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CIVIL SOCIETY, THE PUBLIC SPHERE AND POLICY-MAKING IN A DEMOCRACY: THE CASE OF THE SOUTH AFRICAN HUMAN SCIENCES RESEARCH COUNCIL

David K Shepherd

"A research report submitted to the Faculty of Humanities, University of the Witwatersrand, Johannesburg, in partial fulfilment of the requirements for the degree of MA (Political Studies)"

Johannesburg, 2007

Abstract

The central argument in this MA research report is that arguing for a compromised or depleted political culture or space is extremely difficult if we consider the complexity of the public sphere. This involves firstly arguing that by re-interrogating the concept of the public sphere underpinning orthodox critical perspectives on democratic functioning from deliberative democratic theorists, we find notions of the critical public sphere have been corrupted by the idealism that accompanies this nonetheless important concept.

By illuminating this flaw in the orthodox critical democratic perspective and applying it to critiques of South African democracy, I argue that critiquing South African politics and policy making should in general be done with more care, since what is under-contemplated in these critiques by way of the actual nature of the public sphere, is not negligible. Critics, who often start by characterising the political space as dominated by one party which allegedly renders the political space unfit for its critical purpose, ought to be fairer in their accounts. The end result of this increasingly consensual critical position is that we inhabit only a relatively meaningless formal democracy.

The *exploratory* case study of the Human Sciences Research Council which I go on to consider was chosen on the basis of the considered guess that it was likely to throw up evidence of interesting illustrative tendencies in what I argue may constitute a 'new' public sphere. The theoretical possibilities I aim to highlight are arguably deserving of more focused appraisal in themselves, but the aim of this dissertation is to introduce the theoretical possibility of an under-theorised public sphere through highlighting how that situation came about, and less so, what would constitute evidence of the nascent theory's correctness.

Keywords:

Democracy, policy-making, democratic theory, democratic consolidation, critique, state, public sphere, civil society, South Africa, Human Sciences Research Council

Declaration

I declare that this research report is my own unaided work. It is submitted for the degree of MA in the University of Witwatersrand, Johannesburg. It has not been submitted before for any other degree or examination in any other university.

David K Shepherd
30 October 2007

Dedication

The arguments and conclusions expressed and made here are the author's. Thanks to my family who have been supportive over the years. Thank you to my supervisor, Professor Rupert L Taylor, for advice and assistance. Thank you to my wife, Jacqueline, for patience, attention, and comment.

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List of Abbreviations

ACDP	African Christian Democratic Party
ANC	African National Congress
Cosatu	Congress of South African Trade Unions
DA	Democratic Alliance
GEAR	Growth, Employment and Redistribution Programme
HSRC	Human Sciences Research Council
Nedlac	National Education Development and Labour Council
NP	National Party
RDP	Reconstruction and Development Program
SACP	South African Communist Party
UDF	United Democratic Front

Introduction

1. Consensual critique

The argument running through this research report is that arguing for a compromised or depleted political culture or space is extremely difficult if we consider the complexity of the public sphere. The public sphere is understood as that medium in wider society from and through (not just via the formal political sphere) which contributions that impact on agenda setting and political consciousness formation issue.

I will show firstly how my position was arrived at by re-interrogating some of the concepts and arguments underpinning some orthodox critical perspectives on political consciousness formation, and secondly, show that those who readily embrace a critical perspective have often not deigned to properly interrogate the full implications of the theoretical tools they believe bolster these critiques of democratic functioning.

Thirdly, once some of the flaws in the orthodox critical perspective are highlighted, I argue that applying these types of critiques to South African politics and policy making, which they often are, should be done with great care. The state is often cast as undemocratic unless it is characterised by particular features. Critics start by characterising the political space as dominated by one party, the African National Congress, followed by how this renders the political space unfit for its critical purpose. This is, I argue, if not totally indefensible, then much more difficult than often assumed considering the multiple features of our democratic space/ realm or sphere[1] which are overlooked. The end result of this increasingly consensual critical position is that we inhabit only a 'formal democracy'.[2] It has become almost a consensual position to take in analysing our nascent democracy.

The *exploratory* case study of the Human Sciences Research Council (HSRC)[3] which I go on to consider is admittedly not as exhaustive as it might be, but it nonetheless serves to highlight an empirical example of tendencies in our public sphere which are either overlooked, or equally likely, underemphasized. The HSRC is I argue a 'new' space - along with other similar types of organisations and spaces - illustrative of tendencies which are, and will continue to grow in relevance, making better analysis of the public sphere in South Africa ever more necessary if objective democratic theory, and ultimately political analysis, is the desired outcome.

The theoretical possibilities I aim to highlight are arguably deserving of more focused appraisal in themselves - the under analysis of the democratic landscape remains the focus of this report - and the aim of this dissertation is to introduce the theoretical possibility of an under-theorised public sphere through highlighting how this went under-contemplated, and how it is that the recent transformation and present functioning of the HSRC arguably epitomises an empirical example of some of those trends I argue remain under-theorised and consequently overlooked.

[1] There terms are often used interchangeably.
[2] Giliomee, H; Myburgh, J and Schlemmer, L, 2001, p 161.
[3] See HSRC home page: http://www.hsrc.ac.za/

One could, and arguably should, propose other organisations or processes as evidence. Specifically, the HSRC case study serves not as knock down evidence of what I argue, but rather hypothetical evidence for a nascent fleshing out of the theoretical case to be made in some detail.

In an important 1993 essay, while reviewing literature on the subject of democratization and civil society, Honneth demands of those who argue for radicalized democracy using the popular concept of civil society that they provide an adequate theoretical account justifying their particular project.

They must, he argues, one, set out how democracy should work to such an extent that it can be shown that the actual functioning of democracy is at fault; two, offer an account of the distribution of power stemming from their argument (ideal), showing it to be at fault at the level of either the economy, culture, or politics (there could any number of combinations of these); and lastly, why it would be worthwhile for society to pursue increased democracy through the proposed method – where the cultural and motivational resources for such an attempt would come from.[4]

I argue Honneth is correct in making these demands, and that many such attempts (though not all entirely consciously) have been made to fulfil these theoretical demands. This might for instance be in the form of a stand alone critical account of existing sociologies' of domination, or alternately suggested other political arrangements. Those who provide such alternatives have in fact effectively answered Honneth's challenge in the face of a decline in the catch-all faith political and social theorists have shown for 'civil society', and despite the theoretical imprecision surrounding that concept, stemming as it does from disparate traditions which often sought at least initially to theorise the arguably distinct spheres of public and private space.

Honneth correctly pointed out that what civil society theorists were arguing for - an alternative political dispensation - meant their conceptions of democracy (it was inherent in their critiques, or less direct) demanded of them proof of where the present dispensation fell short on their standards, and their own project's ability to fulfil these standards. Such a challenge might equally apply to all (not only those who argue in favour of greater civil society participation) critics of democratic practises in South Africa.

I argue that this ought to be a useful test to be applied in testing the veracity of those democratic critiques. The critique might fail to offer a normative theory of democracy, or to adequately or honestly examine where structural barriers to the normative principles' empirical realization lie. The purveyors of these critiques need to, among other things, show what the structural barriers to extending current democratic participation are. Only then does a falsifiable construct exist. The critic's case would effectively consist in a normative account of the democratic process in which political consciousness is formed, and then show empirical fault lines.

We should, I argue, then query whether they always either implicitly, or explicitly offer the present political system a chance to redeem itself; by interrogating the premises of

[4] Honneth, A, 1993, pp 19 – 20.

those arguments. In other words do critics present a believable characterisation of the democratic formation of political consciousness?

Often I believe they do not. Why? For many reasons; but I argue that the root of the normative theoretical arguments underpinning the majority of critics' cases is either, applied inadequately or their full ramifications are not thought through. Consequently the characterisation and subsequent analysis of alleged empirical structural deficiencies suffers.

2. Corrective surgery

The theoretical task involved in offering a corrective to the tendency to uncritically accept the consensual position in critiquing the veracity of the South African political and public sphere (a concept already customarily used in normative theoretical accounts of democracy) as a medium in democracy, lies in accurately presenting how complicated public sphere functioning is. Ultimately that would form the basis for a positive account of what this 'new' public sphere positively consists in.

But beginning the theoretical enterprise requires a brief look at the history of the concept of the public sphere in democratic theory; as it developed through late modern civil society theory was used to bolster deliberative democratic theory.

I argue that these normative cudgels are all too easily the ones picked up by radical democratic political theorists and importantly in this instance, those who rely to differing degrees on aspects of their work. The onus is on those who evaluate the state and the formation of political consciousness to be fair by being accurate in their rendition of the nature of the public sphere/realm/space.

The result is a partially reformulated concept that might then in turn be used, to criticize at their root those theoretical and empirical critical accounts which might lead one to believe that since the normative conception proffered entails that certain conditions ought to prevail in reality – and quite obviously do not by these standards – certain corrective measures are definitely called for.

In addition the argument made here is that these accounts are often informed by a flawed understanding and appreciation of the actual nature of the state and the public and not-so-public conversation within, without, and between its interstices.[5] I aim to better demarcate the complexity of the public sphere by outlining the space in which the power game (sometimes dubbed 'democratic culture') is played.

The nature of the public sphere as well as the increasing role the state has come to play in civil society itself (especially in South Africa it might be argued; with the recent transition from a police state to a social democratic one) makes it *prima facie* unlikely that the state does insulate itself from civil society and the public sphere. This is an argument I will pursue in detail in chapter one.

[5] My case might be seen as similar to that made about South Africa's democracy by Raymond Suttner in 2004 when he disputes the case made by theorists who bemoan our 'formal' or one-party democracy, and will be discussed further; see Suttner, R, Democratic transition and consolidation in South Africa: the advice of 'the experts', in *Current Sociology*, September 2004, Vol 52, no. 5.

Of course one can argue until the end of time that democracy is never adequate, based on flawed voting systems at any number of levels (the traditional stock and trade of the political scientist), but the target here is accounts that seek to characterise the state as inadequately inclusive based on the fact that the state listens (however it is alleged to do this) to these, but not those, or that certain discourses are clearly unlikely to influence the formation of political consciousness *tout court*, and that this proves it is insular.

We need to be aware of universalizing claims about the state of democracy made by those who feel that power operates as they say it does - often patently based on particular cases of (and one might add, often justified) felt dissatisfaction. But justified dissatisfaction is not righteous indignation. That this is at times the case does however not entail what is claimed (for whatever purpose) about the entire political order, in addition. There is no shortage of such accounts.

For those who have treated Jurgen Habermas' normative sociological account[6] with due respect and then tried to offer theoretical accounts of how to implement the required discursive conditions so that either the public sphere and its relation to organised politics does not, one compromise rational politics, or two, enables all citizens to be included in legitimate (not just 'legitimating') decisions, the urgency of rectifying the alleged insular democratic space takes on epic proportions. My argument is that in their haste to show ways of fulfilling the necessary conditions for democratic political autonomy there is a failure to give the fullest account of how political consciousness formation actually occurs. The idealized conceptions of how communication ought to occur in the public sphere are often naïve in appreciating how communication actually does occur in the many intersections and turns in the civil society district.

3. South Africa and the Human Sciences Research Council

That being the case leads me to argue, in chapter two that critics of many shades may have misdiagnosed the space in which power in South Africa has operated since the end of apartheid, leading to calls for increased participation and consultation. It will be argued that many past debates on South Africa's emerging power equation have become dominated by those who seek ultimately to see the state listen to particular voices - whether it is 'cultural', 'economic' or 'political' bias (allegedly) at fault is sometimes all we are informed of, if we are lucky. This, not unrelatedly, can (and has perhaps) led to a virtual glut of accounts of how the state is, in a positive sense, open to influence. The number of claims that the state is not open to rational influence, is too centralized or too domineering; are numerous. These accounts often entail, ultimately and essentially, a particular negative characterization of the state of the public sphere I argue.[7]

A theoretical corrective to this tendency toward doom and gloom is based on a reformulated conception of the actual nature of the public sphere as introduced in chapter one, that tentatively offers as an empirical example of the manner in which we might better understand the public sphere, such organisations or processes as the HSRC. The proffered corrective accepts that what deliberative democratic theory has offered in its characterization of the public sphere and the relation it has to the state administration is more than minimally correct. This understanding takes the public sphere and how it does

[6] See for instance O'Neill, S, 2000 and Baynes, K, 1995.
[7] See for example Adam Habib on post-apartheid civil society - state relations, 2004.

have a bearing on the rationalizations within the democratic state, to be as important as deliberative democrats have made them out to be.

An effectively functioning HSRC would be an organisation that illustrated important positive tendencies in the public sphere. In the case of theorisation on the state of democracy in South Africa it might open up possibilities for conceptualizing a 'new' public sphere. Therefore I undertook to investigate to what extent this understanding of the HSRC[8] represents part of the foundations for an argument for a fundamental lack of clarity in local theorisation about the public sphere. It might be possible to argue for a 'new' public sphere where the HSRC is a supporting strut in this expansive understanding of our democratic culture.

What is important is to show that often when critiquing the South African state, bodies like the HSRC and the audiences they arguably represent through their work, and the influence they may have via the public sphere, are not often explicitly acknowledged – either through negligence, or purposive narrow characterisation of the public sphere.

There are of course numerous other ways to argue for extending democracy further than traditional liberal democratic theory and its attendant faith in interest group politics. Interest group functioning (pluralism) is emphasized in our understanding of democracy since the concept is less ephemeral than the more abstract 'public sphere'. Theoretical interventions like those are acknowledged as necessary but not at the expense of a thoroughly nuanced consideration of the public sphere, whose contours and liminal[9] nature I have only hinted at thus far.

The public sphere properly delineated should be rendered the candidate for more theorisation about democracy and power. Often the manner in which it has been rendered assumes that one, the public sphere itself is either a whipping boy to be used in a critical theoretical rendition of reality as it shows communication is distorted[10], or two, the state automatically is in need of absolute critique based on theoretical claims about it being prone to becoming insular and/or steered by money and power alone, rather than communication of values, and alternative visions. A proper understanding of how the public sphere might, and does, achieve its undeniably democratically-essential purpose, makes claiming it fails to do so, a more difficult claim to assert than is often assumed.

*****

- "As I see it, the global renaissance of interest in civil society has a lot to do with the problem of unaccountable, overextended power which - especially in the twentieth century - has committed unprecedented, terrible crimes. Those crimes should remind us of the lessons about hubris first formulated by classical Greek thinkers and historians like Herodotus and Thucydides. Here is their problem: given the tendency in the world of politics towards hubris, how, if at all, can its disastrous effects be overcome? In other words, can human beings find ways of organizing power that would release us from the permanent dangers of corruption,

[8] See chapter three of this dissertation.
[9] Merriam-Webster's online dictionary defines liminal as; (1) Of or relating to a sensory threshold; (2) Barely perceptible; (3) Of, relating to, or being an intermediate state, phase, or condition.
[10] As argued by the early Habermas who feared the public sphere had been fundamentally transformed through mass communication and how this induced conformity, following Theodor Adorno.

bossing, and bullying? Or is there no cure for hubris? Is life, as Hobbes thought, nothing more than an endless struggle for power that comes to rest only at the point of death? Or perhaps, as Heidegger thought, only divine intervention can rescue us from our own hubris? I'm not absolutely certain how to reply to such questions."[11]

- "…But there's just something wrong when you
  Just feel like you're the hardest little button
  To button
  I had opinions
  That didn't matter
  I had a brain
  That felt like pancake batter
  I got a backyard
  With nothing in it
  Except a stick
  A dog
  And a box with something in it…

  …The hardest button to button…" (x7)'[12]

- "Well the world of research has gone berserk – too much paperwork…"[13]

- "Simon Retallack, from the Institute for Public Policy Research, stood up and reminded Sir David what his job was. As chief scientist, his duty is not to represent political reality – there are plenty pf advisors schooled in that art – but to represent scientific reality."[14]

[11] Keane, J, 1999.
[12] The White Stripes, March 2003.
[13] Dylan, B, 2006.
[14] Monbiot, G, 25 October 2005.

Chapter 1

The Public Sphere in Liberal Democracy: By No Means Clarified

1. 1 Under-theorised of the public sphere and its significance for *accurate* democratic theorisation

Whether it is a particular account and critique of the insularity of the liberal democratic state or an argument in favour of the reconfiguration of power based on adjusted state relations with civil society one ultimately refers to 'the question as to how democratic participation in the process of formation of political consciousness can be widened and enhanced'.[15] What is required of the advocate for radicalising democracy is a falsifiable account of how the functioning of democracy in the way they suggest empirically *does not* adequately exist; how structural barriers inhibit that type of participation.[16]

Before claims for democratically illegitimate effective exclusion from the political public sphere can legitimately be made, it surely rests on the critic to show that from within their own theoretical account of democracy the state does in fact fall short. The starting point is to argue that often a fair case is not the object; and that as a result, particular circumscribed understandings of how political consciousness has and does come to be configured, come to dominate particular debates.

Critics who look to either, one, accuse the state and administration of insufficient democratization, or two, of being party to a more critical and systemic situation, where 'political domination is located in the same symbolic dimension in which individuals and groups form an image of their will and their situation, in subtle institutional and cultural blockages of public processes of reflection in which a society thematizes itself'[17] - explore all the actually existing avenues where this potential democratic 'resource' might reside?

I argue that some civil society theorists and most of their deliberative democratic 'allies' (a relationship that will shortly be explained) have not in fact exhausted the meaning inherent in the concept of the public sphere, which they (and others) so heavily rely on in critiquing the actual formation of political consciousness.

1. 2 Starting point for arriving at a reformulated conception of the public sphere: the state

State theory appears much less confident in contemporary times than it used to be. In a chapter entitled 'The Theory of the State in Search of its Subject Matter: Observations on Current Debates' Claus Offe mused on the likelihood that the state in advanced democracies will be able to relinquish much of its historically assumed responsibilities to 'parastatal actors'. As the title suggests this is in response to the lack of clarity about what the tasks of state should be.[18] Meanwhile, similarly John Keane - while contemplating a similar question except with respect to the socialist state - attempted to outline what future the concept and political category of 'civil society' had in a post-

[15] Honneth, A, 1993, p 19.
[16] Ibid, p 20.
[17] Dubiel, H, 1992, p.
[18] Offe, C, 1996, pp 61 – 71.

centralised socialist society, and by more clearly delineating what the emerging relationship between the state and of civil society would ideally look like, writing that any form the socialist project might take in the near future needed to reject the assumption that the state could ever legitimately replace civil society, and vice versa.[19] He goes on to outline the task of the state as 'enacting legislation' and that of civil society as increasing its power, so as to keep their political 'representatives' under control in doing so.

