prevalent in South Africa if one considered the discourse in the *Letters from the President*. For Mouffe, 'the media' was seemingly an all encompassing bundle or unity, of one ideology (2006: 967), is dictated to by capitalist interests, in its content or in what it covers. 'The media are playing an important role in the maintenance and production of hegemony but it is something that can be challenged' (ibid). She conceded, however,

that there was some media diversity. Not to acknowledge this would, I fear, be a bold and unsupported left-wing assumption and, in itself, this would suggest closure, something that she rails against. Nevertheless, Mouffe's assumption about how the media operate is a common left-wing assumption, that is, that a single hegemonic ideology is in operation, and it is an assumption that I would have made too, had I not become a journalist more than 20 years ago. However, it is also a fact that newspapers in South Africa tend to have a middle class bias and do not cover rural areas, small towns and municipalities adequately. While this could be viewed as a gap in this thesis, the stated aim was not to find the inadequacies of the independent media but to unravel the politics between the media, the ANC and democracy, and highlight the contribution an independent press makes to the country.

However, this thesis has shown that the ANC as the ruling party threw the signifiers, race and capitalism, into the equation too, when its discourse elucidated that the media is one bloc, controlled by 'white capitalists'. In my experience of being a journalist in South Africa, not once have I been told that I could not cover a story or write a particular angle because it would upset the advertisers, or that the 'white capitalists' would not be happy with this, or that, particular story. So, contrary to Mouffe's theory and generalisation about the media, over the years I covered many of the debates within and about global social movements, as well as those in South Africa, such as the anti-privatisation forum struggles and Cosatu's battles to find more space within the alliance. The nuance of what is reported and debated is missing from this kind of left-wing criticism and generalisation. In the same vein as Mouffe, Nzimande and Cronin are guilty too.

Notwithstanding, the ANC, ANCYL and the SACP's diatribe against the 'capitalist media', the capitalist system itself, seen in the global economic recession of 2008-2010, wreaked havoc on the world of the traditional media globally. This was coupled with the growing dependence of the wealthier classes on the Internet for news. This is how the intersection of commercial interests and capitalism entered into the fray of democracy

and the media. While this was not the focus of this thesis, it was covered, probably inadequately, in Chapter Three: Subjection of a Different Kind.

A more important point that Mouffe made in her reflections on the media was that, even though the media were not all that powerful, there should be more pluralism in the media, and that while journalists were not there to tell people what to think, they should be providing different views. 'Ideally, the role of the media should precisely be to contribute to the creation of these agonistic public spaces in which there is possibility for dissensus to be expressed or alternatives to be put forward' (2006: 974). In my discussion of the independent media in South Africa I have shown that journalists have been guided by this same vision. Mouffe had not theorised journalists as legitimate adversaries in a democracy, but I deployed her theory on democracy in general to the specific case of the role of the independent media in South Africa's democracy to theorise the media as insiders, rather than outsiders, of the democratic matrix.

The problem with Butler, according to Birgit Schippers in *The Politics of Radical Democracy* (2009), was that she focussed too specifically on civil society and micro politics when she deployed the concept 'resignifications'. Schippers argued that Butler could have ventured into how resignifications were possible and useful within the state, not just within social movements, for example. 'Butler's abandonment of the state as a possible terrain for political transformation results in a restriction, not an enlargement and expansion, of the possible sites for politics' (2009: 74). Notwithstanding this, Butler's theoretical project, which used mainly the performative of gender as examples, was aimed at subjugating hegemonic norms, and this had resonance with the contestations of meanings of democracy with respect to the media and the ruling bloc in South Africa. Given that the media is part of civil society, Butler's theorising was particularly useful. Thus Schippers criticism of her inadequacies does not have problems for this work. In particular, Butler's concepts of passionate attachments, her understanding of how a subject was formed and how subjectivisation, resignifications and reflexive turns took place were apposite for an understanding of the injunctions against the media in South Africa. However, while Butler did not make distinctions

between full and half turns in her conceptualisation, I have taken the liberty of using her theories of subjection but then went beyond them to refine the terms. Her turns defined a complete turn of 360 degrees towards the ideological interpellating voices of power. I have argued and showed how through the multiple subjectivities of Zapiro and Makhanya, for example, half turns are possible. And, while Abbey Makoe, in 2008, made a full 360 degree reflexive turn towards the voice of power, reiterating the norms of the past which oppressed, embracing injurious terms and showing passionate attachment to the signifier, race, he made another turn in 2010. In 2010, he criticised the government and the ANC for its proposed Media Tribunal and its support of the Protection of Information Bill.

Notwithstanding the gaps in Zizek, Laclau, Mouffe, and Butler's analyses for political theory as a whole, their existence has not proved to be insurmountable for my specific deployment of their conceptual theoretical tools. On the contrary, they were intellectually stimulating and gratifying. A unique philosophical blend of the theories has enabled the creation of a new gaze on the unstable matrix of the intersection between the floating signifier, 'democracy' and 'the media' and the relationship with the ANC in South Africa.

A further gap in my analysis could be that while I argue that dissension and fierce contestations or 'fights' are good for democracy, I do not then say what a minimal consensus would be to make the society function in a cohesive way. Yet, I have not been arguing for anarchy at all. In my defence, I can only say that because this thesis is on the role of the media in a democracy, and I have argued that it is not the media's role to create national reconciliation or consensus, this issue is somewhat outside my ambit. In short, my project has not been about how to create national reconciliation in the country.

9.2 Inertia and Lack of Agency: the Media Caught in a Deep Slumber

Whereas I started off this study with a particular view, an optimistic one, of how the media, using English-speaking newspapers as examples, fight for democracy and their independence, I have ended the study with a rather more open-ended one. The continued relative independence of the media is undecided. It was clear by 2010 that the media would challenge certain legislation and repressive proposals in the Constitutional Court, for instance the Protection of Information Bill and the proposed Media Tribunal. However, it was only in August 2010 and October 2010 respectively that a campaign spearheaded by Sanef about how to challenge the ANC and to decrease hostilities was conceptualised. The second point is that there was no clarity as to how long the world of traditional journalism would last given the advent of New Media, Social Media, the use of the Internet to access news, and the growing phenomenon of blogging which gives everyone the chance to be publishers.

The future appears to be bleak for the continued role of the traditional print media in a democracy, not just due to the global economic recession of 2008-2010, but also due to the advent of New Media. Advertising revenue for newspapers has decreased all over the world, with more companies advertising on the Internet because it is cheaper. As Irwin Manoim, has commented:

...the past few months have been rather like witnessing the slow death of a much-disliked uncle: only when his end is nigh do you suddenly become aware of his virtues. People who complained about how unpleasant newspapers were to read, smearing ink all over their bed-sheets and tablecloths, have now discovered how 'user-friendly' they are. People who complained of sensationalism, inaccuracy and superficiality, are now troubled by the disappearance of the public's watchdog. Who will cover the city council meetings? Who will send live human beings into war zones? (2009: 61).

The above issues relate to the external world of commercial imperatives and technological advances and its impact on journalism and its role in democracy. The problem this thesis has focussed on is the internal political contestations about press

freedom. In South Africa, prior to 2010, there was reliance on recourse to the parliamentary process, in the form of 'submissions' rather than any activism among journalists, certainly not before August 2010. Deputy Chief Justice Dikgang Moseneke made reference to this phenomenon in South African politics in general. 'Lawfare' occurs', he said, 'when politics is played out in the court. The layman's understanding is that this is political warfare that converts into legal warfare. In the past 24 months our society has had a fair share of political contestations that have played themselves out in our courts and in the Constitutional Court in particular' (*Mail & Guardian*: 29 January-4 February 2010).

Further, journalists did not make use of the opportunities available to them, for example on Media Freedom Day in October 2009, to use their own spaces or mediums, i.e. newspapers, to publicise that their freedoms were being whittled away. There was no visible agency. It can be argued that the media, in particular the traditional media, had been caught in a 'deep slumber', to use the phrase of Stefaans Brummer, co-partner of the *Mail & Guardian's* Centre for Investigative Journalism (Interview: 28 October 2009). The resolution to investigate the establishment of a Media Tribunal took place at the ANC's policy conference in Polokwane in December 2007. This resolution was reinforced at the ANC's national general council in Durban in September 2010. It was clear that the independent media world was faced with intense pressure to toe the line from the ruling party and to be ideologically in tandem with it. These proposed regulations, for instance the Protection of Information Bill and attempted subjectivisations through the Media Tribunal, suggest closures which are not in tandem with an open society. What possibilities for action or agency existed? Brummer said that while he was 'very concerned' he was not sure that it was time to 'toyi-toyi' yet. Unless, 'we make ourselves heard, these consequences may well become part of the legal arsenal available to public figures who do not like the media's probing attention,' Brummer said, (ibid). He felt that had these repressive measures taken place during the apartheid era there would have been more of an outcry.

The democratic space was being shut down, in Brummer's observation, and journalists had been 'caught in a deep slumber'. I agree that there seemed to be far too much faith and trust in the new government because it was democratically elected. In the interviews with the editors on whether the Media Tribunal might become a reality, most of them said it would not happen because the Constitution would 'protect us'. There was therefore far too much reliance and faith in the Constitution. Media Appeals Tribunal researcher, Franz Kruger concurred when he said that the bottom line was that there would of course be a constitutional challenge but 'one should be careful not to be absolute about the Constitutional Court. It could change in character and composition'. He explained: 'It is not impossible that a formulation could be found for these tribunals to happen. They would couch it in terms of transformation and development. The ANC has for a long time been unhappy about the media, and wants to prevent its 'excesses' and 'reactionary' behaviour' (Interview: 13 July 2009).

In 2010, it appeared that the media had awoken from the deep slumber when both the Protection of Information Bill was still on the table in Parliament and the Media Tribunal was back for discussion at the ANC's September 2010 NGC. So Sanef held a meeting with journalists at the *Sunday Times* offices in Johannesburg, on 4 August 2010, at which it was decided that 'engagement' would take place with the ANC over their actions to curtail media freedom. A campaign would be launched to protest the proposed Media Tribunal and the Protection of Information Bill. Finally, if all these failed, i.e. 'engagement' and the campaign against the ANC's proposals, then there would be a constitutional challenge. While the environment pointed to a closing in of the spaces, there was still a turning against the ANC by the media rather than a turning towards its interpellating calls, and this signalled an optimistic moment for democracy. Ironically, while this meeting was taking place seven plain clothes policemen arrived at the *Sunday Times* offices in Rosebank and arrested investigative journalist Mzilikazi wa Afrika for 'fraud' and 'defeating the ends of justice'. It subsequently emerged that the ANC was unhappy about the exposure of divisions and fractures in the party's leadership in Mpumalanga and the arrest was part of a strategy to stop Wa Afrika from his investigative reporting. Having been part of the meeting, I witnessed the arrest. It

was a surreal experience as the rough manhandling of Wa Afrika by so many policemen was reminiscent of apartheid days. There were several cars lined up around *Sunday Times* offices, and while photographers tried to take pictures, the police shoved their cameras away. When journalists asked questions about what the charges were and where they were taking Wa Afrika to, there were just two words offered in response: 'fraud' and 'Nelspruit'. A month later the charges were dropped and Wa Afrika instituted charges against the police for wrongful arrest.

9.3 Optimistic Moments for Democracy

Having argued, and shown, that there was some inertia, and a lack of action among journalists about media independence vis-à-vis the regulatory environment, other evidence in this thesis suggested pockets of optimistic moments cross-cutting with the pessimistic moments. These were, first, the fact that the Forum for Black Journalists (FBJ) failed to re-launch, showing that the attempt to make a Master-Signifier of race had failed and a new non-racial journalists' body, Projourn, was launched at the end of 2009. Race, remained a floating signifier in the world of journalism. A floating signifier is a signifier with no fixed or full meaning, not linked to another signifier. Second, the protests of a poor rural community in Mpumalanga received a plethora of media attention for a whole month in 2009, resulting in the firing of the mayor and executive committee for stealing the funds in a local municipality. This showed that the media was exercising its professional role as 'watchdog', as in checks against the abuse of power and attempting to hold power to account, and could not then be so easily dismissed as the 'bourgeoisie press'. Third, the ANC'S efforts to interpellate Zapiro ideologically failed as he refused his identification as 'right winger', 'racist' and 'enemy of the people'. He preferred to misrecognise the calling, or hailing, and continued with his hard hitting cartoons which were so irreverent to the powerful. In 2009 he won the Vodacom journalist of the year award for his work. Fourth, the discourse of editors Rossouw, Radebe, Makhanya, Malala, and Milazi on what 'developmental journalism' meant to them showed that they were committed to their professional roles and would not succumb to the ideologically interpellating voice of the ANC, nor the injunctions to

toe the line and show more loyalty. They recognised and saw the conflation and frequent elision between state and party, and resisted. Fifth, the subjectivisation of the *Sunday Times* through the ideological interpellations of the paper's journalists as 'enemies of the people' who were lacking *ubuntu* failed in the sense that the newspaper did not turn towards becoming a sweetheart press. Sixth, the attempted subjectivisation of the media spurred the media profession into action: they formed a civil society coalition in August 2010, with a campaign entitled: the Right2Know, to oppose the Protection of Information Bill. More than 400 organisations had joined the coalition and more than 11 000 individuals had signed the petition supporting free speech. In addition, through the deployment of their own mediums, the space in their own newspapers, radio and television, journalists would highlight the plight of media freedom. The fight for freedom of expression in South Africa gained worldwide attention and sympathy. The World Editors Forum wrote a letter to President Zuma on behalf of 18 000 publications, 15 000 on-line sites and more than 3 000 companies in more than 120 countries. It expressed concern about the proposals which would 'shield the government from press scrutiny and criminalise activities essential to investigative journalism' (*Sunday Independent*: 22 August 2010). The media was rudely awoken from its slumber by 2010: alliances were being formed internationally and locally and a civil society coalition was formed with the Right2Know campaign. This resistance signalled an optimistic moment for democracy.

On a tangential but important note, what the media could not do was to create a revolution or overthrow government; but it could highlight different issues and plural struggles. Linking the above thread with that of the coverage in the media of the poor rural community, Sakhile, in Mpumalanga in Chapter Eight, and with the theories of Laclau in *On Populist Reason* (2005), it was interesting to see the parallels between the Corn Riots in the Paris region in 1775 over the price fixing of bread and the localised protest in Mpumalanga over service delivery by the local municipality. Quoting George Rude, Laclau pointed out that 'the sole target was the farmer or prosperous peasant, the grain merchant, miller or baker ...There was no question of overthrowing the government or established order, of putting new solutions, or even seeking redress of

grievances by political action' (2005: 75). Likewise, with the protests in Mpumalanga, the local communities had no intention of overthrowing the ANC-led government. And the media, by covering the protests every day, performed its role in the social by highlighting the suffering of the poor. So, while the media itself can provide an agonistic plural space, it can also give coverage to agonistic pluralistic struggles, thereby deepening the spaces for democracy, or, as Derrida's famous deconstruction went, 'democracy to come'. However, the inadequacies of the media were also highlighted. A year later, by October 2010, there were no reports in the newspapers about the progress of the people of Sakhile.

An Optimistic Moment: Attempts to Make Race the Master-Signifier in the World of Journalists Failed

The South African Human Rights Commission (SAHRC) ruled against the FBJ in 2008, declaring that blacks-only journalists' gatherings were unconstitutional. The forum then dwindled into 'nothing', according to several black journalists contacted. Some of these journalists had joined the forum while many more said they were 'not interested' and that this was 'a backward move', 'behind the times', 'unprogressive' and that it was just 'crude racism' and not appropriate to the new South Africa. Were there issues that could affect black journalists only? Does one write 'black' stories and were newsrooms so full of whites that blacks did not get their chance to 'develop'? The majority of journalists interviewed for this research commented that this was not the case. Those who believed this to be so were operating in a social fantasy of what the media was. There are very few white editors in the country today and the majority of reporters in newsrooms are black, as Phylicia Oppelt noted: 'Most newspapers across this country are edited by black South Africans; senior positions across the different media platforms are occupied by black journalists' (*Daily Dispatch*: 31 August 2009). Race was tied to the transformation project in the discourse of successive presidents in the democratic era, but for many journalists race was a floating signifier: it had no full meaning.

The failure of the FBJ to re-launch signalled an optimistic moment for democracy as it attested to the fact that there was no one view, nor single, unified identity on the part of journalists, certainly not on the basis of race. It showed that the attempt to rigidify the signifier race and turn it into a Master-Signifier, failed. Twinned to this, the second optimistic moment was the fact that a new non-racial organisation, Projourn, formed in 2010. Its aim was to address both political and non-political issues that journalists face in South Africa. The third optimistic moment was that, even though the majority of journalists in newsrooms today are black they are not essentialising race or identifying purely on race terms and not kow-towing to the ruling party's desire to have a more loyal media. The floating signifier, race, was not fixed: in other words, it was not the main signifier to which all other meanings were attached or linked. The FBJ attempted to convert race, or 'black' into a Master-Signifier in the world of journalists. In other words fix, tie in a knot, the meaning of black and stop it from sliding or floating. This is how the rigid designator works, according to Žižek: it works as a sort of upholstery button, to prevent slippages of meanings, or slidings, so to speak. The rigid designator, or *point de capiton*, aiming to condense all rich meanings into one solid meaning, fixing and essentialising identity. Instead, most journalists resisted and the FBJ does not exist anymore. The rigid designator aims then 'at that impossible – real kernel at what is in the object more than the object, at this surplus produced by the signifying operation', Žižek argued (1989: 97). It was a testament to most black journalists, in positioning themselves as fluid, with free floating identities, that the interpellation failed. This then begs the question: do journalists not have political identities? They do, but these identities were multiple and free floating, characterised by 'a lack', in Lacanian parlance.

A Further Optimistic Moment: Zapiro's Ideological Interpellation Failed

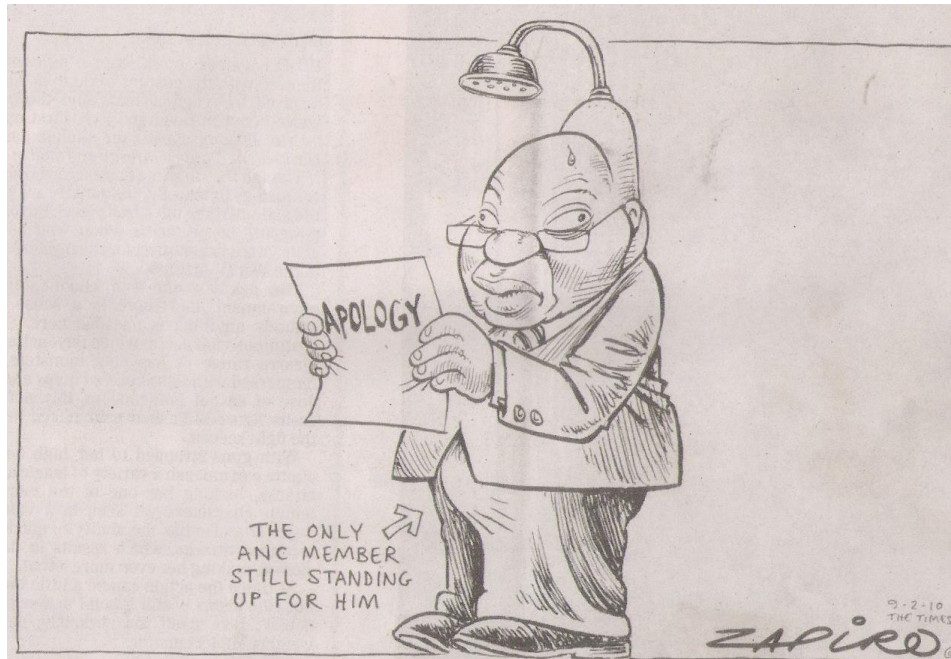
A further case, which showed both optimistic and pessimistic moments, but mainly optimistic, for democracy, was the furore over Zapiro's cartooning by the ruling bloc in Chapter Five: Ambivalence in Freedom of Expression: the Case of Zapiro: a Legitimate Adversary, not an Enemy. The optimistic moment resided in the fact that Zapiro was not intimidated by his interpellation as 'right wing', 'racist' and 'enemy' to the extent that he stopped drawing irreverent cartoons. His cartoons, he stated, were intended to 'knock

the high and mighty off their pedestals' (Chapter Five). His cartoons have not necessarily 'softened' since he was subjected to a law suit for R7-million in damage claims for his famous 'Lady Justice' cartoon. However, in the multiple subjectivities of Zapiro we also witnessed 'half-turns': he turned towards the SAHRC to clear his name.

The pessimistic moment for democracy existed in the fact that a cartoonist could be subjected to a law suit at all given the progressive Constitution which protects freedom of expression. Even more disturbing was the fact that it was the President of the country, Jacob Zuma who maintains a lawsuit against him. The chapter discussed the appropriateness of such legal action by the President. The action, it was argued, was an attempt to intimidate Zapiro into becoming a more loyal subject, to be more ideologically in tandem with the ANC, to be less critical, and to create more unity in the social. It was an attempt to hegemonise the social. This was a way of foreclosing the existing space of highly political and irreverent cartooning. In addition to the President's legal action, the ruling alliance in the form of leaders from the SACP and the ANC Youth League all strongly condemned the Lady Justice cartoon hailing it as racist, and interpellating Zapiro as a right winger who was an enemy of the people. Zapiro, in an interview, said he would always remain true to his original principles, the same principles of democracy that led him to be an anti apartheid activist. It was not he who had changed, he said.

While I have argued that the ideological interpellation of Zapiro by the ANC failed in the sense that he did not heed the calling by accepting the labelling of right winger and enemy, he did, however, make a 'turn' in his work when he suspended the shower from Zuma's head. The turn to remove the shower from Zuma's head could be viewed as ambivalence on the part of Zapiro. This was scrutinised in Chapter Eight, in a section called 'Babygate', where the exposure of the polygamous President provided a good example of developmental journalism in action. In balancing these 'turns', however, ultimately Zapiro 'talked back' with his cartoons, he did not embrace the injurious terms, meant to subjugate. He remains a legitimate adversary in the unrealised democracy. Central to Butler's argument, according to Schippers, is that 'the injured subject may counteract hate speech through a resignification of the injurious term. 'Talking back' and

the misappropriation of the injurious term constitute the principal elements of this strategy [...] by turning it around, resignifying it and giving it new meaning, the injured subject can challenge the injurious interpellation he or she is subjected to' (2009: 78).



Zapiro's cartoon after Babygate: The only ANC member still standing up for him

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The Failed Subjectivisation of the *Sunday Times*

The case study of the *Sunday Times* versus the Health Minister analysed in Chapter Seven: Ideology, Excess and Subjectivisation, showed three kinds of subjects and subjectivisations. In the first, we saw the loyal and unquestioning subject of the former President Mbeki, an AIDS denialist, in the former Health Minister Dr Manto Tshabalala-Msimang, nicknamed Dr Beetroot, for advocating garlic, beetroot, onions and potatoes as a diet to cure AIDS. The second was the questioning, non-conforming subject the Deputy Health Minister Nozizwe Madlala-Routledge, who was fired for not toeing the line ideologically. The third kind of subjectivisation was against the *Sunday Times*,

through the threatened arrest of the editor and one of his senior journalists, the threat from the government to withdraw its advertising and the attempted buyout by Koni. All of the latter attempts failed.

The discourse during the exposure by the *Sunday Times* of the former Health Minister being a 'drunk and a thief' showed how race became the Master-Signifier in the national discourse via those who wanted to protect the Health Minister from public exposure. Those in support of the story being published argued in the name of the public interest but also in the name of freedom of the press and expression and democracy. Those against the story being published (Mpofu, Mazwai, *et al*) argued too, in the name of democracy and transformation, when they accused the media of being anti-transformation, racist, and enemies of the people who lacked ubuntu. This rendered 'democracy' a floating signifier: it meant completely different things to different parties: it was not fixed to any one meaning, and it had no full meaning. The chain of illogic was: if you expose corruption but it was 'one of our own' then you were anti-transformation, and therefore you were anti-black, and therefore you were an enemy of the people or you were 'that colonial creature', as Robert Suresh Roberts interpellated Makhanya, the editor of the *Sunday Times*. This conflated and illogical thinking was intrinsic to the unprogressive hegemonic project of the ANC, and its uncritical supporters, vis-à-vis the desire for social consensus with the media.

Ideological interpellation was used to subjectivise via language. Deploying Foucault, Nietzsche, Freud, Hegel and Althusser's works as philosophical backdrops to develop her theories of subjection, Butler (1997: 84) argued that subjection is, literally, the *making* of a subject. But there was also the ambivalent effect of power, in the effect of a psyche that turned against itself, which could be said to be a turn of conscience or consciousness. The reaction to subjection by Makhanya could be viewed in a similar way to the attempted subjection of Zapiro. Both in the end made half turns, showing ambivalence. In Makhanya's case, he said he would hand himself over to the police, even though he felt he had done nothing wrong. He said he would do this to hasten the process. In my view he had done nothing wrong, there was no need for a guilty

conscience ala Nietzsche. Could it be a guilty conscience, Butler asked, that made a subject turn towards the voice of power, the interpellating voice? This turn could be seen as a reflexive turn towards the voice of authority or power, which expressed ambivalence. He could be viewed as the typical post-modern split subject, partially subjecting himself to interpellation when he said he would hand himself over to the police station. However, Makhanya's turn was only a half turn, in the sense that he did not succumb to the voice of power completely. His newspaper continued in its critical role, and has continued to experience attempted subjectivisation and intimidation. In addition, in July 2010 Makhanya was elected chairperson of Sanef and was in August 2010 an important leader against the impending media repressions in the form of the Secrecy Bill and the Media Tribunal. From this point of view it could hardly be said that Makhanya was intimidated by the ANC.³²⁵

The subject formation of Madlala-Routledge was different. She was embedded within the ranks of the ANC-led government, yet she broke these ranks and made a complete turn away from the voice of power by declaring a 'national emergency' at the Mount Frere Hospital. For asserting her right to speak out, and for criticising the 'beetroot and onion treatment regime' of the former Health Minister, she was interpellated as a 'non team player' who was 'courting the international media' and she was fired from her job. It would also seem that she 'lost', but this was not the case. The subsequent political events showed how the democracy in South Africa is a constantly negotiated, fluid, open-ended space, indeterminate and ambiguous in character. At the ANC's Polokwane conference in December 2007, Mbeki was axed in a most humiliating but bloodless coup, by a narrow margin, which saw the populist favourite, Jacob Zuma, become President by virtue of his support from the left-wing allies in particular. Madlala-Routledge, who was popular with Cosatu, who had backed Zuma, was then brought back into the political space.

³²⁵ It must also be noted that Makhanya went on to make a series of editorial blunders at the Sunday Times that led to a series of high profile retractions.

Yet another Optimistic Moment: The Discourse of Editors: No Turns Towards the Ideologically Interpellating Voice of the Ruling Alliance

The discourse of the editors in the interview commentary showed little or no 'turning' to the ideological hailing, nor to norms of the past. The following questions were put to the editors: Is an independent media needed in SA? If yes, why? What does the term developmental journalism mean to you? What does it mean to the ANC? What does the ANC mean when it advocates 'transformation of the media'? How free do you find the media in SA? Is independence of the media, from political interference, a universal principle to you, or is it contingent on the state of democracy we are in? How do you view the furore created by the *Sunday Times* story regarding Tshabalala-Msimang in 2008? What is your view of the future of the media in SA given the proposed Media Tribunal by the ANC at the Polokwane conference in December 2007? Is an independent media intrinsic to a democracy?

All the editors stated that an independent media was needed in South Africa's democracy because it served as a check on the abuse of power that could hold the powerful to account for their actions. All the editors described variously what development journalism meant to them but all referred to its significance in playing an educative role so that informed decisions could be made by the country's citizenry. They observed that the ANC had conflated the issue with loyalty to the party. All the editors said that the independence of the media was a principle that was not dependent on what stage of democracy the country was in but was a universal principle. All the editors said that the *Sunday Times* exposure of the former Health Minister was in the public interest. All the editors felt that an independent media was intrinsic to a democracy. Most of the editors were dismissive of the possibility of the proposed Media Tribunal, with most of them citing that the country's Constitution protected media freedom. Some argued that the ANC 'did not know how to implement' the tribunal and therefore it was unlikely that it would be established.

How could it be argued that the discourse of the editors showed a lack of passionate attachment to norms of the past or norms which oppress, thus showing resignifications, which signalled a progressive discursive formation? If the editors had said that they felt that the publication of the Health Minister stories on booze binges and theft (*Sunday Times*: 12 August 2007 and 19 August 2007 Manto's hospital booze binge' and 'Manto a drunk and a thief') were mistakes, it would have shown that they were still attached to their love of the ANC, when it was a liberation party. This lack of reiteration to norms of the past could also be evidenced in the fact that they all said that independence of the media was not contingent upon what stage of democracy the country was in, it should remain there for all time. The relevance of this point is that from the logics of the ANC, because the country is a 'transitional' democracy, this democracy must be protected, in other words from scandal, or protected from the public eye when corruption was uncovered. If corruption was uncovered and spread across the newspapers, it showed the ANC in a negative light. If the editors had felt that independence of the media was dependent on what stage of democracy the country was in, they would have said instead: because we are a young democracy, we should be giving the new government a chance and we should not be quite so hard on the new leaders. Makhanya aptly explained the view of the ANC on the media thus: 'We are now enemies of the people. Most of the people in the ANC were used to being on the right side of history. They then didn't expect to be taken on by the media. They wanted a honeymoon period' (Interview: 24 January 2008).