These are common conundrums and fundamental to political science. Beside the need to keep potentially corrupt power under control, a further reason they are familiar refrains is because the issues at stake illustrate the confusion that reigns in state theory as a result of the fading of traditional certainties across the different schools of state theory (these conundrums presented themselves in different guises at other times in the history of modernity) anchored above all perhaps in the 'agreed scepticism all schools of state theory have toward the ability of developed capitalist industrialized societies (and former socialist state, as evidenced by John Keane's exploration of the widely acknowledged limits to state action in these states[20]), to influence themselves and their future development by means of rational government planning, control and intervention'.[21] The state is becoming more and more an object of scepticism with regard to its ability to rationally steer society in the direction of (themselves the object of arguments favouring democratic determination) cherished valuable outcomes, especially since the collapse of Socialism.

It is a short step from that scepticism about whether states are capable of rational action to a generalised scepticism concerning their general activity and where 'democracy' fits into this situation. If the justification of state action is its ability to act rationally, when that faith evaporates how can the state defend its actions? It would not be unrealistic to assume both a considered and the common sense response to this question to be 'the degree of democratic inclusivity embodied in the reaching of the state's decisions', given an environment where more and more is open to considered suspicion.

State theory – whether a state-centric perspective on the state or a society-centric perspective (liberal democratic) perspective - can no longer take for granted its assumptions and simply argue over which is more correct, whether socialist or capitalist relations of production exist. 'Relativism implies the need for democracy, for institutional arrangements and procedures which guarantee that protagonists of similar or different forms of language games can openly and continuously articulate their respective life forms.'[22] Offe and Ulrich Preuss point out, 'as a consequence of some of the structural changes taking place within modern societies, the ideal of 'progress' – technological, economic, military, social, and cultural – which was the underlying and powerful energizing force for democratic optimism of the nineteenth century, and, notwithstanding the barbarous regression of fascism, also of the twentieth century.'[23] This once-present optimism is also lacking in civil society; something Michael Walzer points out in his account of 'the' civil society argument (to follow).

[19] Keane, J, 1988, p 14.
[20] Ibid, 1988.
[21] Offe, C, 1996, p 62.
[22] Keane, J, 1988, p 237.
[23] Offe, C and Preuss, U. K, 1991, p 146.

1. 3 Civil society theory steps into the breach?

If there has been confusion in the status of state theory this is no less true of civil society theory where in trying to fill the void left by the evaporation of that confidence, theorists - having added, '…we are not sure how the state does, did, or should function; and therefore our own suggestions carry a hefty suggestive element fuelled by a faith in democracy as the only acceptable enemy of well-meaning authoritarianism' - have been more than willing to step into the breach. They have cloaked their own accounts where necessary in the language of historical precedents, functionalist rejoinders, empirical critiques, and any other kind of justification that would serve the purpose of 'deepening democracy.'

An important trend in political thought has come to the fore. This simultaneous rise in the expansive and imaginative theorisation of civil society has been accompanied by the rise of theorisation about the public sphere. Theorisation on the latter is most prominent in deliberative democratic theoretical accounts. That is unfortunate, because the public sphere deserves wider consideration than it is afforded here, and as a result of the assumptions which tend to congregate in any 'school of thought' the concept has become contaminated by assumptions deliberative democrats are prone to hold about the actual nature of conversation within it: about the search for consensus.

So, civil society and the public sphere as theoretical concepts have been disproportionately appropriated by those wishing to further pursue or encourage radical democratic thought. This has been at times to the detriment of the continuing usefulness of the public sphere/space/realm concept itself, as I will argue.

But it is still possible (and necessary) to use the concepts in a normative sense to evaluate the quality of democracy in an ongoing manner without assuming that the meaning of the concepts has been settled in favour of the various projects of those who have appropriated them as an accepted theoretical repository of radical democratic energy, which deserves no further reflection.

Drawing the boundaries between state and civil society[24] is perhaps one of the oldest occupations of the political theorist: which issues should remain in the private sphere and which have a claim to political attention? After all, the demarcation of a realm of activity or life into which the state should not intrude, or how civil society would organise to protect its interests is one of the foundation stones of political theory. Though closely linked to my current concern I will not be dealing directly with these arguments. In fact it could be argued that that particular question is one common to civil society and state theory. The name of the commonage on which the question grazes might further be 'democracy'.

Of course the explosive interest in the significance of the concept of civil society to political theory has not been unaccompanied by the acknowledgement of the need for an accompanying democratic theory by many of the responsible theorists. The reasons for the great interest in civil society theory (aside from the declining faith in 'confident state theory' alluded to) are many but one which runs through the entire civil society project is

[24] Keane, J, 1988, p 6.

arguably the broadly common conception of how civil society can contribute to democracy.

The space in which civil society and the state interact is thus of great importance to the veracity of these conceptions of democracy. It is not so much the various interesting internal squabbles about civil society definitional questions that are ultimately of concern here. Rather it is the ubiquity and scope of the debate which illustrates for present purposes the vigorous hope held out for the concept and the existence of critiques themselves that are.

The argument I go on to make concerns the widespread failure of civil society and deliberative democratic theorists to fully appreciate the complicated theoretical terrain they have to navigate in order to achieve their goals, notwithstanding the complicated 'internal' definitional debates they have engaged in.

The claim is not that this is something which has up until now been overlooked[25] but rather that in better cataloguing the diverse 'democratic opportunities' available in democratic capitalist (or socialist) states, resulting in a rejuvenated conception and understanding of the public sphere, we should be wary of ill-considered critiques of insufficient democratisation or over centralised bureaucratic structures; which then usually go on to appeal to the nascent power of civil society.

1. 3. 1 Civil society theorists: foot soldiers

The point of considering civil society and the theorisation about the relation it has to the state, lies in showing how understandings of modern civil society have fed into theoretical accounts of deliberative democracy and the public sphere, which themselves ultimately serve to structure or create, and then bolster critiques of the existing democratic system.

If the nature of the public sphere in which civil society interacts with the state is not carefully presented then what civil society theorists and practitioners (and others critical of the state of particular democracies) assume about that space might well turn out to be a conclusion of a straw man argument. Furthermore the critical repository which the public sphere concept has become (and ought to remain) stands to lose a lot of its undeniable potential legitimate power if proponents' depiction, or appreciation of the state and how it interacts in and through the public sphere with civil society, proves to be ultimately unfounded.

In order to present the strongest case advanced for deepening democracy it is necessary to show what civil society theorists have argued about the significance of the concept, since deliberative democratic accounts rely heavily on many of the same arguments and concepts.

In looking at why the civil society concept came to be so ubiquitous Honneth states that, 'it was precisely the vagueness of this concept which gave it a distinct strategic advantage. Its indefiniteness gave different dissident groups, faced with different national and local problems, the possibility of including their varying social institutions,

[25] See Cohen, J and Arato, A, 1992, for an excellent historical account of the self consciousness of advocates and theorists of the concept of civil society.

such as the economic institutions of the market, the free association of debating citizens, of the soviet-like organisation of 'round tables', within the all-encompassing concept of the civil society.'[26] The fact that this was a possibility has not a small amount to do with the complex and confusing history of the concept itself.

Some theorists have attempted to rectify what is at other times a perceived weakness which opens those who swear by the concept - and all it allegedly entails for them and their projects - to numerous types of attack. Gideon Baker has criticized how the concept has been effectively defanged for the purpose of critique when he argues that far from the original use of the concept by radical oppositionists from the 1970's and 1980's in Poland, Hungary, and Czechoslovakia, 'where civil society was itself the seat of democratic legitimacy', current usage now denotes a very different type of usage. 'The central change to the theory of civil society', he argues, 'is that civil society is now seen as external to - though no doubt important for - democracy understood as a political mechanism for controlling the state.'[27] Baker continues saying, 'effectively, this (not examining the potential of civil society as a democratic end in itself) means, limiting the horizons of civil society theory to the liberal agenda of separation of powers, control of power, and pluralist interest representation'.[28] Whether these arguments are true or not and to what degree, is not something I wish to argue about directly and questions such as these are debated *ad nauseum* by various civil society theoretical interlocutors.

While these debates show for the present argument to what extent the concept has taken on significance in political theory the crucial point to be made in presentating these arguments is that while they do alert us to the continuing power and critical potential of these concepts, an aporia often exists in their appreciation for how the state does function, which if not rectified - or acknowledged at least - 'in proportion' to the scope of the critique they and others who use their insights wish to carry out, poses a mortal risk to their project(s) and those of other critics of democracy who use the same and similar tools. The subsequent corrective should be used to judiciously delimit their critiques.

Arato and Cohen present an understanding of civil society that acknowledges the need for strong theoretical grounding. They say that while not having any quarrel with the diagnosis by civil society theorists, or ideologues of new social movements (one of the better known and popularised contemporary instances of civil society), it is 'essential to examine the concept of civil society in the light of a systematic social theory that at the very least incorporates an objectivating perspective' and, they add 'a rich tradition of interpretation has not been exhausted'.[29]

In ultimately presenting their own reconstructed version of a concept of civil society commensurate with modern realities they assess the different theoretical strands previously integral to the concept - and still with us to varying degrees. They go on to acknowledge how the work of Jurgen Habermas (arguably the best known social theorist and advocate of the case for deliberative democracy) has played an important role in the 'rediscovery, critique, and reconstruction of the early modern concept of civil society'[30].

[26] Honneth, A, 1993, p 19.
[27] Baker, G, 1999, p 3.
[28] Ibid, p 4.
[29] Ibid, p 121.
[30] Ibid, p 129.

The early modern concept for instance is most often depicted as clearly different from the older traditional conception in that the early one includes the principles of 'autonomy, moral and social plurality, and universality'; while the older version entails a vision of an inherited Sittlichkeit, or a shared ethical life.[31] Now what the (late) modern version of the concept of civil society amounts to, is complicated, and by no means settled.

Arato and Cohen, working within the tradition of critical theory, say that 'the reconstruction of civil society that we wish to base on Habermas' dualistic social theory with its categories of system and lifeworld', has a 'practical intent' which is a 'critique of functionalist reason, which is completed by a new theory of democracy.'[32] Functionalist reason might best be defined as that type of reason which seeks to get from A to B with the least possible sidetracking; in other words to consummate a goal, and decide how to achieve it (while consulting others as little as possible, and thereby avoiding contact with those who might either disagree on the goal and/or the method of attaining it). The elitist model of democracy most closely approximates this form of decision-making in a modern democratic state.

What this amounts to in the case of Arato and Cohen - having accepted Habermas' account of the mechanics of the lifeworld, which very elaborately defines and defends 'the lifeworld' as a 'reservoir or background of implicitly known traditions and taken-for-granted assumptions embedded in language and culture and drawn upon by individuals in their everyday lives' – is extending and anticipating the threat posed by the expanding modern state and capitalist economy not only to the functioning of the state (a more common assertion), but to the autonomy of the lifeworld in civil society. The very hope many hold out for civil society and the public sphere as critical concepts is not so taken for granted by Arato and Cohen, as they see threats to the very possibility of behaving as an autonomous individual coming from a modern way of life, placing them squarely in the critical theoretical tradition. They consequently require 'a framework of fundamental rights' to become stabilized in institutional terms.

It might seem *passé* in theoretical terms, and merely covering old ground, since individual rights have been guaranteed globally since 1948, but Arato and Cohen perhaps more than anyone in the tradition specifically reiterate why the issue of rights are so significant to democracy, the state and civil society. They particularly emphasise, after making the point about how actors in civil society (the lifeworld) are open to threats of loss of autonomy and solidarity, that the 'cultural reproduction of the lifeworld' requires these rights; and that stabilizing, expanding and channelling into institutional innovations these rights, is 'the task of radical democratic politics whose primary terrain is civil society.'[33] For these rights to begin as 'claims asserted by groups and individuals in the public spaces of an emerging civil society' the development of a political culture 'whose influence does not stop at the boundaries of civil society' is needed.[34] In other words civil society (and its need of certain conditions to continue existing) is as under threat as the democratic functioning of the state and economy, but to secure civil society, civil society needs to extend beyond itself so as to influence the state to guaranteeing these rights.

[31] Ibid, pp 122 – 123.
[32] Ibid, p 130.
[33] Ibid, p 136.
[34] Ibid, p 139.

So while Arato and Cohen place their hopes for further democratization on the 'terrain of civil society' they rely heavily on the state as the ultimate guarantor of that revitalised civil society. I am not convinced that what Arato and Cohen present is not in fact passé after all. They speak of how civil society itself needs to be democratised in the first place: 'it is our contention that influence on legislation and policymaking is inconceivable without the establishment of democratic publics within the firm and the state – or where they exist, their redemocratization within a programme of self-limitation'.[35]

Ultimately their actual argument is: democratization cannot be furthered if civil society itself is not stabilised through rights fought for but guaranteed by the state. Admittedly this is their goal: redefining the civil society concept for (late) modern times – unlike Habermas and some of his followers' grander visions of the public sphere and civil society perhaps. But Arato and Cohen in saying that these 'small and finite steps in political and economic democratization can have dramatic implications for all modern societies' do not clear up any further than Habermas did - which they claim to have done – how the state becomes further democratized through the manner in which it interacts with the public.

Arato and Cohen argue, 'in civil society the potential scope for democratization is far greater than in the institutions of state and economy, and so is the possibility of combinating a genuine plurality of forms of participation'; and though this serves to reiterate the reasons for their focus on the reconstruction of the civil society concept, this does not get us any closer to saying how the state can be further democratised; which they rely on to further democratise civil society, in the first place. Though they sought to provide an account of civil society that would strengthen the concept itself they have failed to add anything substantial, and merely reiterate the importance – acknowledged by many others – of the distribution of power within civil society; let alone deal with some of the more important recent criticisms of the concept.[36]

Arato and Cohen do however restate some of Habermas' by now well known theses; such as how the influence of a democratised civil society can at best influence political and economic institutions indirectly; and they argue that gains in civil society are not to be found in a 'revived agora but in a multiplicity of more autonomous roles, solidary and egalitarian relations, and norms of participation in all dimensions of modern culture'.[37] Perhaps their contribution lies in emphasizing what a late modern concept of civil society consists in. They have offered one more concrete account of what civil society can hope to achieve by way of further democratization, given the constraints so well documented by now.

The concepts of one, 'system' where communication is manipulated in favour of traditional (not progressive) norms and two, 'lifeworld' are important to the

[35] Ibid, p 137.
[36] Villa, D. R, 1992; The existence of power relations in the interstices of civil society, through the process of subjectification which is so insidious as to make the individual unknowingly complicit in the process of their becoming subject in whatever form or shape, has been theorized such that the way the individual is implicated almost certainly does not allow for rational contemplation of the 'morality' of the individual's position-going-forward, from within the situation he finds himself in.
[37] Arato, A and Cohen, J, 1992, p 139.

reconstruction of the concept of civil society for those who have thought deeply about why civil society matters at all in democracy, such as Arato and Cohen.

1. 3. 2 Civil society and conflict: a reality

Michael Walzer presents what he calls the 'civil society argument' an argument he presents by differentiating what defines 'the (modern) civil society argument' from nineteenth and twentieth century accounts (arguments for) of the best setting for 'the good life' (the civil society argument encapsulating what the ideal and necessary latest setting for the 'good life' is). These four older accounts he distils as 'democratic (republican) citizenship, socialist (centralised and workerist) cooperation, individual autonomy, and national identity'[38], claiming that the civil society version of the good life is represented strictly by not a fifth type but what he calls 'the civil society argument' which challenges the singularity of the four versions he has set out. The civil society argument is 'part-denial and part-incorporation' of those versions of the good life.

Walzer argues that civil society theorists are accommodating of conflict, and that in the 'associational networks of civil society, in unions, parties, movements, interest groups, and so on, people make many smaller decisions and shape to some degree the more distant determinations of the state and economy', and if it is egalitarian, all the better.[39] This is ultimately how civil society links up with the state (an obvious requirement of all types of the good life in modernity, or the onset of the enlightenment).

Walzer, in summarising the civil society argument, says he is not convinced by it altogether. He argues that the associationalism prescribed by civil society theorists is hardly of the 'heroic' proportions of the four projects against which he contrasts this present civil society project - pointing to foreseeable motivational problems. He correctly points out that the likelihood of achieving an inclusive civil society is likely to come up against the fact that 'a growing number of people seem to be radically disengaged' and that it is very difficult to define in-and-of-itself. But nevertheless Walzer says the civil society project can only be described 'against the singularity of other projects'. The civil society project does not confront with an energizing hostility; its protagonists are more likely to meet sullen indifference, fear, despair, apathy and withdrawal'.[40] It is simply one aspect of a prevalent condition in modern society in advanced societies.

His claims - perhaps even more so in developing countries, where the social welfare state has not even inculcated 'dependable workers' yet[41] - which Offe and Preuss sum up as political alienation; deal a body blow to those hoping to organise under mainstream (for example, land reform movements), let alone alternate (for instance, climate change ideologues) project banners. Political alienation can be partially characterised as one, a loss of collective memory about decisions made about issues which were not available for scrutiny at the time of voting, two, the separation between people and politicians (the political class), and three, the growing distance between 'everyday knowledge, values and experience of ordinary citizens and the expertise of political professionals'.[42]

[38] Walzer, M, 1992, p 105.
[39] Ibid, p 99.
[40] Baker, G, 1999, p 106.
[41] Offe, C and Preuss, U. K, 1991, p 164.
[42] Ibid, p 165.

Alienation might well be read as a consequence of lack of democracy by radical democrats. This I argue need not bother us since in conjunction with proponents of deliberative democracy arguing for 'maximal inclusion' we might be able to define the civil society argument so as to account for any objection.

Walzer suggests his own perspective which he dubs ('awkwardly', he says) 'critical associationalism'; which is for all intents and purposes a corrective (and not an uncommon one) to the original civil society argument he outlines and critiques; which he says by way of definition, requires the state decentralizing, to give citizens opportunities to take responsibility for some of its activities; socializing the economy, and pluralizing and domesticating nationalism, so there are different ways to sustain and realize historical identities.[43] The latter point being important since it brings to bear more perspectives than allowed by a nationalistic ethos. All this, says Walzer, 'does not lend itself to a singular description' - and here Walzer might well be accused by a Gideon Baker of 'limiting the horizons of civil society theory to the liberal democratic agenda', in eschewing more radical aims.[44] Ultimately what Walzer considers as engagement in civil society (or a site of 'critical associationalism' as he has marketed his own version of the civil society argument) is a type of activity which he sees as sadly on the decline; and although the 'project of projects'[45], civil society can only hope to have limited impact on the distant state for instance.

Walzer does not argue for this decentralized basis for decision making among the citizenry using arguments for the systems' ability to distort the background assumptions of the 'lifeworld' as Arato and Cohen tend to, but he does see civil society as being a repository for more democratic autonomy-inducing decisions.

Baker on the other hand argues, against Walzer, that 'civil society is something that we already possess, not an ideal toward which we should aspire. It is the loss of this critical edge to civil society theorisation in particular which should cause disquiet for it represents the effective demobilization of an idea that he argues, two decades ago was oriented toward change.'[46]

Walzer plays the realist conservative to Baker's radical (for Baker the decisions taken by the state are by their very nature about issues which do not exist in an ideal society where legitimacy resides in the concept of civil society itself), while Arato and Cohen sit somewhere in the middle, but closer to Walzer arguably. Walzer argues that while nationalism, the belief in a republican democratic citizenship which unites us in forming rational policies by which to live and so forth, are no longer here, this new civil society creed is perhaps the modern equivalent – a creed which recognizes the ability of citizens to take part in the running of society (as opposed to advocating that they pursue some earlier classical conception of the good life), but also that this is totally different from the old desire to find the 'best social formation'.[47] Uncertainty is a way of life here.

Advocates of status quo contemporary democracy might say we have democratically elected governments, separation of powers and so forth, questioning what there is to

[43] Baker, G, 1999, p 106.
[44] Baker, G, 1999, p 4.
[45] Walzer, M, 1992, p 107.
[46] Baker, G, 1999, p 24.
[47] Ibid, p 89.

quibble about. The often immediately reverted to answer is, that as the concepts of 'lifeworld' and 'system' arguably illustrate, there are differences between the 'communication types' involved.[48] Though not everything implied by these concepts need be accepted, they do provide insights into what critics find wrong with the functioning of democratic orders.

Civil society theorists claim many things for the concept including that the associational life involved in civil society is a good in-itself; that civil society can have an impact on the state indirectly if it is itself better organised; and that civil society has become too de-politicised through being co-opted by the liberal democratic theoretical paradigm - when arguably it should fight to keep its status as a purveyor of 'alternatives to the status quo'.[49] All these accounts share in common a belief in the ability of civil society to deepen democracy to varying degrees. How it does so differs from theorist to theorist.

1. 3. 3 Civil society: much hope, but for what, and why, ultimately?

The reason this is important is because once again it justifies what faith many political theorists hold out for the concept of civil society – and this has implications for conceptions of democratic politics as will be illustrated. For ultimately all accounts of civil society or the civil society argument have a conception of where the suggestions about society they make, gel with democratic politics. Walzer for instance argues that his critical associationalism involves civil society members 'shaping a co-op budget rather than deciding on national fiscal policy or volunteering in a hospital than joining a political party'.[50]

While I have presented some of the different arguments which outline the significance of the concept of civil society to modern political theory it should be stressed that for current purposes the most important thing to bear in mind is that, and how, all of them ultimately have the aim of furthering the struggle for democracy; whether they differ on how that is to be done is not for the moment of overriding concern. What is important is that the rise of interest in civil society represents notification of a growing crisis in the realm of state theory (and correspondingly democratic politics) which ultimately further challenges often unnecessarily or at least prematurely (as shall be argued), the overall legitimacy of the state.

1. 4 Hegemony of the deliberative democratic ethos

I argue that deliberative democratic theory (relying on key theoretical concepts from civil society) offers further refinement of the arguments inherent in much civil society theory. But I will argue that in having done so, deliberative democrats offer (like many of those who have faith in the ability of civil society to 'democratise the state) an imprecise (biased) formulation of the relation between civil society and the state, which fails to acknowledge much that could (and should) already be deigned radical democratic activity.

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[48] See Meadwell, H, 1992. This will be taken up shortly when we consider how the civil society argument has been refined in the deliberative democracy literature.
[49] Baker, G, 1999, p 23.
[50] Ibid, p 106.

The inspiration for arriving at this conception of 'critique of critique' was through considering Honneth's challenge to specify structural barriers to participatory democracy, and anticipating what might be offered by way of rejoinder. Additionally, if a truer theoretical reflection of the democratic space continues to elude us, the constant critique that results from overlooking objects in the field will overexpose or saturate those it is aimed at, rendering justified critique less and less believable.

Civil society theorists are not alone in their appreciation of the significance of 'the civil society argument' for democratic inclusion. Let me illustrate: admittedly the modern concept (consider its different historical incarnations) came to life (broadly) on the back of considerations of the 'possibilities of a democratically organised political opposition' in socialist countries (then a determinedly aggressive civil society) - and as Baker alerted us, this was usually in the interest of a radical opposition movement's self-aggrandizement - but in the West as Honneth argues it 'was rather used to found a new conception of radicalized democracy'.[51] This meeting of East and West, as I have outlined in the rendition of civil society and deliberative democratic theory, saw many hybrid political theoretical projects hatched which sought to feed off this energy.

Honneth presciently points out that 'today, when one talks about the task of further democratization within the context of the highly developed countries of the West, then one is referring to the question as to how democratic participation in the process of the 'formation of political consciousness' can be widened and enhanced within the framework of the established political institutions of a parliamentary democracy.'[52] This conception of democracy implicitly accepts all the arguments that have been put forward for there not being any discernable ideological differences between competing political parties or candidates. The emphasis on highly developed countries need not concern us. Honneth's distinction between East and West types are often difficult to distinguish in reality, but it is important in that support for cries of democratic 'illegitimacy' are likely to be shriller in the East (and similar societies), but they do echo loudly in the West (and South) to. As for the Developing States (South) calls for further democracy equally takes many forms, and it is difficult - if called for - to provide a catch-all term for what further democratization entails.

Nonetheless, for the moment I will discuss how this furthering of democracy has been attempted and theorised using arguments about deliberative democracy (they apply in South Africa). The main characteristic civil society theory and deliberative democracy share in common is that each tends to argue for the deepening, or furtherance of democracy based on how countervailing forces - sometimes simply assumed to lie outside the state in civil society – should have great political significance.

The reason for setting up the manner in which 'furtherance of democracy' has been argued for is in order to show that this is a more complicated project than is often assumed. I want to argue that a theorists' licence (so to speak) to argue their case for insufficient democratisation rests upon the fulfilment of a set (here, one in particular since it the most important) of theoretical requirements – which are occasionally fulfilled admittedly, but not often.

[51] Honneth, A, 1993, p 19
[52] Ibid

The challenge laid down to those who wish to claim that the intensity and extent of political consciousness formation in a democratic state lacks is to show that what they call for does not exist adequately; that they are not presenting a straw man argument which they can bayonet at will, and which slyly comes to serve their own purposes. Deliberative democratic accounts - often closely but perhaps not directly aligned with civil society advocates and theorists, and taken up by all manner of critics - cannot simply self righteously assume through a cleverly crafted appeal to flimsy evidence that their claims hold water.

Critical claims are disputable not because civil society is itself 'less than civil' (and not therefore deserving of attention for the reasons it says it is) as some have argued, but because the terrain in which a nominally rights-based civil society (consider Cohen and Arato's fears) operates is often less constrained by a lack of opportunity to influence the formation of political consciousness than alleged.

1. 4. 1 'The system' and how we influence it

Before illustrating the immanent possibility that that could be true a representative deliberative democrat position is presented in order to illustrate the strength of the position that has been put forward for the likely existence of insufficiently inclusive democracy.

Just as civil society theorists have laboured to fashion a concept that is commensurate with present realities (constitutional democracy and all this entails about the position of civil society) so also in 'traditional political theory' is it held that the 'holistic concept of political practise has lost its lustre and motivating power' and that since 'the contradictions built into the concept of popular sovereignty itself became manifest (i.e. The People from whom all government authority is supposed to derive clearly does not comprise a subject with will and consciousness) democratisation now works to overcome not genuine political forms of resistance but rather systemic imperatives of differentiated economic and administrative systems'.[53]

It then falls to deliberative democrats to elaborate on what their unique contribution to ongoing debates about political self-rule in a radically sceptical world (a world which Michael Walzer and Offe and Preuss correctly portray as providing very difficult terrain for the civil society argument to navigate, from a motivational perspective, as we saw earlier) consists in.

Habermas describes his aim as 'simply to determine how a radically democratic republic might even be conceived today, assuming we can reckon on a resonant political culture that meets it halfway'.[54] It should be clear that present day civil society theorists share many of these concerns, though often they do not state as much, or as eloquently. Habermas refers to how in the mid 1850's a particular German democrat conceived of the idea of a total will along completely nonutilitarian lines, saying this assigned to 'public discourse the role that Rousseau ascribed to the supposedly universalizing force of the mere form of the legal statute'.[55] He goes on to say how 'public discourse must mediate between reason and will, between the opinion-formation of all and the majoritarian will-

[53] Habermas, J, 1997, p 41.
[54] Ibid, p 43.
[55] Ibid, p 46.

formation of the representatives.'[56] This tension between equality and liberty (the procedures of bringing arguments to bear secure equal liberty via rights (as Habermas and Arato and Cohen have argued for in the present day)) can be resolved 'as soon as an overly concrete reading of the principle of popular sovereignty' is renounced.[57]

Habermas argues that in the past the political parties of the day were free associations that specialized in bringing influence to bear on the process of public opinion- and will-formation.[58] Of course the same faith in political parties no longer exists,[59] and it is largely this fact which accounts for the rise of attempts to incorporate the public more effectively in political decision-making.

Habermas goes on to show that historically the shared goal of universalizing basic rights took the form of 'normalizing the status of dependent wage labour through participatory political and social rights' and shared prosperity, in exchange for control of capitalist growth managed by the parties in power, who operate the levers of administrative power to implement goals via intervention.[60] This 'right' was in turn disputed by anarchists whom Habermas (now) dismisses as 'utopian' in an age of advanced (global) capitalism. Unfortunately 'by now,' he argues, 'it is clear that the administrative instruments for implementing social-welfare programs are by no means a passive medium without properties of their own, as it were.'[61] In other words bureaucrats who manage these state accounts have an interest in their ongoing existence. It might be argued that as the intricate welfare state is permanent in European countries so is it with the policy of Broad-Based Black Economic Empowerment (BBBEE) in South Africa. BEE deal-makers and verifiers of codes mirror the social democratic state bureaucrat. We cannot rely on interest groups to secure through the fanning of democratic energy, decisions made in a democratic spirit.

Habermas proposes 'a distinction in the concept of the political itself, consonant with the duality of the normative (democratic) and instrumental perspectives.'[62] The manner in which power is generated is either 'communicative' or 'administratively employed'. There seems also, on Habermas' part, to be an acceptance that part of the system will never be open to democratic imperatives. It is 'an empirical question' as to which overpowers which in the 'political public sphere'.[63] He argues that communicatively generated legitimate power can have an effect on the political system 'insofar as it assumes responsibility for the pool of reasons from which administrative decisions must draw their rationalizations,' meaning it is not true that 'anything goes'.[64] Up until this point as far as Habermas' account goes, there does not seem to be much to quibble with. In fact it could be argued that as far as civil societies' influence in political reality goes, this represents an immanently workable model for the present discussion's purposes.

In fact the logic of this theorisation and how it *is* realized in empirical reality does form the basis of the working definition of the public sphere. Habermas' own account of how

[56] Ibid.
[57] Ibid, pp 47 – 48.
[58] Ibid, p 48.
[59] For example look at the extensive debate about power politics in the South African Tripartite Alliance.
[60] Habermas, J, 1997, p 51.
[61] Ibid, p 55.
[62] Ibid.
[63] Ibid.
[64] Ibid, p 56.

the public sphere operates and functions, however, labours under his theoretical requirements unnecessarily I argue. For Habermas political deliberative democracy is instantiated when the state is responsible – Offe outlines how responsible agents act; 'by methodically taking the critical perspective, simultaneously and in the *futurum exactum*, of the expert, the generalized other, and of themselves'[65] when evaluating their own actions.

1. 4. 2 Who is being fooled?

Habermas retains his earlier fears (stemming from the early proponents of critical theory)[66] about the gullibility of popular opinion, and the ever-present possibility that the relation between organized politics and the 'surrounding environment of unstructured opinion- formation' proceeds according to 'ideologically pre-given assumptions'.

He can only be as optimistic as to argue that the normative expectation of rational outcomes (based on normative arguments) means the public sphere functions as a normative concept, with *voluntary associations* representing the nodal points in the communication network that emerges from the 'intermeshing of autonomous public spheres'.[67] I would argue that he is perhaps too pessimistic (idealistic), too circumscribed, about how and what organisations can be expected to come up with, or productively crystallize useful-to-democracy normative contributions. Perhaps realizing some of the ingredients in Habermas' recipe do not come cheap, is partially the way forward?

Voluntary organisations and mass movements of public opinion (the continued strength of which he says, is sometimes illustrated by about turns or large changes in party political platforms) 'specialize in discovering issues relevant for all of society, contributing possible solutions to problems, interpreting values, producing good results, and invalidating others'.[68] But Habermas' construal of the public sphere means a heavy normative burden is placed on a fairly flimsy concept which has it that an 'intersubjectively dissolved popular sovereignty withdraws into democratic procedures and demanding communicative presuppositions of their implementation'.[69] Why it has to be indirect is that if influence is *direct*, Habermas, it strongly appears, has convinced himself that this entails the communication was too purposive and thus, obviously, strategic (systemic, and not inclusive). This distorts the legitimacy of the 'democratic' decision then. All we can rely on is voluntary organisations, and social movements, and so forth. The answer would, for Habermas, appear to be blowing in the wind. To a degree, that he argues this is understandable but need we be so pessimistic?

That organisations that can assist in the formation of discursively formed judgements and decisions (upon which voters are to base their choice ultimately) actually exist is not certain for Habermas either. This epitomizes his sceptical position and might explain to an extent his penchant for sticking to normative debates but does not do sufficient justice to what has been achieved, or what might conceivably be said to constitute a democratic advance, even within this strict radical democratic paradigm.

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[65] Offe, C, 1992.
[66] See Habermas, J, The Structural Transformation of the Public Sphere, 1991, Massachusetts: MIT Press.
[67] Habermas, J, 1997, p 57.
[68] Ibid.
[69] Ibid.

This is not a knock-down argument against his own case for 'how a radically conceived democratic republic might be conceived today' but it is a strong indictment of Habermas' own lack of appreciation of what we do possess by way of 'vessels' for informal opinion-formation in (sufficiently) autonomous public spheres. Habermas' account of opinion-forming organisations that catalyze the growth of 'autonomous public spheres' and which thereby 'change the spectrum of values, issues, and reasons' and which are meant to be the measure of an unsubverted public sphere which is 'not inundated with discourse channelled by the mass media, unions, associations and parties according to the dictates of power'[70] speak to hefty credentials in order to qualify as 'collective' avant-gardes. Perhaps Habermas has become too complacent in his analyses of other organisations in civil society, or other aspects of the public sphere? Habermas is spot on when he opines that 'communicative power can become effective only indirectly, insofar as it limits the implementation of administrative, hence actually exercised, power'[71], but the manner and means in which this 'siege' is (and can be) affected deserves more attention.

'Large segments of the political and socio-scientific public of the 1980's' says Helmut Dubiel, 'quite unlike the leftists generations of the 1950's and 1960's – were fascinated by social developments that tended to contradict rather than corroborate the conclusion that total domination (in its manifold manifestations) was being established'.[72] Ultimately those who 'stage' the 'siege' might not achieve the fulfilment of a normative vision such as Habermas' (he admits: 'an unsubverted public sphere is unrealistic, but not utopian 'in a bad sense'), but it is debateable whether we need confine our assessments of the degree of autonomy of opinion- and will-formation (an agreed good) to how 'permeable to free-floating values, issues, contributions, and arguments of political communication that cannot be organized as a whole' the formally structured organisations of political will-formation are.

Habermas is no doubt trying in the interests of the bigger theoretical picture he is painting, to emphasize the extent to which many supposedly value-free impartial organisations have a stake in the status quo, or in changes to it, and cannot thus be said to hold opinions and values free of the power or money perspective; but I argue, at the expense of less grand 'fairer' arguments probably.

A perpetual problem involved in discussing the refinement of political preferences into 'reasonable and non-regrettable outcomes' as we have seen, is what is meant by 'rational' or 'enlightened'. Offe and Preuss handle this question in perhaps a less abstruse manner than Habermas has tended to. A sufficiently rational (and democratic) outcome for them would ideally have to be 'fact-regarding' (not ignorant or doctrinaire), 'future-regarding' (not myopic), and 'other regarding' (not selfish).[73] To what degree the aggregate outcomes of citizen's individual acts of participation can be justified as reasonable has been measured in the history of democratic theory by different standards: theorisation on civil society, the public sphere, and democracy is but a recent attempt at setting the coordinates of a standard.

[70] Ibid, p 60.
[71] Ibid, p 62.
[72] Dubiel, H, 1992.
[73] Offe, C and Preuss, U. K, 1991, pp 156 -157.

Offe and Preuss even argue for a radicalisation of the principle of democratic participation which amounts to 'organizing an orderly social conflict' between 'inner conflict' in addition to that between minorities and majorities, between cherished and less cherished desires. The premium here is placed on actual deliberation (Habermas has been accused of neglecting the actual site of arguments and what can be expected to emerge) itself since that is the source of legitimacy: publicly defending these conflicting desires. Offe and Preuss say that neither Rawls' veil of ignorance nor Habermas' rationality standards are up to the task of institutionalizing these developments. But they go on to say that the ongoing achievement of the principle of reciprocity requires an emphasis on how preferences are formed and learned in civil society. A particular suggestion for how to achieve this kind of reflexiveness: inserting 'elements of statistical representation into the established forms of representation through party competition and party bureaucracies'[74] is indicative of this style of thought as holding out against hope, though reluctantly having to rely on quite familiar refrains.

Habermas' own thinking on the manner in which his particular vision of voluntary organisations can - through public sphere - influence organized politics, is highly differentiated and complex, firstly, in what he is trying to achieve with the theoretical account (there is no longer any other way to conceive of autonomous democratic sovereignty), and secondly, in that the way in which the capitalist-welfare state has been factored into his theory is so realistic as to be almost exclusory of traditional would-be democratic forces.

The biggest intervention he makes is to put forward a 'discourse theoretical approach which offers a way of understanding the connection between the rule of law and popular sovereignty without appealing to a transcendent notion of reason or overburdening citizens' capacities for public virtue'.[75] He does that by putting across how actual communication (allegedly because of the nature of actually engaging in conversation) enhances democracy.