The editors' discourse showed a progressive bent because, for them, acting according to their professional codes and in the interests of democracy meant that these scandals and exposures of corruption were exactly what should be uncovered and spread across the newspapers' front pages. As Radebe noted, the ANC 'would like us to clap our hands more often' [instead of focussing on the negative] (Interview: 25 January 2008) and, as Makhanya remarked, 'they would like us to attend more ribbon cutting events' (Interview: 24 January 2008). There was no compulsion from the editors to be loyal to the ANC. However, there is a sense of disquiet when the interviews are analysed in that the majority of the editors, except for Radebe and Milazi, felt that the Media

Tribunal would probably not happen because the Constitution would protect them. Radebe, though, warned that the Tribunals 'could happen.' He felt that the journalist profession was unorganised and that 'maybe we need something to bring us together; maybe it will be this issue' (Interview: 25 January 2008). And Milazi observed: 'It will all depend on the media itself, whether it lies down and plays dead or whether it stands up to fight the proposed controls' (Interview: 28 January 2008). It was clear that the editors were all conscious of what Mouffe would call an unprogressive hegemony by the ANC-led government, an attempt at creating social consensus with the press. They were aware of their ideological interpellation of being hailed as 'enemy' rather than being viewed as legitimate adversaries, and chose to misrecognise the hailing.

9.4 Pessimistic Moments: The Ideological Fantasy of the ANC

There were several patterns and conclusions to be drawn from the ANC's gaze on the media, as deconstructed in Chapter Six. There was an overinvestment by the ANC, there was a surplus attached, in the ANC's discourse on the media. The ruling party's ideological fantasy was that the media was a single, unified entity rather than an amorphous fluid and undecided one. It desired to have unity and consensus with the media. It viewed the media as the enemy rather than a legitimate adversary. Its ideological interpellations were aimed at subjection and it rigidly designated certain concepts, for example development journalism, to mean loyalty with government programmes. So that in a series of equivalences, developmental journalism meant accepting the transformation project in the way the ANC understood it, reporting more on the positives and less on the negatives, and in the end a loyal conformist press would be formed. This I have called hegemony in the guise of 'development' and I have argued that it forecloses spaces for openness.

According to Žižek (1989: 52) there was a certain enjoyment attached to ideological fantasy: 'surplus-enjoyment'. *Enjoyment as such emerges only in this surplus* because it is constitutively an excess. And, if you subtract the surplus you lose the enjoyment (ibid). For a fuller understanding of 'enjoyment', I now make a brief turn to Lacan from

whence Žižek draws his philosophical inspiration. In Lacan's conceptualisation, *Jouissance* is over-excitement, a surplus excitation. It is real, outside symbolisation and meaning, and it may mean enjoyment as we understand it, but ninety-nine percent of the time it is experienced as suffering; as paranoia and is identified in 'The Other', in some agency external to it, for instance television, or the CIA according to Leader and Groves's explanation (1995: 128). In those cases *Jouissance* is experienced as persecution. The fantasy is a sort of magnet, they observed, which will attract those memories to itself which suits it. 'If you have only a few memories from your childhood, you could ask yourself why you remember only those elements and not others' (ibid). The simple answer to this question is: because it best suits your fantasy.

The social and ideological fantasy of the ANC about the media resided precisely in the excess attached to it, the over-investment in it, seen for example in the *Letters from the President* and the on-line contribution from both Presidents Thabo Mbeki and Jacob Zuma. This was also shown in the discourse on the media by first democratic President, Nelson Mandela. There was indeed a symbolic over-determination in the sense that because there was (and still is) no control over the media, the ANC and its alliance partners do not know how it works but imagines and fantasises that it does. It has to confer certain identities and properties to it in an ideological social fantasy. For example, it imagined that white editors were telling black reporters what to write, that commercial imperatives completely control what stories go into newspapers, and that black journalists and editors who were critical were 'coconuts' (black on the outside and white on the inside), among other ideological interpellations and injurious gazes. This is Lacanian *jouissance* in operation, par excellence.

The ANC and some of its alliance partners' ideological interpellation of Zapiro as racist, enemy and right-winger, showed that there was no distinction between enemy and legitimate adversary. Social antagonism between the media and the ruling elite was not accepted as part of the social. Exposures of corruption and abuse of power, in the ANC's gaze, were plots hatched up against it by the media. Duarte's comment in the opening quote of Chapter Six, that: 'We are aware that every Thursday night a group of

journalists ... decide what stories they will go into' is the ultimate example of this phantasmic gaze. In his discussion of fetish, totalitarian gaze and ideological edifice, Žižek discussed how 'Jew' in Germany became the embodiment of all negativity. Similarly, it has been shown in this research, that the ANC's construction of the media has been a singularly paranoid one, a fantasy based on projection. In a typical Lacanian inversion, then, this thesis argues: the ANC must recognise in the excesses attributed to the media, the truth about itself. A gaze on the media as agonists would entail viewing them as legitimate adversaries, sharing a common symbolic space, that is, democracy. Believing as it does, or says it does, in pluralism and social democracy, the ANC ought to make this move towards viewing the media as legitimate adversaries or friendly enemies, rather than enemies with whom it is at war, and with whom they have absolutely nothing in common.

Floating Signifiers and Master-Signifiers

The ruling party has converted floating signifiers into Master-Signifiers. In the discussion and analysis in Chapter Eight: Hegemonising the Social via the Construct of 'Developmental Journalism', we saw the artful, ideological manipulation and obfuscation at work of rigidifying a floating signifier via a *point de capiton*. In other words, in order to halt its many rich and varied meanings as shown in the editors' discourse on how they understood developmental journalism, the ANC instead conferred one totalised and fixed meaning. Editors understood the term developmental journalism to mean playing an educative role, being a provider of reliable information, but also being a powerful watchdog: exposing lack of service delivery and corruption and holding power to account. The way in which the term was rigidified into a Master-Signifier occurred through fixing the meaning to loyalty to the transformation project which the ANC collapsed into loyalty to the party. Radebe described the 'othering' of the media thus: 'They think of us as the enemies of the people. That's taking the media as not being part of the people, yet we come out of this society. But they think we are not enemies when we are praise singers. We are enemies when we criticize' (Interview: 25 January 2008). What Radebe had described, was the surplus attached to the media: this surplus

and excess is the last support of ideology. Yet being critical is not the same as being unpatriotic, as journalists interviewed said in Chapter Eight.

9.5 The Unpredictable and Undecidable Future Turns for Democracy

The important Butlerian contribution to this thesis was mainly the concepts of 'subjectivisation' and how the figure of the psyche can turn against itself, showing how subjection is paradoxical, and the concept of 'resignifications' not attaching to norms of the past, which, when reiterated, can oppress. What was shown in the thesis through the empirical research was that the media world was under subjection through different forms. The focus was on political subjection as in its interpellations from the ANC and its discourse on the media. A further arena of subjectivisation took place through elision with the ANC and the State, in the form of legislation: for example the ANC's support of the Protection of Information Bill, a hangover from the apartheid era, which would hinder the work of investigative journalists because of the broad nature of what constituted classified information and 'national security'. The third arena engaged with commercial imperatives and the impact of the New Media on the world of journalism. A fourth arena tackled was through empirical data, a discussion of some headlines, in Chapter Eight, of what 'sensational, scandalous and shallow' journalism meant for the ANC and some of its alliance partners. And finally, in the interview commentary it appeared as though journalists wanted to be loyal to their profession first and foremost, and to the Constitution, adhering to the code of ethics of their profession. My argument is that they do this, and make a significant contribution to deepening democracy, albeit in an imperfect way.

In Butler's discussion of subject formation she stated that power at first appears to be external, 'pressed upon the subject, pressing the subject into subordination that constitutes a subject's self-identity' (1997: 3). The form this power takes was marked by a figure of turning, a turning back on itself or turning *on* oneself, a form of twisting so to speak. The discursive production of subjects took place through interpellation. But she asked: Why did this happen? Is the individual 'guilty' of something? In August 2010,

there was evidence of 'half turning'. Editors did not know how to react to the ANC's call to them to discuss the Media Tribunal. Should they engage? Should they ignore the call? *Business Day's* editor, Peter Bruce said he would not participate in the call for a discussion on the tribunals. This could be viewed as a turn against the voice of power. 'I am just not prepared to give any credibility or comfort to the kind of Star Chamber that the ANC and its allies appear to have in mind [...] I recognise fully that my absence will have no effect whatsoever in the decision that the ruling alliance finally makes. It simply disgusts me and I want no part of it' (*The Times*: 6 August 2010).

For the others, in Sanef, there was ambivalence. However, it must be said that not all the journalists who were present at a Sanef meeting held on 4 August 2010 at the *Sunday Times* office were 'ambivalent'. Some had already resigned from their newspapers, which were free to date from political control, and had joined the new ANC-supporting newspaper, *New Age*, for example Vuyo Mvoko who had taken up editorship and Karima Brown who was deputy editor. *New Age* has been financially backed by the Gupta's from India, the new business friends of Zuma. See *Sunday Independent*: Is it a crime to do business with the President's son, as Atul Gupta: 22 August 2010.

The double aspect of subjection, according to Butler, appears to lead to a vicious circle: the agency of the subject appears to be an effect of its subordination. So then, what does it mean for the agency of the subject to *presuppose* its own subordination? Butler asked. She answered that an alteration of power was in operation, that there was ambivalence. A meeting held by journalists and editors at the *Sunday Times* offices on 4 August 2010 decided that they would indeed engage with the ANC about their opposition to the proposed Media Tribunal and the Protection of Information Bill. The above reflections in the world of journalists to their attempted subjection showed there was no unity in thinking on the topic. There were turns towards the voice of power, as in the cases of those who had joined the new ANC paper, *The New Age*, there was a turning against the voice of power, as in Peter Bruce, and there was great ambivalence among many.

The ideological interpellations of the media as 'enemies of the people', lacking in *ubuntu*, serving the interests of 'white capitalists', and 'functioning as an opposition party' are all part of the performative naming trajectory of the ruling alliance, are all self serving trajectories, with the aim to deflect from the ruling party's own problems. It should instead focus on service delivery, root out incompetency, corruption, patronage, and greed within its ranks, find a coherent more centred policy focus, so that it does not have to obsess about the litany of 'sensational', 'shallow' and 'scandalous' headlines in the newspapers. The research pointed to a rich pluralist tradition that had developed in South Africa's transitional democracy, where 'the people' are not one, they are multiple and divided, pluri-vocal, as is 'the media'.

The theoretical synthesis in these reflections, lead one to conclude that the democratic path is open and undecided in a very typical post modern fluid state, but free spaces, such as the public space of the media, might be closing down given the evidence. The democratic space is characterised by ambiguous indeterminacy. The contestations over the role of the media are internal to democracy itself. The term 'democracy' has been shown to be a floating signifier as it took on totally different meanings depending on the context.

I have used the terms 'democracy' 'the media', and 'independence', in an affirmative deconstructive way: that is to say, I have used them and interrogated them at the same time. The optimistic and pessimistic moments, for democracy, lie not parallel to each other so much as intersecting in a continually contesting way. This thesis has reflected the postmodern condition that South Africa finds itself in. The world of the media itself was undecided, open, and split, lacking a unified and totalised identity, but the ANC's was a desired unity with it as though it was one entity. A lack of unity and a radical ambiguity characterises 'the media' which is essential for pluralistic agonistic spaces to flourish. Its gaze on the media is full of *jouissance*, which is the last support of ideology. However, the ANC's ideological social fantasy is to mask, besides the social's antagonistic nature, its own fractures, and dislocations, including its own radically ambiguous nature. An independent media's intersect with the floating signifier,

democracy, is a direct one: it is more than just a plural public space, it is a space for contestations and fights, intrinsic to the deepening of democracy, the final realisation of which is imperfect and unending.

Epilogue

We're headed for a full-blown predator state where a powerful, corrupt and demagogic elite of political hyenas are increasingly controlling the state as a vehicle for accumulation. (Zwelinzima Vavi: 2010).³²⁶

Even though the independent media understood its role as that of a watchdog, holding power to account to prevent the graphic and dramatic scenario that Vavi painted of a corrupt predator state full of political hyenas; and even though the media understood it should remain separate from the ruling party, the state, and the government; it nevertheless, under the auspices of Sanef, believed in engagement with the ANC-led government. On 15-16 October 2010 government representatives and Sanef met at the Mount Grace, in Magaliesberg, to discuss problems with the media and how to decrease hostilities. After this two-day summit, the Deputy President, Kgalema Motlanthe made an announcement that the ANC would give the media a chance to review and strengthen its self-regulatory mechanism, before forging ahead, if it did at all, with the state regulated Media Tribunal. This seemed to go directly against the ANC's National General Council (NGC)³²⁷ resolution of September 2010, less than a month earlier that tasked Parliament with an investigation to set up the Media Tribunal. The government would also make submissions to the South African Press Council's review process about the functioning of the Press Ombudsman's office. Motlanthe said that 'a lot' depended on how the government's concerns would be addressed (*Sunday Times*: 17 October 2010). The issues he raised were the turnaround time for printing corrections and the commensurate importance of prominence given to apologies. If these were addressed, it could remove the basis for concern (ibid).

At first glance this stance appeared to be an about-turn from the NGC decision, but this was not necessarily the case. This would be a superficial interpretation of the new scenario. It should rather be viewed as a classic example of the ANC-ruling alliance

³²⁶ Vavi said this at a Cosatu press conference held in Johannesburg, 26 August 2010. See *The Times*: 26 August 2010: 'Warning of a predator state'.

³²⁷ The NGC was held in Durban, 20-24 September 2010.

showing its many ideological strands or tendencies, as well as its fractious and split nature. For example, some within the Cabinet had greater democratic tendencies, such as Motlanthe, as did some within the alliance, such as Vavi of Cosatu, who had spoken out against a Media Tribunal and the Protection of Information Bill. This latest stance by members of Cabinet stood in stark contrast to the Stalinist tendencies of Nzimande of the SACP, Malema of the ANCYL and Mthembu of the ANC, for instance. Sanef released a statement agreeing that 'improved relations between the government and the media were critical to the achievement of South Africa envisaged in the country's Constitution' (Sanef: 2010). This agreement gave the independent print media some breathing space, some opening, from possible foreclosures. But it remained to be seen which strands or ideological tendency would win in the end. Ultimately, it would seem that the ANC's 2012 policy conference would decide. This reflection is based on the fact that the government did not stipulate any timeframe for the review process of the self-regulatory mechanism of the media.

Two days after the Government-Sanef summit, on 19 October 2010, campaigners of the civil society Right2Know coalition, engaged in a silent march to Constitution Hill in Braamfontein to mark Black Wednesday.³²⁸ A further commemoration, on the same day, took the form of a seminar, entitled: *Freedom of Expression is Every Citizen's Business* held jointly by Sanef, Wits University's Faculty of Humanities and the Institute for the Advancement of Journalism. It was held at Wits University and chaired by the faculty's dean, Professor Tawana Kupe. Professor Kader Asmal, the former Minister of Education in the Mbeki cabinet was a keynote speaker, on a topic entitled: *Free Speech is Life Itself*. He openly declared himself a *persona non grata* in the ANC at this time because of his critical and dissenting voice on many issues: the latest was the Protection of Information Bill (Secrecy Bill). The legislation emanated from the apartheid era's Protection of Information Act, 1982, which gave unlimited powers to the Minister of State Security to regulate and classify information, and had no public interest defence for the media and whistle blowers. While the Promotion of Access to Information Act,

³²⁸ In October 1977 when newspapers such as *The World*, the *Weekend World* and the *Christian Science Monitor* were banned, as were 17 organisations by the then Minister of Justice Jimmy Kruger.

PAIA, did provide a public interest defence, or override, it was a narrow view. Procedures to access documents were cumbersome, and stonewalling by the state had become commonplace. Where there was a refusal, newspapers had to appeal to the courts.³²⁹ March 2011 marked the tenth anniversary of PAIA, written into law to protect an open democracy. But the implementation of PAIA had been difficult, given the recalcitrance of state bureaucracies. The free flow of information is up against the culture of secrecy, hysteria and paranoia by the ruling elite. And, what constitutes the national interest, therefore what should be secret, had not been defined.³³⁰

First, a brand new, rewritten Protection of Information Bill needed to be drafted, with the consultation of civil society, including the media, to replace the Protection of Information Bill as it stood at the end of 2010. This should take national security into account (although the problem of a lack of definition of national security in fact allowed far too much to be secret), but must, at the same time, ensure that the social remains an open one, allowing inconvenient truths to be exposed in the media with no penalties for journalists and whistle-blowers. By December 2010, the Bill's 'national interest' and 'state security' were still too broadly defined which then meant serious penalties, i.e. jail terms, for whistle-blowers and journalists, if the former were found leaking a document in the public interest and the latter were found in possession of such a document. Second, the idea of a statutory Media Tribunal needed to be removed from the table, before any further discussions took place between the media and the government about how to decrease hostilities.

Several striking issues emerged from the 2010 Black Wednesday commemoration. First, some Sanef members who negotiated with government about the freedom of the press were 'enthused'³³¹ after the summit. Second, editor of the *Financial Mail* Barney

³²⁹ The most recent example of this was the interdict against the Sunday Independent's publishing a story on corruption and nepotism in the police force's crime intelligence unit: 'Cops put lid on nepotism': 31 October 2010. The editor of the newspaper took the matter to court.

³³⁰ This difficult issue of what a state secret constituted was not just a South African phenomenon. This was highlighted by founder of WikiLeaks Julian Assange when he told Time magazine that no one's life was endangered from his leaks and exposures, (see Time magazine: 13 December 2010)

³³¹ For example, Thabo Leshilo who chaired one of the sessions said: 'I left the meeting largely enthused. We seem to be going in the right direction.' More than hinting that he believed the good faith of the meeting

Mthombothi felt that whether the Media Tribunal was instituted or not, 'the damage is done'. He explained that some leaders in Africa were now saying 'look at what is happening in South Africa, yet you are complaining'. The proposed repressive measures to curb the media's freedom in South Africa were being used in other African states which did not have media freedom. In other words, if curbs on media freedom were happening in South Africa, a shining beacon of democracy and freedom of expression, how could citizens elsewhere protest? Kupe noted the same point in his opening remarks, when he observed that media freedom in South Africa, up until 2010 was an example to the rest of Africa, but if this changed to a repressive media environment, it would then 'negatively affect the rest of Africa'. Third, one of the panellists, a former editor of the *Sowetan*, Joe Latakomo, drew on his experience from apartheid days, to draw parallels about press freedom in the democratic era. He remembered how his newspaper, *The World* was closed down in 1977, and how prior to this, journalists were not allowed to tell the truth. He made direct links with the ANC's attempted subjections of 2010. He raised the following point: Should Sanef be meeting with the government about media freedom? In other words, would it really make a difference? Latakomo felt the government and the ANC would, in the end, just do what they wanted to anyway. He felt the proposals for the enactment of the Protection of Information Bill and for instituting of the Media Tribunal were aimed to intimidate journalists' and editors and to make them feel guilty about their legitimate work.

Theoretically, in terms of this thesis, this raised the following questions: would journalists start to turn towards the voice of power? Would they begin to self-censor? Would they feel that they were doing something wrong by reporting corruption and the abuse of power? Latakomo hinted that this stepping backwards could already be happening, given the numerous adverts in the newspapers calling for the review of self-regulation. Latakomo felt that the self-regulation system worked well as it was.

He was convinced that these repressive moves by the government, the ANC and the ruling alliance were repeated patterns of the past: that is, it was a case of an insecure government shutting down the dissenting voices of civil society. *En passant*, after a Civil

Society Conference³³² organised by Cosatu, on 27-28 October 2010 in Boksburg, to discuss poverty, service delivery, corruption and nepotism in the country, to which the ANC, the government and the SACP were not invited, the ANC's secretary general Gwede Mantashe, accused the union federation of being 'oppositionist' and wanting to unseat the ruling party. Vavi's response was apposite: 'The ANC is paranoid.' (*The Times*: 3 November 2010).³³³ What this showed then, was that the ANC's anti-media stance was part of a wider and broader antipathy related to any criticism and dissension. This showed the ruling party's own insecurity. This insecurity was bordering on hysteria in the last few months of 2010.

So it was within this context, the all-pervasive fear, hysteria, insecurity and paranoia of the ruling party, that Latakgomo's analysis made sense. He warned that the ruling bloc would continue to 'swing the sword above the heads' of journalists and editors, and it was not going to stop, even after the review process of the self-regulatory mechanism was completed. He predicted: 'It is inevitable that we will get to a point when they will say this is not enough.' Barely a week after Latakgomo's predictions, and the summit, a front page lead in a newspaper, *The Times* of 25 October 2010, broke the story that police had threatened to arrest two journalists from the Eastern Cape on 22 October 2010 in connection with an anonymous letter threatening the safety of a cabinet minister. The journalists said they felt threatened when police warned them that what had happened in Mpumalanga could happen in the Eastern Cape. In Mpumalanga there was a hit list of those who uncovered corruption and reported unfavourably about politicians, the newspaper report said. The arrest on 4 August 2010 of *Sunday Times* investigative journalist Mzilikazi wa Afrika, who uncovered corruption in that province, had made international headlines. After the intimidation of the two Eastern Cape journalists, Sanef's chairperson, Mondli Makhanya observed that the behaviour of the police appeared to violate the agreement reached between the government and the

³³² Sixty six organisations were represented at this conference ranging from trade unions, churches, communities, street traders, traditional leaders to taxi associations (see Cosatu Press Statement on the first birthday of the Daily Maverick: 4 November 2010: Nelson Mandela Square, Sandton <http://groups-beta.google.com/group/COSATU-press>

³³³ ANC secretary-general Gwede Mantashe said Cosatu should convince the ANC that it had no intention of forming an alternative party, adding that the ANC-led government had been prosecuted and found guilty ...in absentia at the conference to which Vavi responded: 'I honestly don't know what informs this paranoia [...]'. He found the ANC's response "shocking, "inconsistent" and "incoherent".

media that prior consultation between the government and Sanef was necessary before a subpoena was issued for a journalist to give evidence. It could be argued by a cynic that the incident vindicated the view that Sanef might have been naïve in putting so much faith in its negotiations with the government, or turning towards the voice of power, as this thesis has argued. The damage was done already when the ANC first began its strident calls for the Media Tribunal and when Wa Afrika was arrested. The arrest seemed to have given the green light to the police to clamp down on journalists.

Had the green light also been given to the courts that secrecy was already the order of the day, even though the enactment of the Protection of Information Bill had not yet occurred? In a further incident, post the government-media summit, a North Gauteng High Court judge, Judge Ephraim Makgoba granted an interdict to the SAPS to stop the publication of details of corruption in the police's crime intelligence unit in the *Sunday Independent* of 31 October 2010. The court backed the police to interdict Independent Newspapers from publishing the full story of nepotism and corruption by keeping names secret (*Saturday Star*: 30 October 2010; *Sunday Times* and *Sunday Independent*: 31 October 2010). If the independent media continued to pursue openness, the codes of the profession, and continue to remain loyal to their task to hold power to account, as in the case of the *Sunday Independent*, whose editor Makhadu Sefara stated he intended fighting the gagging in the Constitutional Court, it would be unlikely that the ANC alliance or the government would just accept the self-regulation review process by the media. A more likely situation would be that the ruling bloc continued to be unhappy with the uncovering of corruption, interpellating this as "anti-transformation"³³⁴, and then would proceed with its Media Tribunal, as in Latakomo's analysis.

In its extreme version, the Media Tribunal would mean the jailing of journalists, if one accepted ANC spokesperson, Jackson Mthembu's view. Journalists would perhaps have had to register with the government to be part of their profession (as in the case of the few countries in the world which have tribunals, i.e. Zimbabwe and China). There would be heavy financial penalties for 'inaccurate' stories, which could even close down

³³⁴ See Pallo Jordan in the *Sunday Independent* 24 October 2010

some newspapers. It seemed possible that the whole process would be delayed during 2011 because the ANC continued to suffer embarrassment due to the international attention the matter continued to receive. But then the strident ideological hailing could arise again at the following ANC policy conference in Mangaung (Bloemfontein) in 2012, and calls again made to deal with the 'excesses' of the print media. What the October 19, 2010, Black Wednesday commemoration event also showed was that the media, as argued throughout this thesis, was not a monolithic bloc, and an ideological unitary whole.

It is also clear that the twists and turns did not emanate from the government, the ANC ruling alliance and the state alone. Turning ones gaze to the media industry itself, there was evidence of reflexivity and fluidity. In an interesting twist and turn the ANC-supportive newspaper, *The New Age*, owned by the Gupta Group, which was due to launch on 20 October 2010³³⁵, failed to do so. Five key editorial staffers³³⁶, most of whom had for just four months before the planned launch staffed the political desk of *Business Day*, had turned their backs on their professions by moving to the ANC-supportive newspaper. They then made another reflexive turn and resigned on 19 October 2010, Black Wednesday, on the eve of the launch. The launch did not take place. The journalists did not provide reasons for their resignations but reading between the lines it appeared to be because they were subjected to, or bullied by the Guptas into launching the newspaper when they were not ready. There were reports that the newspaper was understaffed and under-resourced (*The Times* 21 October 2010; *The Star* 20 October 2010; *Mail & Guardian* 29 October-4 November 2010). This was probably not the full story, and at the time of writing, the journalists were still not elucidating their reasons for resigning. In a further twist, it was announced on 29 October 2010 that Henry Jeffreys, a former editor of *Die Burger*, who had only weeks earlier criticised *The New Age*, took over the editorship of the paper (*The Times*: 29 October 2010) He was once deputy chairperson of Sanef during the period 2007 to

³³⁵ The October launch was the second promised launch, the first launch date was September 2010 but this did not happen because apparently the technical systems were not in place and the technology imported from India was difficult to master on time (see Daily Maverick: www.thedailymaverick.co.za/article/2010-11-02)

³³⁶ Editor in chief of *The New Age*, Vuyo Mvoko, deputy editor Karima Brown, analysis editor Vukani Mde, news editor Amy Musgrave and arts and culture editor Damon Boyd.

2008. After a few false starts *The New Age* launched on 6 December 2010. Jeffreys said in his first editorial that the paper 'held no brief for any political party', but 'we will generally, support the government of the day, at all levels' (*The New Age*: 6 December 2010). This was an obvious contradiction.

Two more turns took place post the Sanef-government summit. First, Zuma announced during a rally to mark the 66th anniversary of the ANCYL on 30 October 2010 in Stellenbosch in the Western Cape, that he was still committed to the Media Tribunal. This emerged a mere two weeks after the Government-Sanef summit when Zuma's Deputy President Motlanthe had announced that the Media Tribunal was on ice until the self-regulatory review process took place. Second, the government announced a plan to channel advertising to 'patriotic media' (*Mail & Guardian* 29 October-4 November 2010). It aimed to allocate 60% of spending to the SABC and 30% to *The New Age* (ibid).

Vavi, in the opening quote to this Epilogue, on corruption and political hyenas, captured some of the issues in the new democracy: the need to fight patronage, corruption and greed. Thus he articulated the reasons for an independent, robust media which should be steadfast in performing its watchdog role of holding power to account. What the reflexive turns from the state, the government, the ruling party, the President and indeed the media itself, showed at the end of 2010, was that the future remained open and undecided, both for freedom of expression, the independence of the media, and therefore for the floating signifier, democracy itself. The fight for democracy between the ANC and the media, one that is in effect internal to democracy itself, was characterised by contradictions and unpredictable twists and turns. Reminiscent of Foucault's famous reflection (1969): 'Don't ask me who I am, I am constantly changing', so it is with South Africa, it changes day by day. Peter Bruce, editor of *Business Day* captured the zeitgeist thus:

With every passing day, SA is changing. Even as the government pushes forward with its clampdown on the media and on civil society (while claiming to be doing the opposite), our democracy is deepening. With every service delivery protest, we become a stronger society. With

every revelation of deep, contemptuous corruption [...] and a cover-up in the courts of nepotism in the police, we become harder to grab by the throat. (*Business Day*: 2 November 2010)

Bibliography

Books

Biko, S. (1978) *Black Consciousness in South Africa*. New York. Random House

Butler, J. (1997) *The Psychic Life of Power: Theories in Subjection*. Stanford: Stanford University Press.