But Habermas' increasingly pessimistic conclusions led David Held to say 'at the moment, in Habermas' opinion, there is no way of cogently deciding questions about the chances of a self-transformation of advanced capitalism'.[76] Habermas has the success of deliberative politics depend not on a collectively acting citizenry but on 'the institutionalization of the corresponding procedures and conditions of communication, as well as the interplay of institutionalized deliberative processes with informally constituted public opinion'.[77] While the intricacy of the account is the result of trying to formulate the conditions whereby it would mean 'an administration limited to pragmatic discourse' not disturb 'anything in this universe by its contributions', and at the same time draw 'therefrom the normative premises that have to underlie its own empirically informed, purposive-rational decision-making', it is arguable that Habermas' account of the ideal workings of the public sphere need be confined in the way he does.

In fact what the broad theoretical picture presented by deliberative democratic theory allows is a better appreciation of how (should, could, and does) civil society broadly understood (including voluntary associations) comes to influence power. The emphasis

[74] Offe, C and Preuss, U. K, 1991, p 170.
[75] Baynes, K, 1995, p 214.
[76] Held, D, 1980, p 288.
[77] Baynes, K, 1995, p 215.

placed by Habermas on the link between the administration and unorganised opinion- and will-formation provides a realistic model for the manner in which civil society might influence the organised political sphere. In fact it has been suggested that this is the 'main thrust' of a discursive account of legitimacy: 'the attempt to show how the demands of maximal democratic inclusion might be reconciled with a politics of reasoned agreements'.[78] Once the latter is acknowledged the important question becomes that of providing the order in which rights ought to be recognized, or providing a list of the material requirements that would make these rights effective. Arguments abound concerning how to bring certain substantive features of democratic life (inequality) into focus, which should supplement the deliberative democratic procedural account.[79]

I argue that what Habermas has presented is an adequate conception of the function of the public sphere, and one which many could agree with. However the problem with understanding communicative power as Habermas does: a product of an overlapping and intermeshing of a variety of (more or less institutionalized) pragmatic, ethical-political, and moral discourses[80], means that the model of procedural democracy allegedly required to institutionalize these discourses in the public sphere(s), often implicitly under-appreciates the kind of discourse that is available in the public sphere and in fact does 'encircle the organized political system with reasons, without, however, attempting to overthrow or replace it'.[81]

The question ought perhaps to be, do we have an adequate theoretical understanding of the public sphere which might live up to the demands of describing the possibilities and instances of radical democracy of the type we have broadly agreed is desirable? Crucially, this challenge applies both to those who seek to defend or endorse the current level of democratisation; and those who wish to critique it. For the critic of the status quo, her position ought to come off as strong a base as possible, in order not to be accused of presenting a straw man argument (in the interests of plausibility rather than to dispute the veracity of critique for the sake of it); while for the defender of the status quo, wanting to point out what the critic overlooks, theory is paramount.

Habermas' discourse theory model provides a good idea of what is ideally required in terms of institutionalization of deliberative processes involving the public sphere throughout; but the ability to appreciate how close we have moved to those siege-like procedures is lessened by some of the notions Habermas and those who share his assumptions about the make-up of the public sphere hold. For them the public sphere as they understand it has become depoliticized, and politics scientised – 'individuals have very little, if any, say in decisions which are supposedly made in the public interest, or for the common good.'[82] Thus, predictably, we find the 'demise of the public sphere as a sphere of human discourse and debate, a sphere of the production of ideas… exacerbated by the rise of mass society and cultural consumerism'.[83]

[78] O'Neill, S, 2000, p 503.
[79] See O'Neil, S, 2000; see also Bohman, J, Deliberative Democracy and Effective Social Freedom: Capabilities, Resources and Opportunities, in Bohman, J and Rehg, W (Eds), Deliberative Democracy: Essays on Politics and Reason, 1997, Massachusetts: MIT Press.
[80] Baynes, K, 1995, p 213.
[81] Ibid, p 217.
[82] Reitzes, M, 1994, p 104.
[83] Ibid, p 116.

Thenceforth the main concern is with the framework or foundation provided by deliberative democracy. Kenneth Baynes argues that Habermas' ideas suggest a 'two track' process with a division of labour between 'weak publics' ('informally organised civil society', and 'strong publics' (parliamentary bodies and other formally organized institutions of the political system.)[84] He then goes on to outline the division of labour between them, acknowledge the steering responsibility as the 'goal of radical democracy', and to raise the question of Habermas' conception of the public sphere and whether there might not be an alternate 'division of labour' between his suggested 'weak' and 'strong' publics. Many others have raised the issue of the importance of the relation between these suggested weak and strong publics and how important it is that mediation occurs to produce a rational or democratic - not coerced - outcome.[85]

The extension of Honneth's challenge to civil society theorists to those who claim the insufficient presence of democracy in political consciousness formation is a legitimate one. Better appraisal of what the public sphere consists in – a vast and complex communication network – allows for that challenge to be strongly stated.

In order to gain that, a return, paradoxically it might seem at first, to state theory, will assist in better sketching what the nature of the public sphere consists in. Referring to Claus Offe's conception of policy formation serves to allow me a starting point in better defining the nature of the state, and thenceforth to offer, counter-intuitively, a better empirical account of the nature of the public sphere which - while this is very likely considered wholly insufficient by vociferous deliberative democrats and radical civil society theorists - will allow for a more considered appreciation of what it is possible to hope for. And ultimately what will be shown is that what can be 'hoped for' is not always as distant as one might think. Throughout the following discussion it should be borne in mind that ultimately what is at issue is a *diagnosis* of claims that the state is characterized by insufficient concern for democratic values and opinions.

1. 5 State, decision modes and what this means for the public sphere

Why I present Offe's analysis about the problem of policy formation is that his formulation and the sub-conclusions he reaches along the way to his eventual sceptical conclusion about the mode of decision-making in the capitalist state, illustrate perfectly a fundamental point concerning the relation between civil society, the state and policy-formation in a capitalist state, that will run throughout my discussion of civil society and the public sphere(s) as they relate to policy-making in a capitalist democracy, and in present day South Africa.

Offe presents a concise breakdown of the types of decisions which states must and do take. My interest in this rendition of policy formation is in *decision rules* the state might use. Although Offe's account of these decision rules is put forward with the intention of weighing up the pro's and cons each has for the fulfilment of the state's (capitalist) mandate, my purpose in reviewing them is to provide a backdrop for a more schematic rendition of the public sphere which - as will be shown later - makes it *prima facie* difficult to pose a case for democratic inadequacy.

[84] Baynes, K, 1995, p 217.
[85] For instance see Fine, R, 1992.

Why that is important is that what Axel Honneth has called a 'sociology of domination' or an 'analysis of power'[86] is henceforth likely to be a more complicated analytical construct to manufacture, taking on different dimensions, when consideration of these state tasks and the possible decision rules used in achieving them is factored in. It will ultimately require a different understanding of the capitalist public sphere.

Different expressions of the relation between the formal political sphere and the informal (civil society and its different nodes of communication) have long existed, and these circumstances (including the Catch-22 situation of the state ultimately guaranteeing civil societies' existence) felt in whatever form they happen to present themselves from place to place are the fruit of the global and regional history of democracy.

The plain fact however exists that 'the state is an interventionist one in advanced capitalist societies.'[87] Despite the different formulations made over the last century about the motivations for state behaviour in the various schools of state theory, it seems indisputable that 'if we think of the budgetary obligations of the state…its extensive reliance on surplus created in the accumulation process and derived through taxation…becomes immediately clear.'[88] And ultimately all the state's policies depend on the accumulation process (dependency) and the state performs actions which denote that it accepts that exclusion (exclusion) from the capitalist economy, but despite this the economy cannot function without the state engaging in policies that maintain the conditions of accumulation (maintenance). This means for a state to be a capitalist state 'every interest' and the resulting policies of the state personnel must incorporate, at some level - through a particular 'selective principle' - those policies which do not offend against that (the state's) reliance on the main principles of exclusion, maintenance and dependency.

This is in fact the focus of Offe's discussion. His is a normative account of what a capitalist state needs to do to achieve its aims. An ideal capitalist state would in an ideal capitalist world approximate a well oiled machine that could act on itself and its surrounding environment at all the necessary levels (it could survey the entire societal terrain and make short and long term decisions which maintained the smooth functioning of all institutions and systems that upheld and remained true to the three principles by which this state had to operate). Unfortunately there is the small problem of what people (and government) are capable of deciding, and of what people (short or long sighted) actually want, based on their limited conception of 'the good'.

The history of political thought not discussed here, in reaching this definition of what it means for the state to be rational, is of course not negligible! The state being rational or not is a matter of extensive debate which there is no time to discuss here - mainly how the state, or the common will of The People, is not, and should not be treated as a person with desires writ large - which proceeds from a variety of premises about what the state should aim to achieve, what the basis of human nature is with which it must work in achieving what it must, and what it can, given this, expect to achieve. Where do civil society, democracy and policy making fit into this look at the ideal capitalist state? That is not an easy question to begin to answer, let alone answer.

[86] Honneth, A, 1993, p 20.
[87] Offe, C, 1975, p 125.
[88] Ibid, p 126.

Offe seems to suggest an answer when firstly, he asks what is 'responsible for the coincidence and harmonious coexistence of these conditions' – in other words how is it possible for the state to do all it has to, to keep a capitalist state functioning smoothly; and secondly when he answers that this is ultimately possible only through 'legitimation'. The latter involves the state conveying the image of an organization of power that pursues common and general interests.[89] This is exactly Habermas' concern in advocating deliberative democracy: how to avoid such a situation! 'Legitimation' is thus completely different from 'legitimate', needless to say. So in other words the state remains rational to the extent that it can achieve all it has to while using symbolic means to convince and conceal its true nature. Should it not achieve a measure of legitimation, it would stand no chance of even beginning to behave rationally as a capitalist state. Legitimation is a necessary but not sufficient condition for acting rationally in other words.

But this is not in fact where Offe does - having summoned up a very believable conception of how the state largely does function (I will shortly elaborate, to illustrate how institutionalized deliberative processes and informally constituted public opinion, including civil society, do in fact relate in policy-making) - drop talk of 'democracy'. It remains an open question as to where he himself actually stands on the question of a judicious compromise in the search for rationality and the extent to which the state must give a nod to the search for democratic consensus. This need not concern us. He does acknowledge that this democratic-consensus mode exists to a greater or lesser degree in practise, but the nature of his argument about the best procedure for maintaining capitalist societies leads him to question to what extent it is functional to pursue this mode of organizational procedure (democracy or the search for consensus).[90] It is likely, given the positions in later work, that he sides with a formulation similar to Habermas' concern with reciprocity; discourse mixed through institutions, to produce deliberative politics.

At the time Offe in fact essentially sets up a well functioning legitimacy-inducing machine as an ideal for the capitalist state to approximate – in addition to the other taxing conditions it must heed. Democratic (or what he calls decisions that emerge from 'consensus' decision making) exchanges involve a search for consensus (dear as we have seen to deliberative democrats who worry about the distinct possibility of 'individuals and groups forming an image of their will and their situation' shot through with domination, in that search for consensus), and separately and/or simultaneously a state effort at employing symbolic gestures to achieve widespread acceptance of what are capitalist policies in Offe's schema.

Offe highlights 'two modes of intervention linked to the changing pattern of threats, or structural problems, that emerge out of the accumulation process and to which these modes of state activity can be seen to be responses.'[91] He proposes allocation-type modes of interventions or activities such as making laws about compulsory schooling, and productive modes of activity such as manpower training. The former 'operates' by way of political power and is based on political decisions (paradoxically perhaps, not democratic at all), while in the latter – the state has to intervene when 'the rules of the game' are changed, putting many at a disadvantage because they cannot approximate the level of innovation to remain competitive – where the rationale is to restore

[89] Ibid, p 127.
[90] Ibid, p 135.
[91] Ibid, p 129.

accumulation, a different decision mode is in operation.[92] Offe says that the state has to respond to negative events, and does not respond to demands in the latter case (usually, in allocative activities, those of the most powerful), and for this reason it has to 'devise decision rules of its own'.[93] 'Social and economic problems, as items on the state agenda, may trigger changes in the formal strategies according to which the state operates, and conversely these formal strategies may substantially determine both the ability of the state to perceive problems, and the nature of the ensuing policies.'[94] So the state self-consciously sets up procedures in response to problem situations, and these may subsequently determine to a great degree which problems are picked up.

I do not agree entirely with Offe's breakdown of possible state activity into these distinct types, since allocative type interventions, or 'political decisions', will also entail decisions based partially on 'devised decision rules'. Perhaps this simply means there are no 'simple' exclusively allocative interventions? This minor detail does not affect my subsequent argument. Offe's is vintage system's theory in that the 'formal rules determine what potential goals are and what problems have the chance to come up on the agenda of the political system'.[95]

This analysis of 'form' by Offe's is meant to be distinguishable from the 'content' aspects of public productive policies, where analysis leads to a clearer picture of the processes in the 'environment' of the political system that led to problems being recognized, whose interests those were, and what the distribution of benefits amounted to.[96] For Offe the types of formal rules or procedures are either one, Weber's ideal-typical bureaucratic model; two, a technical rationality geared to purposive action; or three, a consensus–based mode where there is determination of administrative action through 'conflict over interests, or agreement on common interests', involving members of the state (administration) and the state's 'environment'[97] (perhaps this is the category under which 'simple' allocative decisions fall?).

While these distinctions are useful Offe and I (he is interrogating why an ideal capitalist state does not yet exist and probably never will) argue none could on its own ever be used to describe an actual administration's relation to its environment. Offe says instead that what is real about 'the capitalist state', since the depiction of the ideal capitalist state he has offered is never approximated because each mode is insufficient to the task of the capitalist state on its own, is that there is a 'constant attempt to reconcile and make compatible these various functions with its internal structure, or mode of operation'.[98] For instance, one, 'participation and unfiltered conflict tends to interfere with the institutional constraints, under which state agencies have to operate, leading to highly unstable situations', two, the environmental actors (business) 'retaliate' against purposive rational decisions (a chain of disinvestment), or three, bureaucracy is ineffective or wasteful.[99]

[92] Ibid, pp 129 – 132.
[93] Ibid, p 133.
[94] Ibid, p 135.
[95] Ibid, p 135.
[96] Ibid, p 134.
[97] Ibid, p 134.
[98] Ibid, p 144.
[99] Ibid, p 143.

1. 6 Better defining a contested arena, the public sphere: do we not know enough about the public sphere?

Consider that Offe's eventual conclusions and focus is that there is 'neither visible nor to be anticipated'[100] a strategy that actually does reconcile these functions. What makes neither of these procedural types adequate to the tasks of the capitalist state in its productive functions, is also the door to the public sphere; but a particular version of the public sphere. How? Let us imagine that the public sphere is not only distinguished for the level and type of discussion happening in it, but for the type of function it serves in a democracy. Offe's account of the decision modes and the decision types which states engage in offers an interesting picture of just how broad the functions of a public sphere might be.

Firstly, Offe mentioned amidst this dire and pressing need of the capitalist state the legitimation process as one where the state conveys the image of equal access to power and response to justified demand. This obviously involves strong elements of populism mixed into the bureaucratic decision-making process.

Secondly, allocative decisions by the state involving disposal of state resources (an example in the field of health would be laws that make certain behaviour mandatory, or regulations that makes certain claims legal) surely also allow for a degree of influence by the civil society actors on the political arena.

Thirdly, the proposed insufficiency of the three modes of decision for the productive state activities (which require 'control by output' – not 'control through input' like typical bureaucracies[101]) deserves further consideration, paradoxically, for what this conclusion does not say.

It is likely that different parts (executive political authorities, ministries, line ministries, other official judicial structures) of the capitalist state will produce decisions through either one of the three varieties of decision modes, a combination of these may exist, and, more likely still, a combination of these three decision modes might exist, for argument's sake, in respect of a particular issue in a particular ministry. This all told is not an insignificant arena for informal will- and opinion-formation to coalesce with formalized will- and opinion-formation.

1. 7 Public sphere and democracy: the onus of proof shifts

Claus Offe's conception of the choices a capitalist state faces in 'choosing' its decision rules is arguably a concise accurate rendition of much in the state theory tradition. Although this is not Offe's intention at the time, the account serves through discussion of the appropriateness of decision modes for particular types of problems faced by the state, to teach us what we might expect to exist regarding dynamics in the public sphere.

The intention here is not to show that the public sphere likely does fulfil its democratic role, rather the aim is to show it is *unlikely* that it does not, given a realistic account of the public sphere and what ultimately it might be argued it consists in, contra overly idealistic deliberative democratic theory. That is, given that the public sphere has been

[100] Ibid, p 144.
[101] Ibid, p 136.

said to consist in the (more or less) institutional arrangements between formal political publics and informal publics. Complaints pointing to structural barriers to widespread participation often overlook the actual functioning of the public sphere; which as Habermas' social-theoretical account of the way in which political autonomy ought to be exercised in constitutional states points out, ideally exists (very broadly) in 'the language of law acting as a transformer that picks up messages originating in ordinary language of everyday communication among citizens and translat(ing) them into an abstract but binding form'.[102]

The rationale, behind including a look at firstly, the confusion in state theory, secondly, how civil society theorists consider their conception of the relation between civil society and state pertinent to democratic theory, thirdly, the arguments of deliberative democratic theorists, and finally, a detailed look at Offe's account of how the state formulates policies it must, lies in better illustrating how it is that the public sphere does operate, both ideally, and ultimately empirically. These illustrate just how complex the public sphere is, and accordingly how difficult it is for empirical account of a 'sociology of domination' or analysis of power to be able to account for the variety of ways in which the public sphere does in fact function in a capitalist (or otherwise) democracy.

1. 7. 1 Public sphere in focus: theoretical questions

What might a better rendition the nature of the informal public sphere where citizens discuss and form opinions in civil society (and not only voluntary organisations) consist in? In answering this question it will be important to broach questions like: does not a problem exist in, one, identifying what constitutes the nature of that 'ordinary language' of opinion; consequently, two, identifying when, or even whether it is being ignored by constitutional structures and 'the language of law', three, whether public opinion about a particular issue is always discernable, and four, whether ordinary language ever (or always) thematizes itself adequately from out of the purported 'weak', 'strong', 'formal' and 'informal' public spheres? These questions are fundamental to analysing the quality of democracy.