Butler, J., Laclau, E. and Zizek, S. (2000) *Contingency, Hegemony and Universality: Contemporary Dialogues of the Left*. London, New York: Verso

Committee to Protect Journalists (2006) *Attacks on the Press in 2005*. Associated Press, New York: Reuters, Lexis-Nexis

Dahl, R. (2000) *On Democracy*. Yale Nota Bene: Yale University Press.

Davies, N. (2009) *Flat Earth News*. London: Vintage Books

Derrida, J. (1967) *Of Grammatology*. Maryland, USA: The John Hopkins University Press. First American Edition 1976

Eagleton, T. (1991) *Ideology: An Introduction*. London: Verso

Fairclough, N. (2001) *Critical Discourse Analysis*. Harlow: Longman

Foucault, M. (Ed) (1969) *The Archaeology of Knowledge*. London and New York: Routledge 1972.

Foucault, M. (1954-1984) *Power: Essential Works of Foucault. Volume Three*. London: Penguin Books

Freedom of Expression Institute (FXI) (2008) *The Media and the Law: a Handbook for Community Journalists*. Freedom of Expression Institute (FXI).

Gevisser, M. (2007) *Thabo Mbeki: The Dream Deferred*. Cape Town: Jonathan Ball.

Gunter, B. (2000) *Media Research Methods*. London: Sage Publications.

Habermas, J. (Ed) (1991) *The structural transformation of the public sphere: an enquiry into a category of bourgeoisie society*. Cambridge: MIT Press

Harber, A. and Renn, M. (2010) *Troublemakers: The Best of South Africa's Investigative Journalism*. Johannesburg, South Africa: Jacana

Held, D. (1994) *Prospects for Democracy*. Oxford: Polity Press.

Held, D. (2006) *Models of Democracy*. Stanford: Stanford University Press.

Kay, S. (2003) *Zizek: A Critical Introduction*. Cambridge: Polity Press.

Keane, J. (1991) *Media and Democracy*. Cambridge: Polity Press

Lacan, J. (2008) *My Teaching*. London, New York: Verso

Laclau, E. (1996) *Emancipation(s)*. London: Verso

Laclau, E. (2005) *On Populist Reason*. London and New York: Verso

Laclau, E. and Mouffe, C. (Eds) (2001) *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London: Verso

Leader, D. and Groves, J. (1995) *Lacan for Beginners*. Cambridge: Icon Books

Little, A. and Lloyd, M. (2009) *The Politics of Radical Democracy*. Edinburgh: Edinburgh University Press

Macdonell, D. (1986) *Theories of Discourse: An Introduction*. New York: Basil Blackwell

Misa (Media Institute of Southern Africa) (2008) *So is this democracy? State of Media Freedom in Southern Africa in 2008*. Windhoek, Namibia: Misa

Mouffe, C. (1999) *The Challenge of Carl Schmitt: The Essence of Politics is Struggle*. London and New York: Verso

Mouffe, C. (2000) *The Democratic Paradox*. London: Verso

Mouffe, C. (2005) *The Return of the Political*. London: Verso

Mouffe, C. (2006) *On the Political: Thinking in Action* London and New York: Routledge

Norval, A J. (1996) *Deconstructing Apartheid Discourse*. London: Verso.

Open Society Foundation for South Africa (2007) *Meeting their Mandates? A critical analysis of SA Media Statutory Bodies*. Open Society Foundation.

Pêcheux, M. (1982) *Language, Semantics and Ideology*. London: Macmillan

Rabinow, P. (Ed) (1994) *The Subject and Power in Ethics: Subjectivity and Truth*, Volume One. London: Penguin Books

Reber, A. (1985) *The Penguin Dictionary of Psychology*. London: Penguin Books

Segal, H. (1988) *Introduction to the work of Melanie Klein*. London: Karnac

Shapiro, I. (2003) *The State of Democratic Theory*. Princeton: Princeton University Press

Stokes, P. (2003) *Philosophy 100 Essential Thinkers*. London: Arcturus Publishing LTD

Torring, J. (1999). *New Theories of Discourse: Laclau, Mouffe, Zizek*. Oxford: Blackwell Publishers

West, D. (1996) *An introduction to Continental Philosophy*. Cambridge: Polity Press and Blackwell

Zizek, S. (1989) *The Sublime Object of Ideology*. London: Verso

Zizek, S. (1994) *Mapping Ideology*. London: Verso

Zizek, S. (2000) *The Ticklish Subject: The Absent Centre of Political Ontology*. London: Verso

Zizek, S. (2002) *Did somebody say Totalitarianism*. London: Verso

Zizek, S. (2004) *Iraq the Borrowed Kettle*. London: Verso

Zizek, S. (2006a) *Interrogating the Real*. New York: Continuum

Zizek, S. (2006b) *How to Read Lacan*. London: Granta Books

Zizek, S. (2007a) *The Indivisible Remainder: On Schelling and Related Matters*. London: Verso

Chapters in Books

Althusser, L. (1984) 'Ideology and Ideological State Apparatuses, Essays on Ideology', in S. Zizek (Ed) (1994) *Mapping Ideology*. London and New York: Verso. pp 100-140.

Barrett, M. (1994) 'Ideology, Politics, Hegemony: From Gramsci to Laclau and Mouffe', in S. Zizek (Ed) *Mapping Ideology*. London and New York: Verso. pp 235-264.

Johannsen, R.C. (1994) 'Military Policies and the State System', in D. Held (Ed) *Prospects for Democracy: North South, East, West*. Cambridge: Polity Press

Golding, P. and Murdock, G. (2000) 'Culture, Political Economy and Communications', in J. Curran and M. Gurevitch (Eds) *Mass Media and Society*, 3rd edition. London: Arnold

Manoim, I. (2009) 'The newspaper may be dying: Long live the news' in D. Chang (Ed) *The State we're in: The 2010 Flux Trend Review*. Macmillan, Johannesburg. pp 51-62

Masmoudi, M. (1992) 'Media and the State in Periods of Crisis', in M. Raboy and B Degenais (Eds) *Media, Crisis and Democracy: Mass Communication and the Disruption of the Social Order*. London: Sage: pp 34-43

Murdock, G. (1992) 'Citizens, Consumers and Public Culture' in G. Skovmand and C. Schroeder (Eds) *Media Cultures*. London: Routledge: pp 1-39

Schippers, B. (2009) 'Judith Butler, Radical Democracy and Micro Politics' in A. Little and M. Lloyd (Eds) *The Politics of Radical Democracy*. Edinburgh: Edinburgh University Press.

Thompson, J. (1995) 'The Reinvention of the Publicness' in *The Media and Modernity: A social theory of the media*. Stanford: Stanford University Press

Quinlan, T. and Willan, S. (2005) 'HIV/AIDS: Finding ways to contain the pandemic', in J. Daniel, R. Southall and J. Lutchman (Eds) *South Africa 2004-2005 State of the Nation*: HSRC Press

Journal Articles and Academic Papers

Adam, H. and Moodley, K. (2000) *Race and Nation in Post-Apartheid South Africa*. Current Sociology, Vol 48, No 3, Journal of the International Sociological Association. London: Sage Publications

Barnett, C. (1999a.) *The limits of media democratization in South Africa: politics, privatization and regulation*. Media, Culture & Society, Vol. 21: pp 640 –671

Berger, G. (1998) *Media and Democracy in Southern Africa*. Review of African Economy no 78: pp 599-610

Berger, G. (1999) *Towards an Analysis of South African Media*. Transformation 1994-1999. Transformation 38: pp 84-115

Berger, G. (2002) *Theorising the Media Democracy Relationship in Southern Africa*. International Communication Gazette, Vol. 64, No. 1, 2002: pp21-45

Berger, G. (2000) *Deracialisation, Democracy and Development: Transformation of the South African media 1994-2000*. Paper prepared for the Political Economy of the Media in Southern Africa. Durban: pp 24-29

Berger, G. (2007) *New Media and Press Freedom in the Developing World*. Rhodes University, South Africa: Paper sponsored by Unesco in partnership with the Coordinating Committee of Press Freedom Organisation and the John S. and James L. Knight Foundation: pp 443-468

Boloka, G. (2003) *Perspectives on Economic Conduct in South African Media: A case study*. ISSN 0256 – 0054 (24 (1): pp 55-68

Brand, R. (2006) *Between Privilege and Subpoena: Protecting Confidential Sources*. *Ecquid Novi*, Vol 27 (2): pp 113-135.

Brand, R. (2008) *The Price of Freedom: South Africa's media*. Rhodes Journalism Review No 28: p31

Breger, C. (2001) *Response to Slavoj Zizek. Book review: The Rhetorics of Power by Slavoj Zizek*. *Diacritics* Vol 31(1): pp 105-108

Carpentier, N. and Cammaerts, B. (2006) *Hegemony, Democracy, Agonism and Journalism: An Interview with Chantal Mouffe*. *Theory Review. Journalism Studies*, Vol 7. Routledge Taylor and Francis Group: pp 964-965.

Cowling, L. (2010) *Media and Production of Public Debate*. *Social Dynamics*. 36:1. Routledge Taylor and Francis Group: pp78-84

Cowling, L. and Hamilton, C. (2010) *Thinking Aloud/Allowed*, *Social Dynamics* 36:1. Routledge Taylor and Francis Group: pp 85-98

Daniels, G. (2006) *What is the Role of Race in Thabo Mbeki's discourse?* (Unpublished MA thesis). February 2006. Johannesburg: University of the Witwatersrand

Da Silva, I. S. (2009) *Journey to Transformation: Portfolio Black Business South Africa 2009*. The Triple BEE Review: pp 183-185

Derrida, J. (2004) *The last of the Rogue States: The Democracy to come*. The South Atlantic Quarterly. Project Muse, Vol 103 No 2/3. Spring Summer 2004. The John Hopkins University Press: pp323-341

Dugmore, H. (2009) *Meeting Democracy's Challenge*. Rhodes Journalism Review No 29. September 2009: pp 30-31

Duncan, J. (2009) *The uses and abuses of political economy: the ANC's media policy*. Transformation: Critical Perspectives on Southern Africa (70): pp 1-30

Durrheim, K. Quayle, M. Whitehead, K. and Kriel, A. (2005) *Denying Racism: Discursive Strategies used by the South African Media*. Critical Arts, Vol 19, Issue 1 & 2: pp 167-186

Ettema, J. S. (2007) *Journalism as Reason Giving Deliberative Democracy, Institutional Accountability and the New Media's Mission*, Political Communication, Vol 24 (2): pp 143-160.

Fallon, I. (1996) *The 1996 Freedom of the Press Lecture*. Rhodes Journalism Review, Issue 12. October 1996: pp 41-43

Ford, H. (2009) *Freeing the Future*. Rhodes Journalism Review no 29. September 2009: p35

Gunther, R. and Mughan, A. (2001) Reviewed work *Democracy and the Media: A Comparative Perspective*, Canadian Journal of Political Science, Vol 34 (3): pp 640-650.

Hadland, A. (2007) *State Media Relations in Post-Apartheid South Africa: An application of comparative media systems theory*, *Communicare* Vol 26: 2

Hadland, A. (2007a) *The SA Print Media 1994-2004: an application and critique of comparative media systems*. Unpublished PhD thesis: University of Cape Town

Harber, A. (2004) *Report from SA: Reflections on Journalism in the Transition to Democracy*. *Ethics and International Affairs*, Vol 18 (3): pp 79-87

Hudson, P. (2005) *Psychoanalytical Concepts: Comprehensibility for the Social Sciences*, paper presented at a symposium entitled Rethinking the Social: Psychoanalytical Approaches at Wits University, 25 August 2005, Wiser Seminar Room, Richard Ward Building (unpublished paper)

Jacobs, S. (1999) *Tensions of a Free Press: South Africa after Apartheid*. Research paper: John F Kennedy School of Government, Harvard University: pp1-14

Jacobs, S. (2001) *How good is the South African media for Democracy? Mapping the South African Public Sphere after Apartheid*. Paper written during a fellowship at the Transregional Centre for Democratic Studies at the New School for Social Research, New York: pp 49-56

Karppinen, K. (2007) *Against Naïve Pluralism in Media Politics: On the Implications of the radical pluralist approach to the Public Sphere*. *Media, Culture and Society*, Vol 29 (3): pp 495-508.

Kellner, D. (1998) *What is democracy? By Alain Touraine*, Contemporary Sociology, Vol 27 (4): pp 404-405.

Kelly, M. (1989) *Theories of Discourse: An Introduction by Diane Macdonald*, The Modern Language Review, Vol 84 (4). October 1989: pp 899-900.

Serino, K. (2010) *Setting the Agenda: the production of Opinion at the Sunday Times*. Journal Social Dynamics, 36:1: pp. 99 – 111.

LaMay, C. (2004) *Civil Society and Media Freedom: Problems of Purpose and Sustainability in Democratic Transition*. The International Journal of Not for Profit Law Vol 7, Issue1, Nov 2004

Lardner, T. (1993) *Democratization and Forces in African Media*, Journal of International Affairs 47(1): pp 89-93.

Larsson, L. (2002) *Journalists and Politicians: a relationship requiring a maneuvering space* Journalism Studies, 3(1): pp 139-145

Macdonald, M. (2007) *Television Debate, Interactivity and Public Opinion*. Media, Culture and Society, Vol 29 (4): pp 679-689.

Mak'Ochieng, M. (1994) *The African and Kenyan Media as the Political Public Sphere*. Norsk Medietidsskrift 2: pp 64 –85.

Martin, R. (1992) *Building Independent Mass Media in Africa*. The Journal of Modern African Studies, Vol 30 (2): pp 331-340

Mason, A. (2008) *Cartooning in a time of calamity*. Rhodes Journalism Review no 28. September 2008: pp 54-55

Mcleod, D. (2009) *The Shock of the New*. Rhodes Journalism Review no 29. September 2009: p42

Miller, D. (1993) *Reviewed work: Dimensions of Radical Democracy: Pluralism, Citizenship, Community by Chantal Mouffe Democracy and Complexity: A Realist Approach*. The Political Science Review Vol 87 (4): pp 1003-1004

Mouffe, C. Deutsche, R. Joseph, B. and Keenan, T. (2001) *Every Form of Art has a Political Dimension*, Grey Room No 2 (Interview on friend/enemy distinction) in the Challenge of Karl Schmitt: pp 98-125.

Moyo, D. (2009) *Citizen journalism as political praxis: The parallel market of information in Zimbabwe's 2008 election*. Routledge Journalism Studies 10 (4): pp 551-567

Olutokun, A and Seteolu, D. (2001) *The Media and Democratic Rule in Nigeria: Development and Policy Management*, Network Bulletin Vol. X111 (3): pp 3-34.

Pasek, J. (2006) *Media and Democratisation: Fueling or Following Democracy: Analysing the Role of Media Liberalisation in Democratic Transition*. Annenberg Public Policy Centre: University of Pennsylvania.