Not doing so adequately can result in claims that ordinary language is being disregarded by the administrative system ('the informal public sphere acts as a warning system for the formal constitutional structures in identifying new problems and providing potential solutions for them before they are taken up by legislative bodies'[103]), when actually what is happening is that the themes and values generated in civil society organisations just happen not to be those of particular critics who are also but not exclusively participants in that informal public sphere.

I argue that at the same time that the strong ideal of the public sphere seeks and serves to 'highlight the forms of asymmetry, coercion, violence (as opposed to 'power' where acting is in concert after agreement) and communicative distortion'[104] by presenting the ideal picture of how communicative power in civil society can provide the basis for influencing the administration, it *also* provides a distorting mirror on the configuration of what constitutes communicative power properly understood. This distortion of the

[102] O'Neill, S, 2000, p 508.
[103] Ibid, p 508.
[104] Villa, D. R, 1992, p 712.

theoretical space often makes it difficult to fathom ways in which the administration *does* find itself influenced by 'communicative power'.

I do not want to quibble overly about the philosophical mechanics of the activity in the public realm or sphere – whether it is at base consensus-driven or not (Habermas)[105], or whether the public sphere has become distorted or transformed because of the substitution of voting and judicial decision-making for spontaneous agonistic action.[106]

This does not entail proposing instead a different (equally idealistic) 'theory of political action and speech'[107] such as one that instead of seeing value in the formation of a rational general will (Habermas' deliberative democratic story) rather takes as its ideal 'agonistic subjectivity' 'where to speak is to fight in the sense of playing, and speech acts fall within the domain of general agonistics'.[108] An example of such an alternate vision of the public sphere which is not as critical of reality as Habermas' is Mouffe's argument about the public sphere(s): 'I have argued for a model of 'agonistic pluralism', one which acknowledges the role of power relations in society and the ever present possibility of antagonism. According to such a view, the aim of democratic institutions is not to establish a rational consensus in the public sphere but to defuse potential for hostility that exists in human societies by providing the possibility for antagonism to be transformed into 'agonism''.[109] The thesis presented here is agnostic about the nature of action in the public sphere.

Rather the public sphere will be depicted as a mixture of these modes and more besides. A minimal understanding of 'policy networks as political structures, although, of course, not unchanging structures'[110] is the starting point for this understanding. Policy networks result in 'a distinctive leadership drawing to themselves those interested in the accomplishment of particular tasks, sometimes creating demands for activities not otherwise articulated. Alternately, external pressures from the community may meet sympathetic hearing if the capacity of the agency is oriented to meeting this demand. Those parameters collectively may be identified as the policy environment'.[111] Hilgartner and Bosk point to how 'authoritative versions of reality compete to be accepted as characterisations of the situation' and additionally, and importantly, how 'a large collection of problems compete with one another for public attention'; the relation between these levels meaning social problems 'must compete both to enter and to remain on the public agenda'[112]

The point argued is that a better depiction of the public space or sphere would partially or significantly invalidate the justification(s) for radicalizing democracy according to proponents own standards. I argue that many theoretically well informed depictions of failure to inaugurate 'maximal inclusion' or accounts of skewed sociologies' of domination have become intoxicated with their own apparent sensibleness.

1. 7. 2 A complex, liminal, 'structure'

[105] See Hudson Meadwell has done this, 1995.
[106] Villa, D. R, 1992, p 717.
[107] Ibid, p 717.
[108] Villa, D. R, 1992, p 717.
[109] Mouffe, C, 2002.
[110] Marsh, D and Smith, M, 2000, p 5.
[111] Simmons, R. H et al, 1974, p 465.
[112] Hilgartner, S and Bosk, C. L, 1988, p 58.

The beginnings of a model of the public sphere that go some way to rectifying the bias inherent in the elaborate but at the same time vague requirements of the normative model of the public sphere might be those suggested by Nancy Fraser in her reference to an issue being 'political' if it is contested 'across a range of different publics'; and which 'contrasts both with what is not contested in public at all and with what is contested only in relatively specialized, enclaved, and/or segmented publics'.[113] This discourse sense is contrasted (not in the sense of being diametrically opposed) to the institutional sense where a matter is deemed 'political' or 'official political' if instead of being handled in 'the family' say, it is handled in the institutions of official government like government administrations and parliament.

Fraser identifies the key factor underpinning these two axes as 'publicity' – understood to be 'differentiated', in the sense that it is 'possible to identify a plurality of distinct discourse publics and to theorize the relations among them'.[114] A variety of publics can be identified along further axes such as ideological, stratification principles (like gender or sexuality), class, profession, and central mobilizing issue. These publics can also be distinguished by their relative power, into 'leading publics' and 'couterhegemonic publics' according to Fraser.[115]

Now, while Fraser illustrates the existence of these axes and what binds them together, publicity, through considering instances of 'needs talk' or 'needs discourses'[116] in developed welfare societies, and saying how 'in general the best needs interpretations are those reached by means of communicative processes that most closely approximate ideals of democracy, equality and fairness'[117], I argue[118] that we can accept what Fraser says about 'needs talk' (and 'rights talk'), but add that the same axes and requirement of publicity apply in understanding discourses/talks other than these.

This arguably has a major bearing on how the public sphere might be better apprehended. It represents a climb down – in the same way that discourse ethics in deliberative democratic theory represents a climb down from grand hypotheses on the substance of 'progress' or 'liberation' in that it seeks only to establish rules and procedures of sincere, fair, and open-minded communication (and sometimes decision rules) without claiming to qualify morally the material results of these rules in advance'[119] - from the strict versions of discourse ethics where only voluntary organisations can crystallize out opinions free of distorting influences, to something which though not as demanding as what Habermas demands of the public sphere he outlines, is nonetheless significant both to democratic theory and political analysis.

Fraser's points about *where* 'needs' and 'rights' talk occurs might be called the situational and quantitative aspects of the public sphere. The qualitative aspect on the other hand is perhaps best captured by outlining what discourses other than 'needs' and

[113] Fraser, N, 1990, p 166.
[114] Ibid, p 167.
[115] Ibid, p 167.
[116] She also speaks of interpretation of 'rights talk'.
[117] Ibid, p 182.
[118] In deference to my stated goal of depicting better what a fair and objective interpretation of what constitutes the public sphere consists in, and how this might be taken to prop up a society's claim to be more or less democratic.
[119] Offe, C, 1992.

'rights' talk might be said to occur in the public sphere, in their relation to the formal political process. A preliminary appreciation of the qualitative extent of the public sphere is provided by Andrew Chadwick when he breaks down 'political ideas', broadly, into the following:

- 'Ideas communicated by the practise of philosophical discourse where certain concepts enjoy status because they are seen as perennial',
- 'Ideas communicated as supremely political interventions and as elements of particular political strategies', and
- 'Ideas communicated as 'symbolic discourses' such as flag burning' – the latter is the traditionally the territory of free speech theory.[120]

In South Africa for instance the barricading of roads by placing rocks on them to protest against poor municipal service delivery might be seen as a similar political intervention to 'flag burning'.

Although I do not consider this exhaustive of the types of communication in the public sphere, it offers a traditional theoretical conception of how policy is influenced by different types of communication which I would like to take further in the interests of better defining the concept of the public sphere for democratic (deliberative) theory.

1. 7. 3 Qualitative aspects of the public sphere

In an important paper analysing the processes involved in policy-making Gotz - in that context he argues for better policy foundations to be set through the asking of better questions which would be the starting place for arriving at better policy answers - refers to the 'conceptual preconditions that allow a desired outcome to be asserted in the first place', quoting Michel Foucault who refers to the 'connections, encounters, supports, blockages, plays of forces, strategies, and so on which at a given moment establish what subsequently counts as being self-evident, universal and necessary'.[121] Although Foucault's intent was to point out and 'breach the self-evidence' of practises and processes which he referred to as a being visible through practising a form of enquiry he dubbed 'eventalisation'[122], this conception of knowledge claims is furthermore interesting for it says about the world of policy.

The interest I have in this rendition of how conceptual preconditions come to be so established is in the relation they have to an understanding of the public sphere. Fraser's axes are a useful starting point in taking that forward. She argues 'as a result of these processes ('the setting of the terms of debate') members of subordinated groups commonly internalize need interpretations that work to their disadvantage'.[123] I have no argument with that but question whether the interpretation be as schematic as that? Dialogical practises involving this kind of establishment of 'what subsequently counts as self-evident' surely criss-cross the public sphere and make their way from the informal or weak public sphere into the strong public sphere or formal political public sphere, and

[120] The latter is the traditionally the territory of free speech theory; Chadwick, A, 2000, pp 288-289.
[121] Gotz, G, 1997, p 10.
[122] Ibid.
[123] Fraser, N, 1990, p 169.

vice versa, and across a number of what Fraser refers to as publics.[124] There are powerful 'discourse publics' and alliances between them which no doubt have a strong part to play in the complicated process of 'constructing' what 'conceptually makes possible statements of government intent, and what those statements in turn make possible'.[125]

And once these statements or policy problem-spaces are crystallized out (a never ending process of forming and re-forming in itself) 'objects of analysis' followed by 'projects of reality' (in turn made possible through analytical constructs, or *savoirs*[126]*)* allowing an expansion of the range of viable interventions as these 'projects of reality' change or are discarded, become possible, and actual.

The point about the qualitative aspect of the public sphere is that this process involves all sorts of discourse publics in the public sphere. Gotz uses the example of how 'reducing unemployment' with respect to that particular project of reality - which in turn falls under the rubric of 'the economy' as an object of analysis - could not be dealt with effectively simply by using the *savoir* 'how to move away from apartheid'. He sees 'the moment of transition' (in South Africa) as being strung out into a permanent and pervasive *savoir* through which every perceived challenge was then read.[127] He also says by way of qualification to his critical tone however, that 'revolutionary *savoirs* such as conceiving the link between poverty and fertility do not come along everyday'.[128] Presumably the same applies to the search for *savoirs* in relation to unemployment.

Generalizing in the way Gotz does here does not hint at how important and useful the concepts suggests they could be - since the first instance he refers to is no doubt oversimplified for (justified) polemical purposes, and the latter no doubt involved quite a lot more conceptual legwork than Gotz implies was involved. The concepts at work here lead me to ask the question, why should we not consider this 'qualitative aspect', incorporating the admittedly complex workings referred to by Foucault, Fraser and many other, important ingredients in mapping how the public sphere (and importantly, in this instance, its relation to political consciousness formation for the sake of policy ultimately) is actually constituted?

Consider the following example of a likely policy-making process: if we think of the entire process through which the policy of 'mentoring in the South African workplace' comes to be established it cannot be denied that Gotz's and Fraser's (read for 'needs' and 'rights' talk instead 'interests' or 'values' or 'project') conception of policy and the public sphere are at work (although Gotz does not directly theorise the actual social and political action implied by his particular policy-making theorisation). Remember the aim is to objectively consider how the values communicated in the public sphere might impact on political consciousness formation.

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[124] Later in this intervention, for instance, it will be shown that one understanding of evidence-based research has it that incorporating the perspectives of those 'under observation' is the central meaning of this type of research.
[125] Gotz, G, 1997, p 13.
[126] A *savoir* is a way of problematizing and re-problematizing a particular problem such as 'unemployment' (an object of analysis) within different conceptual spaces, Ibid, p 29.
[127] Ibid, p 35.
[128] Ibid, p 36.

Take the following drawing out of logic in political policy-making in the African National Congress (ANC)-led Alliance, by (then) Deputy President Thabo Mbeki, and the implied connection this entails to civil society and the public sphere.[129] 'Mentoring' as a government policy is arrived at as roughly as follows:

> We start with the following admirable goal: a 'non-racial' South Africa. This in turn requires the upliftment of the 'black majority', which requires equality with the 'white section of the population'. To do that requires 'addressing racial imbalances in our society (through) affirmative action; as an example of one policy instrument. In order, according to then-vice president Mbeki, to do so successfully requires that the future (black) candidates for 'Director-General's in the public service, professors, judges, and financial managers' be trained and educated. Mbeki continues: 'taking into account that these black applicants are most likely not to be as well prepared as their white counterparts applying for study places, the educational institutions would also decide that it would discount the under preparedness of the black applicants.' The vagaries of policy-making then lead him to suggest 'bridging courses to enable black students to cope' with the syllabuses, therefore not impairing the overall objective of the course itself. What follows in the next step in the ladder of policies, as they cascade forth toward dry land (a non-racial South Africa) from the ship of state? Once there is a pool of available qualified candidates a company can change its management structure by employing a 'black MBA graduate to understudy its current white finance manager' and play its role in creating a non-racial South Africa.

In getting from A to B - from Policy White Paper to legal injunctions - the steps are: A, A2, A3, A4…B, rather than simply A to B. And the entailment of A2 by A1, or A4 by A3, or B by A8 is by no means self-evident, as Gotz's picture of how good policy is made suggests. This applies likewise to any policy area, or political goal, and however self evident the measures taken to reach it appear; there are and were always foreseeable alternatives at each calculation.

Involved in each step (what is rejected in each step is even less easy to discern by those who make the decision as well as their remote democratic interlocutors, the public) is a process involving many different organisations, public and less public debates. As shown previously Habermas and other deliberative democrats see the public sphere(s) as a place in which reasons which can be publicly endorsed come to influence the reasons (including those which *should* be inadmissible) offered by the administration for particular laws.

1. 9 The public sphere(s) as the setting of settings: saving Habermas from himself?

That is all very well, but the argument is that in proffering accounts of power that claim to show the power dynamic to be insular, the true nature of this relation between civil society and the state is often insufficiently theorised, deliberately ideological, overly naïve, or inadequately articulated.

Byron Reinstra and Derek Hook have argued that,

[129] Mbeki, T, 1995.

> 'the danger involved in taking Habermas' earlier approach to communicative action and applying it in literal fashion to deliberative politics is that we end up with a political theory that has little to say about political structure – except to condemn it as an agent of distortion. For under communicative rationality – especially in its counterfactual extreme of the 'ideal speech situation' – the only force that applies is that of the better argument. Decision is ideally secured by consensus; implementation of the decision is secured only by the commitment of the individuals involved to the content of the consensus; and subsequent compliance relies on free consent. Such a sequence is not easily related to real-world political institutions and processes, especially those in complex and plural societies.'[130]

Arguments about the political structure, decisions made therein and background conceptualisations leading to those decisions, are I aver, possible; and Hook and Reinstra are correct to point out how applying Habermas to real life has little to say about political structure, but this is to become confused over the totally normative nature of Habermas' project.

Contra Reinstra and Hook, whose critique is I argue only a partial rendition of the most appreciable problem with Habermas' theory, the major problem with Habermas' idealism is that the normative expectations it rightly encourages can be too literally interpreted. This need not be the case. An accurate appreciation for what is by definition not ideal but certainly not as tainted as the normative theory implies by its strictness (and vagueness) is possible.

In a stab at Habermas' conception of the deliberative rationality model of discourse John Keane says, 'gone are the days when intellectuals could suppose that media of communication serve continually to correct and refine and autonomously control their own utterances (as David Hume thought was the chief advantage of the printing press)'.[131] The 'ideal speech situation' is thus anything but guaranteed.

While Keane's observations on communicative abundance also show that power is no longer so easily able to hide its motives and justifications, the 'communicative abundance' of the (post) modern era means attention of audiences is thinly and broadly stretched. He thus calls for realism and an end to use of the 'solar imagery' of the 'public sphere' – where the proponents of the values of the enlightenment supposedly shone light on the dark workings of unanswerable power.

Following Keane, my own position lies somewhere between Hook and Reinstras', and Habermas'. While Hook and Reinstra cynically argue that Habermas' idealism is counterproductive for real world policy process analysis, what I argue essentially is that the normative intent of Habermas' theorisation on how communicative power should influence the administration can be seen to be a legitimate normative project, but as regards how that 'siege' by public opinion actually occurs, Habermas sells himself – as do many others who see and argue the value in this project - short.

'Revisionist' critical social theorists (many of them deliberative democrats) are correct in 'locating domination in the same symbolic dimension in which individuals and groups form an image of their will and their situation' (unlike the 'old' radical critical theorists

[130] Reinstra, B and Hook, D, 2007.
[131] Keane, J, 1999.

who locate(d) domination in institutional facts or functional imperatives to which collectives responded mechanically),[132] but since 'negative utopian constructs recall what is irredeemably lost'[133] (as Keane warns against) they tend to grossly undervalue what does exist, I argue.

The idealized public sphere of the polis - even as nuanced and intelligently reworked a concept as Habermas' 'potential of the public sphere' - is just that, ideal. It is mistaken to believe Habermas correctly conceptualises how the public sphere actually lays siege to the administration, but it is mistaken to think he ever thought to do that. There are other useful models for understanding how one might better critically appraise the 'formation of political consciousness' in a democracy

The worst effect of this type of theory is to induce an under appreciation for the actual occurrence of dissonance and widespread democratic consultation because of the false perspective it induces. Adopting an overly idealistic stance often issues for instance in overly simplistic analyses of the public sphere allowing (either consciously or otherwise) for certain claims to continue to hold water. These can be generalised to mistakenly indict large swathes of the democratic order, thus devaluing critique in-itself.

The question arising, in surveying characterisations of domination allegedly pervading the public sphere, is whether they adequately capture the range of different types of 'communication practises', of the variety hinted at above, and the relation which holds between them *ala* Nancy Fraser's suggestive theorisation?

[132] Dubiel, H, 1992.
[133] Ibid.

Chapter Two

Domination in Post-Apartheid Democratic South Africa: Getting to Grips with Institutional and Identity Changes?

The image of a 'solar' public sphere that impacts on the workings of potentially secretive and undemocratic governance is both illuminating and distorting at the same time as argued. How is what has been argued about the possible under- or misdiagnosis of the nature of the public sphere applicable to theorisation about South Africa's nascent democracy?

What follows is an attempt to show firstly that a need to reconsider critical diagnoses of the health of South Africa's (the same might be said of any particular polity one chose to focus on) democracy exists. In the second place the argument that a particular type of theorisation on democratic politics in South Africa based on particular well worn assumptions further distorts objective theorisation on our political culture is presented.

Finally, once a case has been made along those lines I argue it is possible to take both these insights, and using the reconstructed concept of the public sphere from chapter one, illustrate with empirical material (the case study in chapter three) that in order to attempt to present unbiased democratic theory applying such a theoretical corrective in political analysis in South Africa is warranted. It is quite possible, however, that once under this theoretical lens other aspects of the functioning of South Africa's democracy would show it to be in need of significantly democratic reforms.