Posetti, J. (2009) *Transforming Journalism 140 characters at a time*. Rhodes Journalism Review no 29. September 2009: pp 38-40

Sandbrook, R. (1996) *Transitions without Consolidation: Democratisation in Six African Cases*. Third World Quarterly, Vol 17 (1): pp 69-87.

Schlosberg, D. (1998) *Resurrecting the Pluralist Universe*. Political Research Quarterly, Vol 51 (3): pp 583-615

Steenveld, L. (1998) *The transformation of the media: From what to what?* Rhodes

Journalism Review no 16. July 1998: pp 1-4.

Steenveld, L. (2007) *The SAHRC's Enquiry into Racism in the Media: Problematising State-Media Relations*. Ecquid Novi, Vol 28: 1&2.

Suttner, R. (2005) *Talking to the Ancestors: National Heritage, the Freedom Charter and nation building in South Africa in 2005*: Harold Wolpe Memorial Lecture 1, 2, 3 November 2005: pp 1-22

Taylor, P. (1999) *Why Zizek, Why Now?* International Journal of Zizek Studies. Vol 1 (1)

Thonjeni, K. and Dugmore, H. (2009) *Calls across the Divide*. Rhodes Journalism Review No 29. September 2009: pp 32-33

Tomaselli, K. (2000). *Faulty Faultlines: Racism in the South African Media*, Ecquid Novi Vol 21 (2): pp 157-174

Tomaselli, R. (1994) *Militancy and Pragmatism: The genesis of the ANC's media policy* (Africa Media Review Vol.8 No 2): pp73-85

Waisbord, S. (2007) *Democratic Journalism and Statelessness*. Political Communication, Vol 24(2): pp 115-129.

Zizek, S. (1999) *Subjectivity, Multiculturalism, Sex and Unfreedom after 11 September: Interview with Slavoj Zizek*. London Review of Books: California State University

Zizek, S. (2002) *A Plea for Leninist Intolerance*: Critical Inquiry, Vol 28 (2): pp 542-566.

Zizek, S. (2002) *I am a fighting atheist*: Interview by Doug Henwood: editor of the Left Observer: Issue no 59: February 2002

Zizek, S. (2007b) *A conversation with Paul A Taylor*. International Journal of Zizek Studies, Vol 4

Newspaper and magazine articles

Business Day (2007) Should politicians' media ownership be restricted.

7 March 2007

Business Day 2007 How sick is our democracy in light of Frere Hospital. 27 August 2007

Business Day (2007) Times editors to hand themselves over. 15 October 2007

Business Day (2007) SA needs Media. 22 October 2007

Business Day (2007) A place where press freedom is not the norm.

25 October 2007

Business Day (2007) ANC defends move on 'media bias'. 25 October 2007

Business Day (2007) The passion counts. 7 November 2007

Business Day (2008) Scorpions picking on us, say ANC leaders. 16 January 2008

Business Day (2008) No white journalists at Zuma address. 22 February 2008

Business Day (2008) The heat of hate in Sunday column. 10 April 2008

Business Day (2008) Commentators singe themselves with stupidity. 15 April 2008

Business Day (2008) Old hands save many an editors blushes. 16 April 2008

Business Day (2008) Bullard: An apology to my readers and friends. 18 April 2008

Business Day (2009) New 'stalking' bill worries media. 26 October 2009

Business Day (2009) Not too late to reprieve Weekender. 11 November 2009

Business Day (2010) Choices for SA's media in new era of openness. 27 January 2010

Business Day (2010) Big spender rounds on his enemies. 23 February 2010

Business Day (2010) ANC courts danger by letting Malema's twisted history slide. 3 March 2010

Business Day (2010) The Thick end of the Wedge: The Editors Notebook. 8 March 2010.

Business Day (2010) Newspaper readership decline arrested. 1 April 2010

Business Day (2010) Gupta Group to fund 'ANC sympathetic paper. 6 July 2010

Business Day (2010) Knee jerk secrecy is futile. 28 July 2010

Business Day (2010) Secrecy bill declared 'fully constitutional'. 28 July 2010

Business Day (2010) Thick end of the Wedge. 2 August 2010

Business Day (2010) Threat to press freedom is already here. 12 August 2010

Business Day (2010) Ambassador warns SA over tribunal. 19 August 2010

Business Day (2010) Foreign reports on media bills worrying – Maseko.
20 August 2010

Business Day (2010) Media Tribunal should not be appointed by parliament. 31 August 2010

Business Day (2010) Civil groups to protest media restrictions. 31 August 2010

Business Day (2010) Zuma has tackled his own problems but not yet ours. 2 November 2010

City Press (2010) More power to Nyanda. 25 July 2010

Daily News (2007) SA's media can learn from Zambia. 21 August 2007

Daily Sun (2010) We DO need a media tribunal. 2 August 2010

Daily Sun (2010) Media face major threat. 3 August 2010

Daily Sun (2010) ANC wants to keep us all in the dark. 3 August 2010

Daily Sun (2010) Tribunal a warning. 4 August 2010

Daily Sun (2010) Bill a bad idea. 11 August 2010

Daily Sun (2010) Media bill a cover up for corruption. 11 August 2010

Daily Sun (2010) The media must not knock ANC. 16 August 2010

Daily Sun (2010) ANC doesn't have monopoly on truth. 17 August 2010

Daily Sun (2010) SA a democratic state no more. 19 August 2010

Daily Sun (2010) Media bill to protect corrupt ANC cadres. 26 August 2010

Daily Sun (2010) Evil lurks in the ANC. 26 August 2010

Empire (2007) The Dark Days. November 2007

Enterprise (2008) What culture is press freedom? November issue 2008

Mail & Guardian (2006) The Auckland Park Dialogue. 20-26 October 2006

Mail & Guardian (2006) Court 6E and Section 16. 20-26 October 2006

Mail & Guardian (2006) The Astonishing Outburst of Dali Mpofu. 27 October-2 November 2006

Mail & Guardian (2006) Fed up with Mpofu. 27 October-2 November 2006

Mail & Guardian (2006) Media are Capitalist Triggers. 20-26 October 2006

Mail & Guardian (2006) Now the State Gags M&G. 1-7 December 2006

Mail & Guardian (2006) Editorial, So What? 1-7 December 2006

Mail & Guardian (2007) Good Journalism Makes Trouble. 9-15 March 2007

Mail & Guardian (2007) Mbeki won't meddle in minister clash. 27 July-2 August 2007

Mail & Guardian (2007): Nozizwe: Sublime or Subprime? 17-23 August 2007

Mail & Guardian (2007) Win some, lose some in Sunday Times judgment. 31 August-6 September 2007

Mail & Guardian (2007) Enemies of the People? 7-13 September 2007

Mail & Guardian (2007) Counterpoint. 7-13 September 2007

Mail & Guardian (2007) Radical Surgery for the Media. 12-18 October 2007

Mail & Guardian (2007) A lesson from Minister Mentor. 2-8 November 2007

Mail & Guardian (2008) A licence to cheek. 12-18 September 2008

Mail & Guardian (2008) Time for a cold shower. 12-18 September 2008

Mail & Guardian (2009) Web frenzy over Zapiro doccie. 29 May-4 June 2009

Mail & Guardian (2009) How can Zapiro be rightwing? 29 May-5 June 2009

Mail & Guardian (2009) Opportunities in a media meltdown. 30 October-5 November 2009

Mail & Guardian (2010) Chilly winds are blowing around South African media. 29 January-4 February 2010

Mail & Guardian (2010) Anger at Big Daddy Zuma Grows. 5-11 February 2010

Mail & Guardian (2010) In Madiba's shadow. 12-18 February 2010

Mail & Guardian (2010) Zuma and Cosatu: the End of the affair. 19-25 February 2010

Mail & Guardian (2010) Early Moves to oust Julius. 5-11 March 2010

Mail & Guardian (2010) Not in the National Interest. 16-22 July 2010

Mail & Guardian (2010) Big stick to beat 'errant' journalists. 23-29 July 2010

Mail & Guardian (2010) Info Bill a 'danger to democracy' parliament told.
23-29 July 2010

Mail & Guardian (2010) Petty power tightens media screws. 6-12 August 2010

Mail & Guardian (2010) Discussion papers reflect the troubled soul of the ANC. 6-12
August 2010

Mail & Guardian (2010) A war of independence. 6-12 August 2010

Mail & Guardian (2010) House of Freedom is open to all. 13-19 August 2010

Mail & Guardian (2010) Freedom of Expression even allows freedom to be challenged.
20-26 August 2010

Mail & Guardian (2010) Zuma fears 'plot' at the NGC. 20-26 August 2010

Mail & Guardian (2010) Tribunal a refuge for the corrupt, says Vavi. 27 August-2
September 2010

Mail & Guardian (2010) Cloud of Secrecy hides the rot. 3-9 September 2010

Mail & Guardian (2010) Bill on stalking could trip up journalists. 22-28 October 2010

Mail & Guardian (2010) SA drops down media freedom ranking. 22-28 October 2010

Mail & Guardian (2010) Govt apply ideology to adspend. 29 October-4 November 2010

Saturday Star (2007) The Sword is mightier than the pen. 17 March 2007

Saturday Star (2008) Bullard to sue publisher for unfair dismissal. 19 April 2008

Saturday Star (2010) 'Year of Action' packs no punches. 13 February 2010

Saturday Star (2010) Cutting through the confusion. 7 August 2010

Saturday Star (2010) SAPS gags Independent Newspapers from publishing. 30 October 2010

Sunday Independent (2007) What the public has to say. 6 May 2007

Sunday Independent (2008) Not one bullfinch will fall without all having to read about it – in capitals. 13 April 2008

Sunday Independent (2008) I did it in good faith, says Zapiro. 14 September 2008

Sunday Independent (2009) All the President's Women. 25 January 2009

Sunday Independent (2010) A wasted opportunity. 14 February 2010

Sunday Independent (2010) Zuma's lack lustre speech 14 February 2010

Sunday Independent (2010) Zuma has to show that he is fit to govern.
14 February 2010

Sunday Independent (2010) Back off Malema – Sars. 28 February 2010

Sunday Independent (2010) Bill can't stand constitutional scrutiny. 25 July 2010

Sunday Independent (2010) Does the ANC have the will to do right. 1 August 2010

Sunday Independent (2010) Of spies and attacks on the media. 8 August 2010

Sunday Independent (2010) The more things change, the more. 15 August 2010

Sunday Independent (2010) Malema wants Zuma out, calls for fresh blood. 15 August 2010.

Sunday Independent (2010) The ANC needs to clean up its carcass. 15 August 2010

Sunday Independent (2010) The Media Tribunal: behind the farce. 15 August 2010.

Sunday Independent (2010) ANC hostility to the media began long before Polokwane. 22 August 2010

Sunday Independent (2010) Is it a crime to do business with the president's son, asks Atul Gupta. 22 August 2010

Sunday Independent (2010) Leading authors launch anti-tribunal petition. 22 August 2010

Sunday Independent (2010) Scandalous, shocking, heart breaking. 22 August 2010

Sunday Independent (2010) Media not reflecting transition to democracy. 24 October 2010

Sunday Independent (2010) Cops put lid on nepotism. 31 October 2010

Sunday Independent (2010) Nature proves you can step in the same river twice. 21 November 2010

Sunday Times (2006) Media must dig to find the truth of our times.
22 October 2006

Sunday Times (2007) Manto's Hospital Booze Binge. 12 August 2007

Sunday Times (2007) Manto: A drunk and a thief. 19 August 2007

Sunday Times (2007) ANC wants media to be controlled. 2 September 2007

Sunday Times (2007) Press 'enemy of the people' - SABC2. September 2007

Sunday Times (2007) Why Mbeki protects his fallible minister of health. 2 September 2007

Sunday Times (2007) A duty to tell South Africans the truth about its Health Minister. 2 September 2007

Sunday Times (2007) Editor, Journalist to be arrested. 14 October 2007

Sunday Times (2007) Mpofu plays the slick lawyer when the SABC needs a wise lawyer. 22 October 2007

Sunday Times (2007) Mbeki Men in R7-bn bid to own Sunday Times. 4 November 2007

Sunday Times (2007) Like Nats, ANC and state seek to control media.

4 November 2007

Sunday Times (2007) Hands off! We want an Independent media.

11 November 2007

Sunday Times (2008) Uncolonised Africa wouldn't know what it was missing.

6 April 2008

Sunday Times (2008) This newspaper is not in the business of promoting prejudice. 13

April 2008

Sunday Times (2008) Sorry Bullard's not going to make it for lunch. 13 April 2008

Sunday Times (2008) Press Regulation: Give bite to media's own watchdog.

4 May 2008

Sunday Times (2008) Trying times will serve to make is stronger – for your sake and ours. 7 September 2008

Sunday Times (2008) Malema's words do not shock because they're free speech. 28

September 2008

Sunday Times (2008) This trend is enough to make a journalist gag. 19 October 2008

Sunday Times (2009) Media freedom's rocky year shows the need for vigilance. 11

January 2009

Sunday Times (2009) A broad remedy that will blight freedom of the press.

18 October 2009

Sunday Times (2009) Media ignores real news at their peril. 25 October 2009

Sunday Times (2009) We need diversity not state control. 8 November 2009

Sunday Times (2010) Zuma: I'm sorry for the pain I've caused you. 7 February 2010

Sunday Times (2010) How far can Zuma push the sex scandal boundary: The president should be wary of taking the nation, and the ANC for granted.