2. 1 High hopes: fairly deep troughs

According to Greenstein 'scholarly literature on transitions in contemporary South Africa focuses on the social dimension of power, discusses to a limited and insufficient extent the institutional dimension, and largely ignores the discursive dimension of power.'[134] Greenstein maintains that 'little attention has been paid to the need to transform the ways in which state power is conceptualised and exercised, and the ways in which it interacts with society.'[135]

I argue that while this might appear superficially to be the case given that many past and present debates on South Africa's emerging power equation have become dominated by those who seek to see the state listen to particular voices representing what they allege to be legitimate interests or perspectives, much analysis of 'state structures, mechanisms and practices, shifting relations between institutions and forces, and discourses that shape their operation'[136] has taken place. Why then might these not spring to mind?

Critics of many stripes have tended to under- or misdiagnose the space in which power in South Africa has operated since the end of minority rule, leading to generalized calls for

[134] Greenstein, R, 2003, p 1.
[135] Ibid, p 14.
[136] Ibid, p 17.

increased participation and consultation.[137] These orthodox critical perspectives are not confined to any particular recognizable political class, or sector of society. Instead they emanate from the traditional left and right, and almost everything in between.

This was not a situation widely predicted. Cosatu, the civics, and the ANC participating in a host of negotiating forums in sectors like metropolitan government, housing and electrification, with the outgoing regime and organised business, which constituted a 'new and relatively structured inter-penetration of state and civil society' according to Mark Orkin.[138]

A point that deserves making is that the orthodox critical perspective has understandably had an inordinate effect on theorisation about South Africa's contemporary politics. Arguments that currently monopolise this theoretical space are informed by voices that have gone before in characterising South African democracy in a particular mould. What these theorists assert in a broad sense - informed by all manner of argument about how best to characterise the sociological make-up of the society under question, and the prevalence of what they assert are particular critical sociological factors (often portrayed as interest positions based on an entrenched political identity) - is that in the case of South Africa the transition to democracy was of a particular character, and that given that, in order to 'qualify' as a vibrant democracy certain conditions ought to prevail to sustain that badge of 'being a democracy'.

Some have pessimistically asserted after their evaluation of the present situation (involving an evaluation of 'interrelated elements of a substantive democracy') – amounting as they do to the collation of data into numerous 'scientific' indices of what would constitute democracy in this South Africa – that 'it has to be concluded that apartheid, in its collapse, spawned the democracy it deserved'.[139] This cynical view has it that after the negotiated political settlement with its formulas for fair representation, the dilemma of political centralisation and minority alienation set in, and even entrenched racial polarisation.[140]

No less volubly, critics to the left tend to accuse the state of 'relegating citizens to the non-political realm of civil society' which simply 'reinforces existing power relations within the private realm, and privileges those already powerful interests over grass-roots groups and constituencies'.[141] Although both these camps have within them numerous shades of grey and glimmers of red ('it seems increasingly unlikely that open confrontation with the repressive power of the post-apartheid state can be avoided'[142]), they have both tended to characterise the state as increasingly brooking 'neither criticism not sanctioned policy alternatives'[143], even allegedly resulting ultimately in 'large numbers of black and progressive white intellectuals in South Africa withdrawing from public debate, making society poorer for their silence'.[144]

[137] See for instance Giliomee, H, Myburgh, J and Schlemmer, L, 2001; McKinley, D, 2001; Southall, R, 2001; Gumede, W, 2005.
[138] Orkin, M, 1995, p 528.
[139] Giliomee, H, Myburgh, J and Schlemmer, L, 2001, p 180.
[140] Ibid.
[141] Johnson, K, 2002, p 221.
[142] Desai, A, 2002, p 147.
[143] Gumede, W, 2005, p 299.
[144] Ibid, p 307.

Janet Cherry wrote somewhat optimistically in 2001 of a 1995 South African National Civics Organisation-organised march symbolising the resident's refusal to pay for recently installed services, which the ANC-dominated Transitional Local Council criticized, that while the ANC 'may be willing to tolerate opposition expressed within the parliamentary framework, or from other political parties within the realms of 'formal', liberal politics, it is not prepared to countenance dissent from the more radical informal political spectrum'.[145] Local residents appeared unhappy with the processes through which local ANC candidates were elected, although Cherry says 97 per cent of the local residents voted for the ANC. She further noted that of those she interviewed many indicated they would rather engage in internal ANC politicking in order to voice their grievances than vote for non-ANC candidates; some even indicated using other channels such as radio talk shows, or getting in contact with their councillors. The march serves as evidence then that stronger communal action was not eschewed either. Cherry concludes by opining that the evidence points to the health of democracy in urban townships in Kwazakele. But from 'day one' concerns that there was exclusion from participation in our new democracy were evident. These developments and the numerous forms in which they manifested began to worry analysts more. While this type of action clearly would not sit well with local councillors, Cherry advises that it be viewed as a form of democratic participation.[146]

The reason for introducing this synopsis is not to debate whether or not the type of action described is a legitimate form of democratic participation or not, or to make the case that although not often successful, this type of dilemma signals the ANC's (however reluctantly) brooks criticism, but rather to introduce analysis that concludes of this alleged political development, that it symbolises the kind of hope held out at that stage - hope which played a significant (unintended) role in the genesis of later widespread disappointments and dissatisfaction with the emerging shape of the public sphere.

It has now become for some analysts, since the installation of the new dispensation under constitutional democracy, almost obligatory to cite examples of alleged unnerving signs of antidemocratic practise within the state at large, or the ruling party itself which illustrate that asserted fact, and then to continue undeterred and brazen into hopeful or less so reverie, about the possibilities of reversing that trend.

For instance, in 1998 Webster stated that, 'since the ANC's assumption of state power it has had access to the resources and capabilities provided for by a modern state bureaucracy. A recent Cosatu Discussion Document captures this shift: 'Instead of the Alliance being the engine for transformation, policy has in many instances been driven by the old bureaucracy, business advisors, economists from the (South African) Reserve Bank, the World Bank, etc. We seem to have ditched the researchers and advisors who have served the democratic movement.''[147]

Still others - who would probably characterise themselves as aspiring to be 'above the fray' for particular reasons to do with traits typically associated with intellectuals being non partisan, such as Richard Calland[148] - have attempted to offer a bird's eye view of

[145] Cherry, J, 2001, p 242.
[146] Orkin, M, 1995, p 535.
[147] Webster, E. C, 1998, p 44.
[148] He writes: 'it is not this book's job to make any policy assessments or predictions' and 'there are other centres of power which time precluded me from covering'.

what has gone before them, by analysing the 'anatomy of power' in South Africa, and asserting (rather pithily) that 'it is those who have adapted best to this new culture of dialogue and process that have sustained or acquired political power'.[149] The question is and remains what 'new culture of dialogue and process'? Like many before him Calland presents a journalistic tour of events which he deems representative of how political consciousness formation occurs in post-apartheid South Africa. Yet his account relies as much as any other on selective memory to push the conclusions he does: 'many of them (new institutions) are important, but not yet terribly influential'.[150] And as with many other conclusions drawn from the depiction of events, as hinted at above, selectivity and interpretation are rife.

Of course critiques of the state of play within the emerging democratic dispensation all focus on different and particular aspects of the political system, which play a role in the outcome they assert. Ultimately what they aspire to is to present a story of how political consciousness formation should occur, and how given the evidence they present, shortcomings of greater or lesser significance are visible. Certain facets of the political order are inevitably valued or focussed on over others in making the argument that such-and-such ought to occur to rectify the unacceptable situation; or somewhat less hopefully, that since the depiction of the situation represents the prevalence of the following state of affairs, we ought to mourn.

2. 2 Reality check

Does the continuing unchecked assertion of particular tendencies entail for concerned social scientists that in order to attain 'objectivity' in depicting the magnitude of different structural barriers to democratic participation that the only resort is to refer back to official constitutional principles perhaps, and furnish positive counter examples, in the fashion of some sort of rough balance sheet?

I argue that while this is an option it is not the sole fallback. Here the tendency to offer accounts of how civil society has managed to hold government accountable, or how there has been a failure to do so, abound. Greenstein for instance writes that 'beyond service delivery partnerships with government, and playing a watchdog role in monitoring its performance, civil society organisations may challenge the way power is conceptualised and exercised by supporting community struggles, social movements and popular campaigns that contest the uses to which state power is put; and take part in the reshaping of social life outside the control of state authorities. Obviously this will not be done by civil society as a whole but by those elements within it that share a critical perspective on the state.' He goes on to detail how this has thus far taken place, and how these organizations have, with or without conventional civil society, managed to influence government policy through a variety of tactics that centre predominantly on activating the means necessary to fulfill accorded rights, such as the arguments of the legal community.[151]

A further and related option for those who demand continuing objectivity exists in arguing that while this is an option, the nature of the public sphere was likely misrepresented from the word go, through being supported by reliance firstly, on 'one

[149] Calland, R, 2006, p 13.
[150] Ibid, p 12.
[151] Greenstein, R, 2003, p 36

party dominance' arguments, and secondly, on too idealistic premises - involving consensus democracy and constructive 'partnership' - whose logic and the effect thereof on accurate theorisation is portrayed throughout chapter one.

In the first place the one party dominance perspective circumscribes the objective search for evidence of a healthy democratic culture through general ignominy, and secondly, as a result of underlying premises of an ideal public sphere too narrow or encumbered a definition of the activity that does or did in fact constitute public conversation about values, goals and means prevails.

Dissatisfaction with particular political outcomes has bred a malaise in political critique which tends to focus on seminal cases of state policy,[152] or actors who present their self-understanding as it allegedly relates to power and political consciousness formation as epitomizing a sociological fact. In the process the significance of said instances is over-represented to the eventual detriment of necessary ongoing objective and productive critique of South Africa's democratic culture.

If a better and more objective understanding of the quality of our democracy is to emerge, than what might constitute one of the most realistic positive understandings yet - that democracy in South Africa (a simple working assumption admittedly) still operates in a highly fluid political environment in which a wide range of institutional and other experiments continue in the daily unpredictability of public life,[153] making it difficult to propose a model to help understand how policy decisions are made - we will surely have to operate on the basis of one, better theory, and two, a more accurate depiction of the relation between the political and public sphere.

It would now appear that another significant positive - albeit in a negative sense - characterisation of the public sphere and accompanying democratic culture in South Africa is presented by theorists who argue that the existence of innovative actors in civil society which they have dubbed 'new' social movements represents a 'belief by those who participate that they need to force a shift in society's dominant values'.[154] Only 'a belief' mind you. One is tempted to ask if that is that all their existence represents? Is it the case that these movements arise as a result of debate being constrained, and the hegemonic rise of particular values incapable of being overturned; or that the actors in question see a distinct chance of positively influencing the values, solutions to identified problems and debates that make up the national agenda?

Writing with Western Europe in mind Helmut Dubiel says 'Large segments of the political and socioscientific public of the 1980's quite unlike the leftists generations of the 1950's and 1960's – were fascinated by social developments that tended to contradict rather than corroborate the conclusion that total domination (in its manifold manifestations) was being established'.[155] The same might be argued for contemporary South Africa. But as argued one would not think so given the diffusion of alleged evidence to the contrary. That accounts of political and public processes have tended to become sclerotic is in fact a theoretical possibility alluded to by the author in chapter one

[152] For an example of such a critique see Tom Lodge's, 1999, where he analyses the 'decline of activist contributions to the ANC's policy agenda'.
[153] Centre for Development and Enterprise, 1999, p 55.
[154] Ballard, R; Velodia, I; Habib, A and Zuern, E, 2005.
[155] Dubiel, H, 1992.

– and it is this indefensible scenario which explains the underestimation of a number of facets of public life in contemporary South Africa and the widespread continuance of skewed orthodox critiques.

In order to better appreciate the argument it is necessary to trace and follow the roots of this tendency to despair, from which I argue most critiques of the current state of the democratic ethos unfortunately stem.

2. 3 Foundations of local critique in democratic consolidation theory

It might not be far fetched to argue that South Africa is a country obsessed with Fairness. Without qualifying this statement it is of course totally banal. By 'fairness' I refer particularly to broad processes set in motion leading up to and ending racially-based minority rule.

In conjunction with and supplementing or crystallizing out of the popular struggle to end apartheid, this obsession encompasses and comprises years of debate about ideal political processes - represented initially by the humble 'qualified franchise' debate[156] which was 'popularised' by the apartheid-era United Party; the National Party's (NP) failed experiments with the Tri-cameral Parliament (and the perplexing 'homeland' policy); the Convention for a Democratic South Africa (Codesa),[157] and the Transitional Executive Council with the accompanying subcouncils appended to it as recommended by that structures' technical committee (all of the official pre-democratic era)[158], as well as the Transitional Local Councils referred to earlier. The interim constitution served as a model of consensus democracy committing the cabinet to rule according to the principle of consensus.[159]

2. 3. 1 The transition

The manner of South Africa's transition to democracy was exhaustively analysed, as it was held that the nature of the transition would largely determine what chances the country had of maintaining, or consolidating democracy. Both the analysis of the nature of the transition, and what chances this implied for successfully consolidating democracy relied heavily on the work of theorists such as Schmitter and O'Donnell who bought a simple theoretical understanding of what is entailed in classifying what constitutes a legitimate democratic regime,[160] combined with attempts to generalize about what it was across different (allegedly comparative) cases of democratisation-in-action that had ensured alleged success at subsequently consolidating democracy in those instances.

Notwithstanding the questionable theoretical base from which such attempts begin, these various assorted tableau were then applied by theorists to particular countries in the hope of identifying (mixing and matching) their particular sociological-institutional characteristics, allegedly making the country in question prone to likely democratic

[156] A debate common to all modernising polities, but in South Africa complicated by the 'the race question'
[157] Van Vuuren, W, 1995, p. 14. Nineteen political parties or organizations met to commit themselves to an undivided South Africa based on political pluralism, constitutionalism, and separation of powers.
[158] For a detailed discussion of the processes involved in the setting up of these latter structures see Sarakinsky, I, H, 1994.
[159] Habib, A; Pillay, D and Desai, A, 1998, p 105.
[160] Van Vuuren, W, 1995.

success or failure. It is not difficult to imagine which 'international opinion'[161] these earnest attempts were meant to inform. The indicators which are applied in measuring how consolidated a particular democracy is, are numerous. They range from formal to less formal requirements such as democracy being the 'only game in town', to particular socio-economic requirements, demands that power alternate after the second election, and even that it change over to another party twice.[162]

In his cursory analysis of how the type, or mode of transition, has been held to inform later efforts at analysing the state of democratic consolidation, and how this was perhaps a worthwhile exercise[163] Van Vuuren saw it fit to mention as an afterthought, that while one of these above-mentioned consolidation gurus saw 'real' democratic consolidation (ongoing critical stability) as involving new types of actors, rules, decision-making sites, and new problems, rather than simply a continuation of previously successful actors and strategies from the transition phase, he also saw parliament and interest associations as sites where the consolidation of a particular type of democracy was likely to be decided.[164]

In the days before official or formal democracy the transition NP government accorded some respect to the wishes of the soon-to-be ruling power, allowing it to limit the temporary government's powers on a range of issues (or at least inform it), where it had previously had the power to do as it wished to a great degree (although elements of corporatism existed in South African political decision-making from the 1960's onwards[165]), and cementing what some saw as a valuable bargaining relationship which conceded enough but not to much to those who would possibly become restless, to ensure their backing for the incipient power dynamics.[166] The hope was that this situation would continue, and the belief was that the decision-making sites were by and large adequate to the task of 'joint rule'.

At the time of South Africa's democratic transition Van Vuuren, largely in agreement with the depiction of the transition arrangement described above, wrote (doubtless not without concern for his reputation as a political forecaster) that despite the varied definitions of the term 'democratic consolidation' the existence of democracy in South Africa was so new that to attempt to define democracy as consolidated or otherwise, whatever indicators were applied, was so premature as to be meaningless. He did however make a cursory effort at prediction; first noting the ongoing need for analysts to bear in mind the relation between the mode of transition and the likelihood of democratic consolidation[167], then having a stab at categorising for us the nature of the transition, and thereafter using the comparative method of the democratic consolidation theorists to hazard a broad set of predictions as to the possible quality of our future democracy.[168]

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[161] Giliomee, H, Myburgh, J and Schlemmer, J, 2001, p 161.
[162] Van Vuuren, W, 1995, p 6.
[163] In his opinion it might have been too early to attempt such in South Africa as early as 1995.
[164] Ibid, p 17.
[165] Schreiner, G, 1994, p 10.
[166] Sarakinsky, I, H, 1994, pp 87 - 88.
[167] Notwithstanding the multiple indices used to measure that consolidation - and offering no opinion on the superiority of one over another: confusion which incidentally only later served and serves to buttress the case of future and continuing critique of South Africa's democratic potential, as I argue shortly.
[168] Van Vuuren, W, 1995.

That baton which Van Vuuren practised running with was also taken up *en masse* by other analysts. Once the formalities had been settled and we were on our way to that situation which has been characterised as the ANC being 'at pains to respect formal democracy' Van Vuuren's (Schmittian-inspired) afterthought about the other sites of decision-making begins to prefigure in important ways, becoming ostensibly the next theoretical step for these commentators.

2. 3. 2 Consolidation proper

Once the incumbent regime and its supporting cast of 'actors' has been firmly enough embedded in new 'decision-making site(s)', abiding by certain 'rules', and responding to 'new problems', the time inevitably comes for the theorist to decide on whether this (these) new decision-making site(s) are in fact adequate (conducive to democracy): 'parliament and interest associations are the sites where the consolidation of a particular type of democracy is likely to be decided'.[169]

This, what I have dubbed (perhaps facetiously) 'obsession with fairness', continues unabated into the era when the ANC as the governing party has been characterised as 'at pains to respect formal democracy': an era beginning roughly after the Mandela presidency.[170]

This is by no means a phenomenon exclusive to South Africa, and remains the bugbear of those who claim on the other hand that this formal democracy is in fact representative of something deserving of more respect. So fairness is still at issue: is our new democracy worth the paper upon which it is written?

The question by some seems to be:

> 'The game rules are followed, but are the sides in this compulsory game so mismatched as to make the always-weaker of the sides playing (voluntarily, admittedly, but essential to the game itself. All would prefer to see it continue and be part of it, as life without this game is horrible, and another side does not seem likely to present itself as an opponent in the eventuality of the weaker sides demise) likely to be crushed to death? The answer is often 'yes' from the small side's captain and vice-captain, but minor players dispute that they are being crushed, just that they should enjoy a little more time on the field of play (whichever side that happens to be, but hopefully the winning side!) instead of being relegated almost permanently to the substitutes bench.'

What game are we referring to? Less metaphorically put the 'substance of our liberal democracy' might be the best way of describing the subject matter of the concerned analysts that now run with the political analyst's baton.[171] And as will become clearer they are somewhat surprisingly very numerous and diverse. By now what constitutes so-called formal democracy seems to have become a *fait accompli* which is worthy of little more than a footnote or cursory mention in subsequent analyses of the recent and current

[169] Schmitter, P. C, 1991, p 24.
[170] Giliomee, H; Myburgh, J and Schlemmer, L, 2001, p 161.
[171] Often this does not happen in as direct a fashion as it did for some time (particularly following 'the transition') but in the course of discussion about topics such as the nature of a 'developmental state' in South Africa.

state of affairs. The real issues which should concern us are by now far more difficult to pin down. They amount to questioning the quality of the processes making up the new decision-making site(s), whether the rules are flexible enough, the new problems diverse enough, and the actors either representative and/or diverse enough. By now the question is: what constitutes the putative reasons for the façade?

What follows is an outline of how we arrived at this widespread concern with the discussion topics and what is deemed unworthy of discussion, and that those who wish to raise particular discussion topics or points in discussions are ignored unreasonably: with a lack of consolidation in other words.

It will be shown further that this concern is now not limited to those analysts thus far discussed. The charge that South Africa's democracy is little more than formal, or more strongly put, 'illiberal', extends to a growing variety of actors. The reasons for this are by no means uncomplicated but I attempt to explain the continuing faith in the truth of this portrayal, by analysing after the fact the nature of the transition and the self perception of the actors who maintain, either, one, that democracy is 'illiberal', or two, that the promise of the transition and post-transition forums has long evaporated.

What I argue for is the existence of a burgeoning case for seriously doubting the accuracy and even honesty of those who swear by the account of what it is that would constitute the elements of a 'substantive democracy'. A possible theoretical corrective to this tendency has already been outlined in chapter one, and in chapter three an exploratory example of how and where to apply such a theory is presented.

2. 3. 3 Two roads converge: an affair of convenience for orthodox critics?

Geoff Schreiner points out that the government's legitimacy crisis of the 1990's in turn provoked a policy crisis and that 'long and bitter struggles were fought to establish a wide variety of new representative policy forums – in economic matters, 'manpower', education, training, health, local government, housing, electricity, and so on.'[172] I argue that it would not be untoward to include here the arrangements for collaboration under the Transitional Executive Council, which some saw as possibly useful in 'sustaining the compromise' going forward – this culture of bargain-making.[173]

The proposal that the forums that came after the transition - continuing well into the democratic era - were established not entirely for the same reasons as some of those during the transition, but for reasons that amounted, for all intents and purposes to little besides those of the significance of *some* of the prior forums, 'sounding boards'[174], would not be widely disputed. One of the major unintended consequences of this period of negotiation was that it led to great confusion about what to expect going forward. This culture of deal-making came to characterise the style of politics and led to many unfulfilled expectations across the board. Accepting this has been difficult for those who held out great hope for them, but their vocal disappointment has been detrimental to the broader debate, and has in fact skewed analytical precision – and in an oddly perverse and sad way, to the detriment of the broader case they and their allies make. They tend simply to endlessly raise the ire of their alliance partners, without being able to settle on a

[172] Schreiner, G, 1994, p 11.
[173] Sarakinsky, I, H, 1994, p 89.
[174] Or alternately, legitimacy-inducing machines.

characterisation (and offer a believable one) of the wider procedural questions. This is ultimately a burden of proof - which in failing to respond to adequately - they labour under almost unnecessarily.

Furthermore, and equally importantly, this like the amplified fear of consolidation theorists, has led to a distortion in analysis of the public sphere in South Africa. Those who feel slighted have been able to accuse the state of 'illiberal' tendencies and over-centralisation without appreciating that something approaching the scenario they loathe was bound to happen, and was in fact legitimate; but equally that their paranoia has diminished the hope for objective analysis.

A permanent red herring in our public conversation has been the result, and not surprisingly the red herring serves simultaneously as a red flag to a bull (the ideologues of the ANC and state).

Webster writes that in 'the euphoria that arose after February 1990 with the unbanning of the liberation organisations and the return of the exiled and imprisoned leaders, most Cosatu members assumed that their organizations would play a central role in the Alliance'.[175] All those who felt they had a legitimate case for being included going forward did. Webster goes on to note that the time at which these hopes gained purchase was ironically precisely the moment when internationally notions of alternative forms of democracy vanished.

Schreiner had argued in 1994 that whether forums developed into working corporatist arrangements depended on the development of certain factors such as whether civil society remains fragile and weak, giving organised labour and business free reign to engage government[176], or whether the gap between negotiators and their grass roots constituencies continued to grow, and constituencies become uninterested in endless 'forums'. This outcome would determine the future corporatist scenario.[177] He also argues that the form of public policy making that might develop from the fluid arrangements that existed at the time, could be a type not dissimilar to that of the mid-1980's, where interest groups relied in large measure on secret lobbies with politicians and state bureaucrats; or alternately there might emerge a weak form of corporatism which is a mix of scenarios.[178] It is not important that his preference was for a weak corporatism that did not favour entrenched interests over more participative arrangements.

Schreiner's emphasis on the fluidity of the policy-making process at the time and his musings on how things might pan out appear naïve in retrospect given what was to occur in a few short years. But are they? Another feature of political analysis that came to dominate political analysis in South Africa after the ANC victory in the April 1994 elections was how Cosatu (upon whom many had pinned their hopes for a strong form of corporatism, or 'working corporatism' as laid out by Schreiner) having played a crucial role in securing an ANC victory at the polls, and then seeing many of its leaders leave the organisation, came to be lauded as a possible left pressure group (and later a possible

[175] Webster, E. C, 1998, p 47.
[176] An argument that is well made by D Glaser, 1997.
[177] Schreiner, G, 1994, p 13.
[178] Ibid, p 14.

opposition party in-itself) given its autonomy within the ruling alliance.[179] This was the beginning of a long and torturous road of self-discovery for the left-leaning within and outside the alliance; as well as for the right[180] as stated. The understandable and growing pessimism of 'the right' came to dominate the left ironically.

Thereafter analysis of the Tripartite Alliance began to be dominated by accounts of whether 'democratic policy determination practises…beginning to establish themselves within the alliance' had 'survived the 1994 election'.[181] Lodge argued of policy processes within the ANC-led alliance that 'comparative experience suggests the ruling party's activist community will play a declining role in government decision making' and that 'interest articulation has become increasingly difficult' within mature democracies, as 'political parties support has spread with their transition from being mobilisational to 'catch-all' agencies'.[182] It is this alleged fact which has been exhaustively argued and diagnosed in the last ten years in South Africa, often in respect of particular policies.[183]

Putative evidence for the wider claims about South Africa's democratic space tend to emerge from these kinds of case studies, and indeed so much significance has been invested in projects imbued with this narrative by the media[184] that evidence to the contrary would now be difficult to sell to even those who consider themselves generally impartial in the matter. The variety of evidence presented for the lack of democracy within the ANC and the state more generally has come to dominate the tone of all analyses of democratic culture. The focus became one of bemoaning for instance 'the relative marginalization of a developmentalist policy in the corridors of economic power' and thereafter analysing the implications of 'contestation over the neo-liberal economic strategy finding expression through various forms of mass action, including strikes, land invasions, and student rebellions.'[185]

A related method of furthering the attack on the substance of South Africa's democracy has been to present the picture of the ANC's increasing bureaucratisation and the manner in which the 'communist tail is no longer able to wag the ANC dog' – while adding in order to complement this, an account of how for instance the decision by the New NP in 2001 to leave the Democratic Alliance (DA) as stand alone official opposition, signified 'to many' the 'increasingly unassailable dominance of the ANC and the hollowness of South African democracy'.[186]

It has been argued that the ANC's 'formidable moral power' and the manner in which it uses this power has come to constitute its method of degrading sections of the opposition, so that in fact events have conspired to make democracy nothing more than formal. For these critics the ANC's protection of capitalist interests has been necessary, by and large, 'for the promotion of the interests of the new black elite'[187]; and over and above this the

[179] Webster, E. C, 1998, p 44.
[180] Read 'previously privileged classes'
[181] Lodge, T, 1999, p 5.
[182] Lodge, T, 1999, p 6.
[183] Particularly economic policy.
[184] Fed upon by politicians and other concerned parties.
[185] Habib, A; Pillay, D and Desai, A, 1998, p 109.
[186] Southall, R, 2005.
[187] Giliomee, H; Myburgh, J and Schlemmer, L, 2001, p 175.

vital fact is that, cynically to say the least, it 'has to be concluded that apartheid, in its collapse, spawned the democracy it deserved'.[188]

2. 4 What might then be ideal?

One of the problems with this quite shallow undifferentiated type of critique of democratic functioning (and by implication the strength of any suggested corrective) is that, as Greenstein notes,

> 'The analyses (of the left and right) offer different and opposed political viewpoints, but they share an understanding of politics as a forum for representation of and struggle between consolidated interest groups. What is missing from such analysis, however, is precisely what is unique and interesting about the state and civil society as spaces of power: the extent to which they create and shape rather than merely reflect pre-existing social interests and identities; the specific organisational logics developed and deployed within their boundaries…the contestation over the meanings of widely-used concepts (such as development, empowerment, transformation and capacity building), which may be interpreted and applied in many different ways; and the local and global alliances formed between actors in different locations, which undermine the notion of internally homogenous and externally bounded sectors.'[189]

Of course, as hinted at earlier, in order to overturn dominant interpretation it will not do to simply assert that what Greenstein suggests regarding political reality and what political analysts might be missing exists, simply by showing that such and such an actor *does* manage to imprint their values on the policy process or public conversation in the course of this struggle in the 'spaces of power'. Rather the foundations for such an interpretation of the situation have to be shown to firstly, exist in theory, and secondly the extent to which evidence exists that proves whatever has been asserted about that space, determined through analysis.

As a consequence of the portrayal of South Africa as a 'virtual democracy' it has for instance been confidently asserted that 'perhaps the advisors to the negotiators of South Africa's new democracy should have given more serious consideration to balancing the numerical principle with more substantial provisions for the incorporation of minority interests than they did.' This would involve defining districts from which representatives of minorities could emerge and represent their interests in 'a second chamber approximating the US Senate'.[190]

This formulation assumes that these interests which these minority representatives would be so interested to defend against rapacious majorities are forever set in stone (and not sufficiently protected by the constitution), that 'majoritarian hegemony' cannot be 'assumed without justification to best serve the poor black majority'[191] and that above all it would seem therefore, politics and policy making is impenetrable to a wider democratic

[188] Ibid, p 180.
[189] Greenstein, R, 2003, p 1. The same might be said of the false notion of internally and externally homogenous *actors* and the wider discourses they partake in.
[190] Ibid, p 180
[191] Ibid, p 181

conversation given parliament's alleged weakness (and probably) the centralisation of power in the state executive. It is a shamelessly peddled narrative despite the fact that party systems the world over are accused of similar bureaucratisation and vulnerablity to interest group manipulation, but that the space to influence the actions taken by government is widely regarded as existent.

That majoritarian hegemony is held not to best 'serve the interests of the black majority automatically' is the issue which all agree on; 'right wing' critics and those with an historically tripartite alliance-affinity. It is arguably not the overriding concern of the official opposition and 'its' analysts, that the black majority is not best served that bothers, but rather that key minority interests are not adequately secure, given this portrayal of the state of affairs. For the left it is the allegedly centralized power configuration that has become unacceptable.

The structure of the political system and what might be done to counter its allegedly destructive effects is an issue which they have less in common on, but on the accusations they bring to bear against the status quo, they share much in common.

On that score, for certain sections of the left within the tripartite alliance, this amounts to the call to put into action talk of the South African Communist Party (SACP) and Cosatu 'hiving off from the ANC to form a left opposition'[192] thus putting an end to what Southall has characterised as the constant threats of the unbundling of the tripartite alliance which have something of the quality of a 'phoney war'.[193] SACP leader, Blade Nzimande, recently added his voice to many influential leaders before him from this quarter however, saying in an interview with Peter Clottey that it would not be ideal for the alliance to break up in this fashion.[194]

While the 'official opposition' in the DA and those with ties to it gladly 'side' with those who feel sidelined in the alliance, and uses this to bolster its case for the ANC's illiberal tendencies, how true is it that much of the case made by these very vocal forces is not grossly ideological, resting on oversight, selectivity and rhetoric?

2. 5 Whose civil society, whose state?

So a dominant view of the how the country is currently being run or how political consciousness is formed is offered by Krista Johnson when she writes that, 'Mbeki and his followers in the ANC leadership, most of whom are former exiles and were trained in the radical Leninist school of thought that gives primacy to the role of the vanguard party and revolutionary intellectuals, are finding that the reorganisation of state-society relations along conventional liberal lines is quite compatible with their own hierarchical understanding of the relationship between rulers and ruled.'[195] Furthermore to bolster the seeming sense in this portrayal, quite often this characterization is juxtaposed with how things 'used to be'. When Tom Lodge, for instance, argues, 'for a time it looked as if Cosatu's dirigiste perspectives would be very influential in setting the ANC's policy

[192] Here ironically they have exactly what the official opposition so desperately wants: a chance of challenging the ANC at the polls!
[193] Southall, R, 2005.
[194] Clottey, P, September 2007.
[195] Johnson, K, 2002, p 222.

agenda', and that 'The ANC had developed quite detailed sectoral perspectives… each of these was the result of extensive canvassing'.[196]

'The change' is generally depicted as having taken place between the November 1994 release of the White Paper on the Reconstruction and Development Programme (RDP) - which advocated the establishment of 'structured consultation processes at all levels' - and the closure of the RDP Office in 1996, which saw the adoption of the Growth, Employment and Redistribution Programme (GEAR) in June 1996.[197] William Gumede argues, 'the adoption of GEAR further undermined civil society groupings' and 'ushered in a new style of administration', and saw Mbeki redefine the relationship with civil society from 1999. Gumede qualifies this, saying that some civil society organisations 'successfully reoriented themselves to the point where they could compile government policy documents, conduct research and monitor service delivery projects'.[198]

But by-and-large President Mbeki is charged with 'ascribing to the state the role of knowledge producer, able to develop policy and set the agenda for social transformation' with his solution being one of 'incorporating popular organisations into corporatist arrangements with the state, thereby reducing all politics to state politics'.[199] The fear that this depiction best captures the dominant reality is well captured by McKinley who now heads the Anti Privatisation Forum, and who wrote in 2000 that, 'the reassertion of the practices of democratic centralism, tight internal discipline, and strong central coordination has provoked accusations that the boundaries for opposition and debate within the government, the ANC, and the tripartite alliance have narrowed',[200] almost as though debate ought to occur on his terms.

This popular depiction is further borne out by Lodge who writes of party politics, which is the other familiar aspect of the argument concerning the flawed 'structure' of South Africa's public sphere, that he found no evidence in 1999 that Cosatu or the SACP attempted to coordinate 'former trade unionists and party members in parliament in such a way that they represent their respective organisational perspectives on a wider range of policy issues' than labour and industrial legislation (where they were actually well represented through emerging corporatist arrangements).[201]

This understanding also forms the backdrop for discussion of the place of other elements of civil society for theorists like Habib who has a broad three-fold categorization of contemporary civil society in South Africa, as will shortly be argued. Although Habib and some of those he is sympathetic to in the new social movement sector that inherited many of the concerns of the United Democratic Front (UDF) is, like Gumede, well aware that positive marginalisation of civil society actors is a very complex terrain 'uniquely informed by the post-apartheid moment in South Africa and the ways in which global and local processes of change have come together to marginalise and empower new actors'.[202]

[196] Lodge, T, 1999, p 7.
[197] Ibid, pp 13 – 14.
[198] Gumede, W, 2005, p 286.
[199] Johnson, K, 2002, pp 228 – 229.
[200] Ibid, p 231.
[201] Lodge, T, 1999, p 20.
[202] Ballard, R; Habib, A et al, 2005.

For her part, prominent print newspaper editor, Ferial Haffajee, has said she finds herself 'tiring quite quickly of rhetoric and labels, of easy victories and magnified import (of occasion, impact and size of the new left), of predictable arguments and sketchy research that often emanates' from the social movements and the intellectuals who support them.[203]

According to Johnson who expounds a fairly typical position 'technical aspects of securing economic growth, implementing social programmes to reduce poverty and inequality, and deracialising the society are likely to take precedence over democratic goals like respecting political diversity or extending representation through strengthened provincial and local government'.[204] According to popular wisdom Mbeki 'unveiled a clear and detailed vision of South Africa that includes reducing poverty, stimulating economic growth and development, developing human resources, and creating jobs' backed up by specific proposals at the expense of 'people-driven participation'.[205] One might be forgiven for thinking the country one was reading about was Post World War Two Japan!

The Presidency's various proposals and subsequent statements concerning policy choices made - usually derived from his annual State of the Nation speeches - are depicted, absurdly, as president Mbeki[206] having assumed 'policy perfection', and being unable to learn from past mistakes as a result of the state's collective leadership mania, and the perception of the ANC's omniscience.[207] The 'main point of access to policy-making for the general public and most non-governmental organisations are the parliamentary committees' it is alleged; but the use by the state executive, in its full complement, of consultants is viewed as nullifying to a large degree the use of this former democratic gain in any case.[208]

As argued, ample attempts have been made subsequently to flesh out that 'configuration of factors' which, depending on how they panned out would determine what kind of a democracy we would nurture; and scholarly opinion appears quite unanimous in asserting that what we currently appear to have in South Africa is a form of political power which Schreiner characterised in 1994 as a 'form of public policy making very similar to the mid 1980's where interest groups relied in large measure on secret lobbies with politicians and state bureaucrats'.[209] How similar this is to the analysis offered by 'the right' of the opposition - 'apartheid, in its collapse, spawned the democracy it deserved'[210] - is a matter of debate certainly, but the fundamentals are presumed settled.