14 February 2010

Sunday Times (2010) President fails to cross the rubicon. 14 February 2010

Sunday Times (2010) Zuma must reinvent himself for his sake and the country. 14 February 2010

Sunday Times (2010) How to cover up abuse of power in a legal way. 25 July 2010

Sunday Times (2010) New dog attempting to perform old tricks. 25 July 2010

Sunday Times (2010) Media threatens freedoms by abusing them. 1 August 2010

Sunday Times (2010) Media tribunal will happen. 8 August 2010

Sunday Times (2010) Just what we need: back to the good old days. 8 August 2010

Sunday Times An open letter to the president on press freedom. 8 August 2010

Sunday Times (2010) Read all about the info bill. 15 August 2010

Sunday Times (2010) Change ANC leaders. 15 August 2010

Sunday Times (2010) Something else lies behind the moves against the media. 15 August 2010

Sunday Times (2010) ANC view of the media 'bizarrely' at odds with reality. 29 August 2010

Sunday Times (2010) Media 'allowed space' to reform. 17 October 2010

Sunday Times (2010) Court backs police bid to keep names secret. 31 October 2010

The Citizen (2008) You coconuts don't belong here anyway. 25 February 2008

The Times (2008) Blacks-only forum betrays ANC founding principles.
25 February 2008

The Times (2008) ANC says toon not funny. 9 September 2008

The Times (2009) A nation finds its voice again. 3 August 2009

The Times (2009) Death of yet another voice. 9 November 2009

The Times (2009) Malema defends Mbeki. 17 November 2009

The Times (2009) Move with the times. 27 November 2009

The Times (2010) Apartheid law's last laugh. 25 January 2010

The Times (2010) The Error of Zuma's ways. 2 February 2010

The Times (2010) Forgiveness is divine, not thine. 9 February 2010

The Times (2010) They're out to get me. 23 February 2010

The Times (2010) Zuma takes on Vavi. 23 February 2010

The Times (2010) Malema's men go head to head with media. 3 March 2010

The Times (2010) Preferential procurement breeds 'tenderpreneurs'. 5 March 2010

The Times (2010) Jail journalists – Nzimande. 2 August 2010

The Times (2010) Media eyes and ears of the people. 3 August 2010

The Times (2010) Journalist's arrest raises concerns about state bullying.
5 August 2010

The Times (2010) Do we need a tribunal. 5 August 2010

The Times (2010) Clampdown feared as journalist arrested. 5 August 2010

The Times (2010) Frantic bid to free journalist. 6 August 2010

The Times: (2010) I will be no part of gag on freedom of speech. 6 August 2010.

The Times (2010) ANC must back its arguments for media tribunal
10 August 2010.

The Times (2010) We must protect public's right to know. 10 August 2010

The Times (2010) Elites want to seize control of media. 10 August 2010

The Times (2010) Secrets: us and them. 10 August 2010

The Times (2010) Why the ANC hates a free press. 11 August 2010

The Times (2010) Tribunal a bid to keep lid on top level rot. 11 August 2010

The Times (2010) Have a taste of your own muti. 11 August 2010

The Times (2010) We've no one to blame but ourselves. 12 August 2010

The Times (2010) Government is moving to hijack SA's democracy. 16 August 2010

The Times (2010) ANC wants grip of iron. 16 August 2010

The Times (2010) Being accountable not same as censorship. 16 August 2010

The Times (2010) En Garde, guardians. 16 August 2010

The Times (2010) Relax! Hysteria over tribunal isn't helpful. 18 August 2010

The Times (2010) Diversity an essential part of press freedom. 20 August 2010

The Times (2010) Warning of a predator state. 26 August 2010

The Times (2010) Media grateful for support. 30 September 2010

The Times (2010) New Age advertises editors' posts. 21 October 2010

The Times (2010) Talk – or else: Police threaten two journalists. 25 October 2010

The Times (2010) Jeffreys takes over at New Age. 29 October 2010

The Times (2010) ANC 'is paranoid'. 3 November 2010

Time (2010) Do you want to know a secret? Why Julian Assange has so many of them.
13 December 2010 (magazine)

The Media (2007) Mbeki's tardy media image. October 2007 (magazine)

The Media (2007) Where did it go wrong? October 2007 (magazine)

The Media (2007) The devil or the Deep Blue Sea. October 2007 (magazine)

The Star (2007) Has the media won its freedom? 17 October 2007

The Star (2007) The right to free speech is crucial for democracy.
30 October 2007

The Star (2007) Self-regulation begins within. 13 November 2007

The Star (2007) Let business sense prevail. 13 September 2007

The Star (2008) ANC calls for diversification of media ownership. 11 February
2008

The Star (2008) Chief Justice speaks up for media rights 31 March 2008

The Star (2010) Madiba and Media Freedom. 8 February 2010

The Star (2010) Mystery of Malema's companies. 23 February 2010

The Star (2010) Speedy Malema crosses fine line. 1 March 2010

The Star (2010) New Information bill gives editors more jitters. 1 July 2010

The Star (2010) The enemy within. 22 July 2010

The Star (2010) State law advisor dismisses Information Bill concerns. 28 July 2010

The Star (2010) The ANC torn apart by power struggle. 3 August 2010

The Star (2010) Beware the need to 'own' the media. 6 August 2010

The Star (2010) No protection for us, the people. 9 August 2010

The Star (2010) Info Bill will create openness. 11 August 2010

The Star (2010) Laws that stifle transparency. 12 August 2010

The Star (2010) The ANC must come into the open. in 16 August 2010

The Star (2010) A media tribunal will instill fear among journalists and their sources. 16 August 2010

The Star (2010) Shame on tribunal supporters. 16 August 2010

The Star (2010) Proposed laws will reflect badly on SA. 18 August 2010

The Star (2010) Orwellian trend is emerging. 2 September 2010

The Star (2010) A Stalinist attack on the media. 11 October 2010

The Star (2010) Top resignations hold New Age back. 20 October 2010

The Sunday Mail (2008) Al Jazeera to relocate. 21 June 2008

The Weekender (2007) The Politics of the Shrieking Yelp. 3-4 March 2007

The Weekender (2007) Media Mogul takes on the World. 3-4 March 2007

The Weekender (2007) Afrikaans Media breaks out of the laager in a big way. 3-4 March 2007

The Weekender (2007) Media law not a bid to gag press, says Mbeki.
3-4 November 2007

The Weekender (2008) Journalists forum accused of racism.
23-24 February 2008

The Weekender (2008) There's a thin line between satire and outright racism. 12-13 April 2008

The Weekender (2008). Thanks to the Constitution, many a bum is protected. 19-20 April 2008

The Weekender (2008) Mbeki Recalled. 20-21 September 2008

The Weekender (2009) In theory, Zuma supports a free press.
15-16 August 2009

The Weekender (2009) Regulation of free speech. 29-30 August 2009

The Weekender (2009) Editorial bogus accusations of racism should not go unchallenged. 26-27 September 2009

The Weekender (2009) 'Media' has many faces. 3-4 October 2009

The Weekender (2009) BDFM announces the closure of *The Weekender*. 7-8 November 2009

The New Age (2010) Dawn of The New Age. 6 December 2010

The New Age (2010) A new voice joins the conversations in SA. 6 December 2010

State and Government documents

The Constitution of the Republic of South Africa, 1996: Act 108 of 1996

Briefing document for delegates to the Sanef/Government workshop (2001). Government/SANEF Indaba Journalism Development in South Africa: 29-30 June 2001.

Netshitenzhe, J. (2002) *The Role of the Media in Building the National Interest*. Presentation: Goedgedacht Forum for Social Reflection July 2002.

<http://www.gcis.gov.za/media/ceo/020727.htm> Accessed January 2009

Pahad, E. (2001) *Communicating in a Changing society – A News Agenda for Development*. The Government Paper. Communication in Social Transformation. Cabinet/Government/Sanef Indaba.

Protection of Information Bill as introduced in the National Assembly (proposed section 75); explanatory summary of Bill published in Government Gazette No. 32999 of 5 March 2010. Minister of State Security. ISBN 978-1-77037-630-4

ANC Documents

ANC (1991) Draft Workers Charter

<http://www.anc.org.za/ancdocs/history/wcharter> Accessed: 20 July 2010

ANC Today (2001) *Letter from the President: Welcome to ANC Today*. *ANC Today* Vol 1, No 1. 26 January-1 February 2001

www.anc.org.za/ancdocs/2001

Accessed: 6 April 2008

ANC (2002) *Media in a Democratic South Africa*, Discussion Document, ANC National Conference, Stellenbosch, December 2002

www.anc.org.za/doc/discus/2002/media

Accessed: 7 April 2008

ANC Today (2006) *Letter from the President: What the media says: Trying to prove the people wrong...again*. *ANC Today* Vol 6, No 46. 24-30 November.

www.anc.org.za/ancdocs/anctoday/2006

Accessed: 6 April 2008

ANC Today (2007) *Letter from the President: What the Media says: Propaganda and Reality: The truth as the first casualty of war*. *ANC Today* Vol 7, No 6. 16-22 February.

www.anc.org.za/ancdocs/anctoday/2007

Accessed: 15 September 2008

ANC Today (2007) *Letter from the President: What the Media says: Putting words into the mouth of the ANC*. 2. *What the media says 11: BBC World Replies to ANC Today*. *ANC Today* Vol 7, No 7. 23 February- 1 March

www.anc.org.za/ancdocs/anctoday/2007

Accessed: 15 September 2008

ANC Today (2007) *Letter from the President: What the Media says: False reports undermine credibility of media.* *ANC Today* Vol 7, No 12. 30 March – 5 April 2007
www.anc.org.za/ancdocs/anctoday/2007

Accessed: 15 September 2008

ANC Today (2007) *Letter from the President: What the media says: The British Bulldog Barks again.* *ANC Today* Vol 7, No 10, 16 – 22 March 2007.
www.anc.org.za/ancdocs/anctoday/2007

Accessed: 18 September 2008

ANC Today (2007) *The Media Speaks:* *ANC Today* Vol 7, No 33. 24-30 August 2007) www.anc.org.za/ancdocs/anctoday/2007

Accessed: 4 October 2008

ANC Today (2008) *The Voice of the ANC must be heard* Vol. 8, No.2: 18-24) January 2008 www.anc.org.za/ancdocs/anctoday/2008

Accessed: 28 January 2009

ANC NEC (2008) *Media and the battle of Ideas.* Statement of the ANC National Executive Committee (NEC): 20 January 2008.

www.anc.org.za/ancdocs/anctoday/2008 Accessed: 28 January 2009

ANC (2010), *Media, Transformation, Ownership and Diversity*

www.anc.org.za/ancdocs/ngcouncil/2010/media/pdf Accessed: 2 August 2010

ANC Today (2010) Vol 10, No 31, 20-26 August 2010

www.anc.org.za/ancdocs/anctoday/2010 Accessed: 5 September 2010

ANC Today (2010) Vol 10, No 28, 30 July – 5 August 2010

www.anc.org.za/ancdocs/anctoday/2010 Accessed 24 April 2011

Cosatu document

Cosatu Submission on the Protection of Information Bill [B6-2010]: Submitted to the Ad Hoc Committee of Information Legislation: 25 June 2010

Press statements

Nzimande, B. (2010) in Red Alert, newsletter of the SACP: 'Tenderpreneurs' of a special type? South African media on trial. Umsebenzi on-line, Vol 9, no 13. 7 July 2010

Nzimande, B. (2010) in Red Alert, newsletter of the SACP. Media Appeals Tribunal. Umsebenzi on-line, Vol 9, no 17. September 2010

Kajee, A. (2010) in an FXI Press Statement: Recent Developments in the South African Media Landscape. 6 August 2010

Worldwide Press Freedom Index (2007). Press Release from Reporters without Borders. October 2007

ANC Media Statement (2010) Zuma child no big deal. 1 February 2010
www.polity.org.za/anc-statement/by-jackson-mthembu-2010-02-01

ANCYL (2010) Press Statement: ANC youth league is fully in support of the media tribunal. 4 August 2010

Right2Know (2010) Press statement issued by Coordinator of the Right2Know Coalition, Mark Weinberg, via email. 10 November 2010

Sanef (2010) Media statement following Sanef and Government meeting, 15-16 October 2010, Magaliesberg

Attendance of Seminars, Panel Discussions, Protest Meetings and Television Recordings

Zuma, J. (2009) Interview by CNN's Christiana Amanpour. 24 September 2009

Asmal, K. (2010) *Free Speech is Life itself*. Speech made on Black Wednesday, 19 October 2010, at the University of the Witwatersrand, Graduate School of Humanities, seminar organised by Wits Graduate School, Sanef, and the Institute for the Advancement of Journalism

Vavi, Z. (2010) Interview on SABC 3. 3 February, 2010

The Second International Media Forum South Africa, Johannesburg, 21-22 May 2008

Sanef meeting to discuss media under siege, Johannesburg, 4 August 2010

Motlanthe, K. (2008) Panel Discussion at The Second International Media Forum South Africa, Johannesburg, 21 - 22 May 2008.

Mthembu, J. (2010) Media under Siege, Critical Thinkers Forum: *Mail & Guardian*, Johannesburg 11 August 2010

Special Assignment SABC 3: Ferial Haffajee, Franz Kruger and Jackson Mthembu on Media freedom. 17 August 2010

Harber, A. (2009) *Rags*, paper delivered at the Politics and Media Discussion group, May 2009, Johannesburg: unpublished paper.

Media Monitoring Africa (MMA) (2010) *State of South Africa's Media: A media monitors perspective presentation* by William Bird. Sanef's Media Summit. 30 August 2010.

Launch of the Right2Know campaign (2010), Chalsty Centre, West Campus, University of the Witwatersrand. 15 September 2010

Colloquium on Media Freedom and Regulation held at Chalsty Centre, West Campus, University of the Witwatersrand. 15 September 2010

ETV news (2010) Press conference recording at the end of the ANC's NGC. 24 September 2010

National Press Freedom Day Seminar (2010), organised by Journalism Programme, University of the Witwatersrand, in partnership with the International School of Transparency, UCT, Sanef, the Open Democracy Advice Centre and the Embassy of Sweden. 19 October 2010. University of the Witwatersrand, Johannesburg

Mvoko, V. (2010) Interview on the John Robbie show, Radio 702. 23 July 2010

Internet Sources

Banda, Fackson (2008) The Politics of Media Development
www.thoughtleader.co.za/facksonbanda/the-politics-of-media-development
Accessed 24 April 2011

Banda, Fackson (2006) *An Appraisal of the Applicability of Development Journalism in the Context of Public Service Broadcasting*. Rhodes University.
[http://eprints.ru.ac.za/424/development-journalism-&-PSB-presentation-to-SABC:](http://eprints.ru.ac.za/424/development-journalism-&-PSB-presentation-to-SABC)
Accessed 24 April 2011

Biz Community (2004): *Will ThisDay live to fight another day?* October 2004
www.bizcommunity.com/article/196/90/4987 Accessed: 24 November 2010

Biz Community (2007) *The importance of independent media*. 4 May 2007
www.bizcommunity.com/article/196/15/14527 Accessed: 25 October 2009

Biz Community (2007) *The dawn of a new Empire*. 2 November 2007
www.bizcommunity.com/article/196/39/19393 Accessed: 24 March 2009

Biz Community (2010) *Power without responsibility*. 30 July 2010
www.bizcommunity.com Accessed: 5 August 2010

Boucher, G (2008) *The Charmed Circle of Ideology: a Critique of Laclau and Mouffe, Butler and Zizek*
www.books.google.co.za/Geoff-Boucher-2008-critique
Accessed 24 April 2011

Bruce, P. (2009) *Goodbye to The Weekender*
<http://blogs.businessday.co.za/peterbruce/2009/11/06/goodbye-to-the-weekender/>
Accessed: 9 November 2009

De Waal, M. (2008) *Media Conspiracy in Moneyweb*: 3 September 2008
<http://bit.ly/aJ8HYT> Accessed: 28 November 2010

Gumede, W. (2005) *Democracy, Transformation and the Media: The Role of the Media in Strengthening Democracy*
www.caribank.org/events.nsf/forum1 Accessed: 25 June 2008

Harber, A. (2009) *Get some popcorn. This is going to be a long show*. 11 February 2009. www.theharbinger.co.za/wordpress/2009/02/11
Accessed: 26 November 2009

Kupe, T. (2004) *Notes towards Critical Reflections on Media Transformation and Ten Years of Media Freedom: Theory Matters and Matters of Theory*. Wits Institute for Social and Economic Research (2004 – inferred date) <http://wiserweb.wits.ac.za>
Accessed: 26 January 2009

Mbeki, T. (2001) *The Way Forward: Closing Remarks at the Cabinet-Sanef Indaba*.
www.info.gov.za/speeches/2001 Accessed 26 January 2009

Rhodes Journalism Review (1996) *Media on the Menu*. No 13. December 1996
www.rjr.ru.ac.za/no13 Accessed: 22 July 2009

Rhodes Journalism Review (1997) *Tough Talk from the President*. No 15. November 1997
www.rjr.ru.ac.za/no15: Accessed: 22 July 2009

Wertheim-Aymes, G. (2009) *On the future of newspapers*
www.bizcommunity.com/article: Accessed: 26 November 2009

Shirky, Clay (2009) *Newspapers and thinking the Unthinkable*
www.shirky.com/weblog/2009/03/newspapers-and-thinking-the-unthinkable/) Accessed:
1 December 2009

Redman, E. (2009) *Circulation falls for UK quality press* in World Association of Newspapers
www.editorsweblog.org/newspaper/2009/12/circulationfallsforUkquality_press
Accessed: 2 April 2010

Ruiters, Timothy, D. (2008) *Zapiro's Zuma Rape Cartoon Furor*: 30 September 2008
http://south-africa.suite101.com/article.cfm/zapiros_suma_rapecartoon_furor
Accessed: 23 September 2009

Huffington, A. (2009) *It's the consumer Stupid!*

www.huffingtonpost.com/arianahuffington/the-the-debate-over-online

Accessed: 1 December 2009

Health-e News Agency (2009) *The Price of Denial*. 1 December 2009

www.health-e.org.co.za/news/article/20032600

Accessed: 29 November 2010

Thiem, A. (2002) *Narrative Performativity: Theorising Imaginative Remembering in Judith Butler's Concept of Subject Formation*. University of Tübingen

<http://web.mit.edu/philos/wogap/ESW1PO2/Thiem.pdf>

Accessed: 26 November 2009

Mandela, N. (1994) *Address to the International Press Institute Congress*: 14 February 1994. <http://blogs.businessday.co.za/peterbruce/2010/08/01/Nelson-Mandela's-view-of-press-freedom-read-before-you-leap>

Accessed: 26 November 2009

Journalism.co.za (2008) *HRC rules against forum*. 12 April 2008

www.journalism.co.za Accessed 12 July 2010

Mail & Guardian Online (2007) Red Blade's bourgeois life.

Source: www.mg.co.za/article/2007-07-13-red-blades-bourgeois-life

13 July 2007. Accessed: 3 April 2010

Mail & Guardian Online (2007) Ronald Suresh Roberts's ode to Mbeki.

www.mg.co.za/article/2007-06-15-ronald-suresh-roberts-s-ode-to-mbeki

15 June 2007. Accessed: 29 November 2010

Mail & Guardian Online (2007) Madlala Routledge was set up.

www.mg.co.za/article/2007-08-10-madlala-routledge-was-set-up:

10 August 2007. Accessed: 3 April 2010

Mail & Guardian Online (2009): The show the SABC wouldn't let you see.

www.mg.co.za/article/2009-05-27-the-show-sabc-wouldnt-let-you-see

27 May 2009. Accessed: 5 August 2009

Mail & Guardian online (2010): An appeals body can co-exist with and bolster press ombuds

www.mg.co.za/article/2010-09-10-an-appeals-body-can-co-exist-with-and-bolster-press-ombuds

10 September 2010. Accessed 26 April 2011

Media Club South Africa (2010): *The Press in South Africa*

<http://www.medioclubsouthafrica.com> Accessed: 24 March 2010

Times Live (2009) Politicians and their cars. 12 September 2009

www.timeslive.co.za/sundaytimes/article96617 Accessed: 30 September 2009

Times Live (2010) Jessie Duarte quits presidency. 28 April 2010

www.timeslive.co.za/local/article423731 Accessed: 26 July 2010.

Times Live (2010) Bheki Cele's R500-m police rental deal 2 August 2010

www.timeslive.co.za/sundaytimes/article579403.ece/bheki-celes-r500m-police-rental-deal Accessed: 1 September 2010

The Daily Maverick (2010) Blade's identity crisis and the convenience of attacking the media 2 October 2010

www.thedailymaverick.co.za Accessed 2 October 2010

Freedom of Expression Institute (2006) *Statement in the Constitutional Court in the matter between journalist, Charlene Smith, and Patricia de Lille.* May 2006:

<http://www.fx.org.za>. Accessed: 5 August 2010

Politicsweb (2006) *Zuma's 2006 apology following rape acquittal*: Media Statement by ANC Deputy President Jacob Zuma on his acquittal by the Johannesburg High Court.

May 9 2006 www.politicsweb.co.za/politicsweb

Accessed: 24 March 2010

Interviews by G. Daniels (personal, telephonic and email)

Malala, Justice. Johannesburg. 23 January 2008

Makhanya, Mondli. Johannesburg. 24 January 2008

Rossouw, Rehana. Johannesburg. 24 January 2008

Radebe, Hopewell. Johannesburg. 25 January 2008

Milazi, Abdul. Johannesburg. 28 January 2008

Duncan, Jane. Johannesburg (email interview). 17 March 2008

Parenthoen, Isabel. Johannesburg (telephonic interview). 15 May 2008

Ncube, Trevor. Johannesburg. 12 August 2008

Kruger, Franz. Johannesburg. 13 July 2009

Milo, Dario. Johannesburg. 15 July 2009

Shapiro, Jonathan aka Zapiro (telephonic interview to Cape Town) 22 July 2009

Fray, Paula. Johannesburg. 17 March 2008 and 21 July 2009

Schmitt, Michael. Johannesburg. 21 July 2009

Sithole, Tendayi. Johannesburg. 25 July 2009

Mason, Andy. Johannesburg. 7 August 2009

Cronin, Jeremy (telephonic interview to Cape Town) 1 October 2009

Sokuto, Brian (telephonic interview) 2 October 2009

Brummer, Stefaans (email interview) 28 October 2009

Sole, Sam (email interview) 28 October 2009

Mthembu, Jackson, Johannesburg (telephonic interview) 13 August 2010

Leshilo, Thabo (email interview) Johannesburg. 16 August 2010

Haffajee, Ferial. Johannesburg. 18 August 2010

Appendices

Appendix 1

THE SOUTH AFRICAN PRESS CODE

Preamble

WHEREAS:

Section 16 of the Constitution of the Republic of South Africa enshrines the right to freedom of expression as follows:

(1) Everyone has the right to freedom of expression, which includes:

- (a) Freedom of the press and other media;
- (b) Freedom to receive or impart information or ideas;
- (c) Freedom of artistic creativity; and
- (d) Academic freedom and freedom of scientific research.

(2) The right in subsection (1) does not extend to

- (a) Propaganda for war;
- (b) Incitement of imminent violence; or
- (c) Advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

The basic principle to be upheld is that the freedom of the press is indivisible from and subject to the same rights and duties as that of the individual and rests on the public's fundamental right to be informed and freely to receive and to disseminate opinions; and

The primary purpose of gathering and distributing news and opinion is to serve society by informing citizens and enabling them to make informed judgments on the issues of the time; and

The freedom of the press allows for an independent scrutiny to bear on the forces that shape society.

NOW THEREFORE:

The Press Council of South Africa accepts the following Code which will guide the South African Press Ombudsman and the South African Press Appeals Panel to reach decisions on complaints from the public after publication of the relevant material. Furthermore, the Press Council of South Africa is hereby constituted as a self-regulatory mechanism to provide impartial, expeditious and cost-effective arbitration to settle complaints based on and arising from this Code.

Definition

For purposes of this Code, "child pornography" shall mean: "Any image or any description of a person, real or simulated, who is or who is depicted or described as being, under the age of 18 years, engaged in sexual conduct; participating in or assisting another person to participate in sexual conduct; or showing or describing the body or parts of the body of the person in a manner or circumstances which, in context, amounts to sexual exploitation, or in a manner capable of being used for purposes of sexual exploitation."

1. Reporting of News

1.1 The press shall be obliged to report news

truthfully, accurately and fairly.

1.2 News shall be presented in context and in a balanced manner, without any intentional or negligent departure from the facts whether by:

1.2.1 Distortion, exaggeration or misrepresentation;

1.2.2 Material omissions; or

1.2.3 Summarisation.

1.3 Only what may reasonably be true, having regard to the sources of the news, may be presented as fact, and such facts shall be published fairly with due regard to context and importance. Where a report is not based on facts or is founded on opinions, allegation, rumour or supposition, it shall be presented in such manner as to indicate this clearly.

1.4 Where there is reason to doubt the accuracy of a report and it is practicable to verify the accuracy thereof, it shall be verified. Where it has not been practicable to verify the accuracy of a report, this shall be mentioned in such report.

1.5 A publication should usually seek the views of the subject of serious critical reportage in advance of publication; provided that this need not be done where the publication has reasonable grounds for believing that by doing so it would be prevented from publishing the report or where evidence might be destroyed or witnesses intimidated.

1.6 A publication should make amends for publishing information or comment that is found to be inaccurate by printing, promptly and with appropriate prominence, a retraction, correction or explanation.

1.7 Reports, photographs or sketches relative to matters involving indecency or obscenity shall be presented with due sensitivity towards the prevailing moral climate.

1.7.1 A visual presentation of sexual conduct may not be published, unless a legitimate public interest dictates otherwise.

1.7.2 Child pornography shall not be published.

1.8 The identity of rape victims and victims of sexual violence shall not be published without the consent of the victim.

1.9 News obtained by dishonest or unfair means, or the publication of which would involve a breach of confidence, should not be published unless a legitimate public interest dictates otherwise.

1.10 In both news and comment the press shall exercise exceptional care and consideration in matters involving the private lives and concerns of individuals, bearing in mind that any right to privacy may be overridden only by a legitimate public interest.

2. Discrimination and Hate Speech

2.1 The press should avoid discriminatory or denigratory references to people's race, colour, ethnicity, religion, gender, sexual orientation or preference, physical or mental disability or illness, or age.

2.2 The press should not refer to a person's race, colour, ethnicity, religion, gender, sexual orientation or preference, physical or mental illness in a prejudicial or pejorative context except where it is

strictly relevant to the matter reported or adds significantly to readers' understanding of that matter.

2.3 The press has the right and indeed the duty to report and comment on all matters of legitimate public interest. This right and duty must, however, be balanced against the obligation not to publish material which amounts to hate speech.

3. Advocacy

A publication is justified in strongly advocating its own views on controversial topics provided that it treats its readers fairly by:

3.1 Making fact and opinion clearly distinguishable;

3.2 Not misrepresenting or suppressing relevant facts;

3.4 Not distorting the facts in text or headlines.

4. Comment

4.1 The press shall be entitled to comment upon or criticise any actions or events of public importance provided such comments or criticisms are fairly and honestly made.

4.2 Comment by the press shall be presented in such manner that it appears clearly that it is comment, and shall be made on facts truly stated or fairly indicated and referred to.

4.3 Comment by the press shall be an honest expression of opinion, without malice or dishonest motives, and shall take fair account of all available facts which are material to the matter commented upon.

5. Headlines, Posters, Pictures and Captions

5.1 Headlines and captions to pictures shall give a reasonable reflection of the contents of the report or

picture in question.

5.2 Posters shall not mislead the public and shall give a reasonable reflection of the contents of the reports in question.

5.3 Pictures shall not misrepresent or mislead nor be manipulated to do so.

6. Confidential Sources

The press has an obligation to protect confidential sources of information.

7. Payment for Articles

No payment shall be made for feature articles to persons engaged in crime or other notorious misbehaviour, or to convicted persons or their associates, including family, friends, neighbours and colleagues, except where the material concerned ought to be published in the public interest and the payment is necessary for this to be done.

8. Violence

Due care and responsibility shall be exercised by the press with regard to the presentation of brutality, violence and atrocities.

Appendix 2

Interview questionnaire

1. Is an independent media needed in SA?
2. If so, why?
3. What does the term “developmental journalism” mean to you?
4. What does the ANC mean when it advocates “transformation of the media”?
5. How free do you find the media in SA?
6. Is independence of the media a principle to you, or is it contingent on politics, the state of the nation?
7. How do you view the Sunday Times vs Manto Msimang Tshabalala argument in 2007?
8. Do you think the media appeals tribunal will be instituted?
9. What is your view of the future of the media in SA...in terms of being free and independent?
10. Is an independent media intrinsic to democracy?

Appendix 3

The Media Appeals Tribunal Resolution adopted at the ANC National General Council in Durban, 20-24 September 2010.

The existing self-regulatory system (Press Ombudsman and Press Council) is ineffective and needs to be strengthened to balance the rights of the media and those of other citizens, guided by the values enshrined in our bill of rights, for example human dignity, equality and freedom. The commission affirmed the call for Parliament to conduct a public enquiry on:

- a) balancing the rights enshrined in the Constitution, like rights to dignity, freedom of expression and media, guided by the values enshrined in our bill of rights, human dignity, equality and freedom.
- b) enquiry on transformation of the print media in respect of a [black economic empowerment] media charter, ownership and control, advertising and marketing and the desirability of the establishment of a media accountability mechanism, for example the media appeals tribunal.
- c) the media accountability mechanism [should be] in the public interest including the investigations into the best international practices, without compromising the values enshrined in our Constitution
- d) on what regulatory mechanisms can be put in place to ensure the effective balancing of rights, this may include self-regulation, co-regulation and independent regulation. Any media accountability mechanism, should be independent of commercial and party political interests, should act without fear, favour and prejudice, should be empowered to impose appropriate sanctions and must not be pre-publication censorship.

In preparation for this enquiry, the ANC will itself submit to Parliament its own submissions. (Source: The Daily Maverick: 27 September 2010: www.thedailymaverick.co.za)