Johnson went so far as to boldly conclude in 2002 that 'the challenge confronting those concerned with promoting popular democracy and participatory forms of development is not simply to oppose the liberal paradigm and promote a leftist or socialist alternative' but given the ANC leadership's understanding of the relationship between political and

[203] Haffajee, F, 2004.
[204] Johnson, K, 2002, p 236.
[205] Ibid, p 231.
[206] Sometimes stated as baldly as that…
[207] Butler, A, 10 September 2007.
[208] Johnson, K, 2002, pp 232 – 233.
[209] Schreiner, G, 1993, p 14.
[210] Giliomee, H; Myburgh, J and Schlemmer, L, 2001, p 180.

civil society 'popular democracy requires nothing less than a redefinition of the form of state, and how it relates to social forces'.[211]

2. 6 South Africa's public sphere: let's be fair

Raymond Suttner argues that some of the current advisors on sustainable democracy have concerns and criteria for assessment that 'are open to question', including the identified problem that the ANC has failed to adapt to 'normal' politics and remains a liberation movement'.[212]

Similarly, in trying to present a more 'positive analysis of South Africa's democratic prospects' as a foil to 'conventional arguments provided by local and international doom-mongers' Heidi Leigh Mattison argues 'the minority feels unable to influence policy but that is nearly always true in majoritarian systems', and 'while it is true and striking about South Africa that there are circuits of decision-making operating outside the party system' which have more effect than inter-party debates, she argues the nature of those circuits *might* still be democracy but that is not clear.[213]

Mattison's is an interesting take on the old debate, and one of the examples which she uses - the struggle to have the state deliver to the unemployed a basic income grant undertaken by the Basic Income Grant Coalition in its response to the Taylor Committee report on this welfare issue - shows the opportunity for 'exercise of voice in another form' (aside from through representational politics), illustrating the possibility of democratic lobbying.[214] She concludes that her attempt to provide a more positive analysis of the democratic character of South Africa ended in a less positive conclusion than she had originally thought likely, and advised caution in categorizing these 'circuits' as themselves democratic.

Mattison's point about the need to analyse the possibly significant democracy deepening consequences encapsulated in other forms of political participation are instructive in that it emerges from the same ground as the enterprise attempted here.

Suttner argues that it is not inevitable that National Liberation Movements are undemocratic and secretive in contrast to political parties, which are sometimes made out to be inherently democratic open and accountable. He asserts that what needs to be assessed is not what form of organisation is adopted by National Liberation Movements, but what 'quality of democracy' ensues.[215] That investigation ought not to start (as it sometimes seems to) from the farcical assumption that the ANC as the ruling party (read 'the state' in this instance) adopted and continues to adopt a variety of different organisational forms which – like those in any other country with changing policy making processes – are deliberately meant to outmanoeuvre enemies within and outside the alliance structures.

In order to grasp the nature of the public sphere in relation to decision-making structures democratic theorisation ought to focus on its object as lucidly as possible. For one, that

[211] Johnson, K, 2002, p 237.
[212] Suttner, R, 2004, p 755.
[213] Mattison, H, 2004.
[214] Ibid.
[215] Suttner, R, 2004, p 759.

would be to mistake the public conversation as initiated exclusively by political structures. But secondly and perhaps most importantly, as discussed in chapter one, that overestimates the ability of the state to choose its decision making mode.

2. 6. 1 State and decision mode: a reminder

Offe's argument that what is real about a capitalist state is its '*constant attempt* to reconcile and make compatible with its internal structure, or mode of operation', the various functions it has, should serve as a warning to those who believe ('radicals' in Offe's parlance) the state can ever achieve a 'balanced integration of the state and the accumulation process', that there is 'neither visible nor to be anticipated a strategy that *actually does* reconcile the state's functions' of at once excluding itself from production, providing a facilitational role for accumulation, depending on accumulation, and denying it does these things.[216]

Offe arrived at this conclusion as we saw by looking at the various possible institutionalized modes of operation (internal structure) that the state could adopt in performing its functions of productive policy (the state's self-devised decision rules, where it has to respond not to demands but to negative events, namely the absence or disturbance of an accumulation process).[217] All of these were found to be lacking in particular ways for the successfully conceiving and carrying out of the tasks generally thought to constitute the policy demands on a state. The scope of data and events that take place outside the administrative structure and must be taken into consideration is relatively broad (unlike allocative policy where the state is called upon to 'allocate' fairly conventional societal goods), says Offe.[218]

2. 6. 2 Policy making at the centre: re-reading the post-Mandela blues

That form of state, as shown, has simultaneously been the object of scrutiny. What exactly Johnson means by a 'redefinition of the form of state' is not clear. Suffice to say that she likely refers to its present structure as being characterised as follows (here, anecdotally by Richard Calland): 'With a man such as Thabo Mbeki in command, The Presidency represents the cerebral epicentre of power: fittingly, given his Socratic disposition, the brain of the anatomy of South Africa. The nerve wires all emanate from here, with a network of influential people and forums, such as presidential councils. In this context the cabinet is largely overshadowed...though certain ministers enjoy a special place in the anatomy.'[219] Meanwhile Lodge has recently argued Mbeki is risk averse and dislikes confrontation[220]: 'he is not susceptible to taking advice and incapable of changing course'.[221]

There have been some accounts of what this alleged 'form of state' amounts to for the culture of policy-making. Susan Booysen characterises the 2000 - 2006 period as one of 'policy coordination' that propelled new actors into the centre of policy influence

[216] Offe, C, 1975, p 144.
[217] Ibid, p 135.
[218] Ibid, p 137.
[219] Calland, R, 2006, p 269
[220] Which incidentally for Lodge explains why he was not used as the ANC's chief constitutional negotiator in the early 1990's.
[221] Lodge, T, 2002, p. 266

(dubbed 'primary tier', 'for analytical reasons' she argues) and as a result of this consolidation of the influence of the primary tier 'it follows' that secondary and tertiary tier actors receded in importance.[222] This is a familiar story and although it aspires to be more theoretically informed than Calland's anecdotal account of 'the anatomy of power' it ends up being as vague: 'The Policy Unit (in The Presidency) is regarded as the engine room where policy proposals are scrutinized, and new initiatives generated'.[223] Booysen maintains that government's inward-directed policy coordination initiatives are contextualized through two points of departure; firstly the Government Communication and Information System which fathoms popular needs (with the help of popular *Imbizos*, or 'taking government to the people'), and secondly, replacing broad-based consultation, The Presidency and Government Communication and Information System engaged 'idea-catchers' that ensured feedback was channelled into the heart of policy-making.[224] But how objective a portrayal is this?

Admittedly, government does not do itself favours by selling its obviously self-initiated efforts at facilitating a public conversation and listening: 'the flow of information to and from the second economy will be facilitated through the establishment of community development workers, the building of more community centres linked up to communication networks, and through the extended use of the Imbizo programme as a form of communication between communities and government'[225]. This leads people to focus their critical attentions at this level to the exclusion of other arguably more significant democracy-inducing mechanisms. A common perception is thus summed up by media analyst Guy Berger: 'What's clear is this: for all the Imbizo interaction and the almost R250-million spent on government communications last year, Mbeki's leadership has not won extensive credit among many people…Instead, genuine interactive communication, using all platforms, will be the most effective way for them to move forward. It's the only way the current team can hope to persuade its alienated members that Zuma is unsuitable as top leadership material'.[226]

Although Booysen's depiction determines to describe the 'important changes at the heart of the Mbeki policy machine for the period 2001-2006' it serves perhaps at best to better familiarise the reader with the established fact that these new institutional mechanisms and processes continue, as Booysen says, 'to evolve' into a changing labyrinth of institutions allegedly reliant ultimately on their 'linkages to the centre'. But whether it is Booysen's 'institutional labyrinth' or Calland's 'cerebral epicentre', one is left wondering whether they have been fair and accurate in describing the geography of the democratic landscape.

The focus after 2005 appeared, as portrayed by both Calland and Booysen, to be on 'the centre' as the most important element in the structure, whereas Lodge's 1999 depiction of the allegedly rapidly shifting nature of ANC policy formulation structures illustrate for our purposes that a shift has occurred in the discourse of political analysis. We have moved from analysis of the Tripartite Alliance to The Presidency, but maintain that a similar relation with 'outside' actors and forces obtains.

[222] Booysen, S, 2006.
[223] Ibid.
[224] Ibid, 2006.
[225] Hirsch, A, 2004.
[226] Berger, G, 24 May 2006.

How accurate either narrative actually is, is something that deserves scrutiny, and the case study attempted here shortly will attempt to shed more light on possible ways of testing the veracity of the prevailing orthodoxy, or at least providing balance. As independent consultant, Hoosain Kagee, writes in a reply to SACP deputy president Jeremy Cronin, 'to blame South Africa's problems on a powerfully managed presidency does not add up. On the contrary, centralisation in The Presidency is necessary in our fractured policy planning process.'[227] Cronin, typical of the conspiratorial script so often read from by the Left, had written that 'since 1999 a powerful presidential centre has been formed around a privileged axis of key ANC state technocrats and a new black capitalist stratum. This dominant axis has developed a project that, in part, bears some resemblance to the agenda of established white capital.'[228]

Writing in 1994 Schreiner observed that a system where party political processes are regarded as paramount and parliament as the final arbiter, is only necessary not sufficient to achieving democracy. He writes that this also requires that different interest groups achieve influence via those mechanisms; that certain actors not be licensed over others and that *laissez faire* lobbyism be avoided through keeping processes of policy-making transparent and open. This somewhat paradoxically requires the system not be ad hoc, and that it be developed systematically and programmatically across all relevant policy arenas and levels of society.[229] As Kagee suggests might not the reorganisation of The Presidency briefly described above therefore signify that logic.

In 1999 Lodge could refer to 'wider discussions of policy within the ANC and allied organisations' such as a Health Forum or a Housing Policy Unit, at the same time as questioning their actual impact, which he found to be waning.[230] Currently those in these forum-type structures that coalesce around the broad ruling political alliance or outside it, hurl as much criticism at the current alleged central structures where power has been diagnosed as lying - and where policy is allegedly formulated - as new social movements. The latter, whose champions Haffajee criticized in 2007 as follows: 'Their writings come to sound like a set-piece. If we have learnt anything from the past ten years it is probably that struggle as tough and soul-sapping, as brutal and as violent as it was, was probably easier to do than freedom.'[231]

Furthermore - and this ought not to be taken as implying that therefore all is well with democracy - she argues of 'the real challenges and contradictions of running a modern social democracy', that 'increasingly the most innovative thinking and research is coming from the academies, NGO's and institutions such as the HSRC, much of which is commissioned by government (unfortunately, it seems, with little effect).'[232] This leaves out more than it says but is indicative of the feeling that the consensual critical position emerging from would-be democrats is not accepted without argument.

Lodge also found, quoting prominent businessman and ANC-member, Saki Macozoma, that instead of relying on these forums, ministers (all major policy actors) tended to rely

[227] Kagee, H, 9 July – 15 July 2006.
[228] Cronin, J, 26 May – 21 June 2006.
[229] Schreiner, G, 1994, p 19.
[230] Lodge, T, 1999, p 23.
[231] Haffajee, F, 2004.
[232] Haffajee, F, 29 June - 5 July 2007; Polokwane is where the ANC will hold its next annual conference where it will be choosing its national executive leadership.

on ‘the information loop’ they were in. These ‘information loops’ need not be construed as negatively as they have been. This will become apparent when we consider the nature of the public sphere, as discussed in chapter one, below.

2. 7 South Africa’s political culture: in the interests of objectivity (defendants and prosecutors)

Daryl Glaser asked in 1997 whether an adequate description of the ‘kind of civil society’ which could supply a context in which ‘governing institutions can be scrutinized and challenged’ has been developed by local writers.[233] This might at first appear an odd formulation since surely it is simply a case of describing what exists, and whether it (the ‘kind of civil society’) exists, or not? The reason for referring to the dilemma Glaser points out is precisely the conceptual dilemma which this theoretical overview concerns itself with, though in respect of slightly different subject matter.

The case being made is that a particular type of description using certain well worn and fashionable concepts and arguments (moulds) within that discourse (the intellectual ‘factory’) of what exists in the South African democratic landscape in respect of the formation of political consciousness[234] has come to dominate discourse about the public sphere and its relation to the formal political sphere, at a variety of levels, from the grassroots to the most theoretically-encumbered. Similarly to how an industrial mould constantly churns out a particular engineering component. As argued thus far the reasons for this should by now be clearer: lingering unmet expectations, hinged on increasingly deteriorating theoretical doorposts, given what is overlooked and how alleged evidence is interpreted through oversight.

Something is lacking in the debate as a result of this hegemony of theorisation and description. Consider those who defend their critique of democratic processes as ‘the defendants’. They only allow for a conceptualisation of that constantly emergent and changing relationship along particular lines. Further consider, that what has taken place throughout this chapter thus far is that an arrest warrant was issued, and an arrest subsequently made.

Certain theorists are accused of a crime throughout chapter two. To ensure, now, that they are locked up, the ‘case from the prosecution’ needs to be strong. This will only surface by way of believable evidence which implicates the defendants, ensuring they are found guilty. Like distraught naughty adolescents caught stealing it is understandable how they came to commit their crimes, but nonetheless they must stand trial.

What follows is the evidence for the prosecution. The corrective conceptual interventions that have been made in chapter one were that part of the argument which set the jury up for ‘the hook’ from the prosecution. Evidence presented in chapter three will seek to *conclusively* bring into question the objectivity of the counter-evidence put forward thus far for the innocence of the defendants.[235] The outcome might not be conclusive and might have to be heard on appeal of course.

[233] Glaser, D, 1997.

[234] These are themselves admittedly well worn conceptual arguments; though as argued in chapter one, not exhausted of intellectual power by any means.

[235] Their crime is nothing short of inventing the popular case against the vibrancy of South Africa’s democracy

It is of course possible that they will only be found guilty on minor counts. But the evidence presented shortly is intended to go a good deal of the way, in conjunction with the background to the accusations against the defendants, to showing that the intuitive feeling some evidently harbour about the guilt of the defendants (the critics of the quality of democracy), is in fact justified on rational grounds.

In the first chapter it was noted and argued that when claims to the effect that alternative or altered political arrangements are in order, one of the theoretical requirements from the critic was concrete depiction of structural barriers to participation. There has been no shortage of such analysis in modern South Africa. Where do they fall short? It would be impossible to provide a complete account of how power in the public sphere does function but a start to that enterprise is definitely to point out where current depictions fall short.

If the best description of what constitutes the nature of our public sphere and its relation to formal democracy processes is provided by one, those who argue their case based on the indices provided by democratic consolidation literature (relying on the comparative method of political science, and comparing South Africa to other transition countries in say Eastern Europe or South America), or two, if the story of the recent centralization of power and what this allegedly implies about the state of participatory democracy approximates the limitedness of and true state of our public sphere, then the advocates who propose various corrective action based on that alleged fact certainly deserve our utmost attention. The position argued here concerning where these accounts fall short has attempted to show that critics have become so encumbered by past assumptions and oversights, and seeks to show how to begin arguing for a positive characterisation of the public sphere and its relation to political consciousness formation.

2. 8 A less orthodox understanding of the nature of the public sphere (continued)

To what extent does a more thoroughgoing analysis of the public sphere exist at present? I have referred to Raymond Suttner's attack on democratic consolidation theorists, and those who write off the liberation movement as anti democratic. While Suttner alleges that these theorists have limited reference to 'hegemonic battles', adding that 'even where some tendencies are not contested at the moment, or openly contested within the ruling party or organization, this is not to say they are uncontested in 'some less visible form', or that they will not be contested some time in the future'[236], this need not be the strongest counter argument however. It is in effect an appeal to ignorance, which is far from satisfactory.

Based on the theoretical arguments presented in chapter one the aim is to provide empirical evidence of this complex relation between the public sphere and the formal democratic process, from the standpoint of South Africa's democratic processes. The validity of the depiction of policy-making at the centre and what this implies about the relation of the state executive to outside social forces has been queried. This rejoinder to the orthodox critical perspective will be carried further by way of further introduction to the logic of that argument in chapter three, followed by a preliminary case study of a specific actor (or as I argue, 'space') the HSRC.

[236] Suttner, R, 2004, p 763.

Attempts to delineate the contemporary structure of civil society are perhaps best exemplified by Adam Habib when he posits that the post-apartheid era has witnessed the 'normalisation' of South African society in a neo-liberal global environment, which sees the legacy bequeathed by apartheid as having been reinforced and even aggravated. He argues civil society can be divided into three distinct blocs each identified by a different sets of relations to the state. The first are those defined as survivalist, the second as community-based and in some cases opposing the government's decisions, and the third assists government to roll out its policies through contractual agreements.[237] This is useful in better characterizing a 'unit of analysis' which concerns us in notoriously inaccurate theoretical terrain, but I argue that it also finds itself held partially hostage by the obsession with 'the transition' and the subsequent changes in political arrangements, to the detriment of a more accurate account of emerging democratic state-civil society relations.

Habib's argument is perhaps understandable given that his and other theorisation on South African civil society relied on the foundations laid theorists like Robert Fine, who asked in 1992 whether in fact the positing of civil society as a normative theory of what 'ought to be' had not 'come in the wake of its actual historical decline' in South Africa?[238] Habib's case can be seen as a corrective to Fine's ideological attempt to instil faith in the nascent political institutions. Habib's theorisation on the 'new social movements' and their continuing prominence in the public sphere or civil society was thus direct counter evidence, making the point that Fine et al were biased in castigating those who pursued this allegedly mistaken theoretical route that under-regarded the importance of official political institutions like national and provincial parliaments.

Fine theorised as he did in *lieu* of official political civil societies' origin in South Africa being in the 'veritable feats of civic activity in the 1980's'[239], and the new political framework which saw the civic leadership declaring its eagerness to join the search for consensus.[240] On that basis Fine[241] went on somewhat polemically to say that those who warned against 'elite pacting' - some intellectuals and trade unionists - failed to appreciate the value of party politics; and himself sung the praises of the party system as 'some form of political representation which was absolutely necessary' to mediate the search for consensus. Fine's polemic in favour of party political organisation must be appreciated for what it was however; his analysis of civil society accepted as an ideological intervention with little predictive accuracy.

Fine was above all concerned to bolster the case for local democratic political parties, fearing that to strong a focus on the potential of civil society focus would 'repeat the illusion that the 'big' questions concerning the general administration of society can be

[237] Habib, A, 2004.
[238] Fine, R, 1992, p 80.
[239] That civics should even be classified as part of civil society is disputed by theorists like Khela Shubane who argued they were essentially oppositional and sought to transform the state. Though civil society can be oppositional in this sense I agree with Reitze's account at the time of a South African society 'struggling towards conditions of modernity which are necessary for a particular type of civil society', and 'striving for the modernizing and civilizing of itself and the state'; Reitzes, M, 1994.
[240] Fine, R, 1992, p 79.
[241] Robert Fine was joined by Steven Friedman in celebrating the promise of party politics over 'manufactured consultation with civil society' which would only privilege some in civil society, argued Friedman, as he suggested that the road to a more democratic society lay in electoral reform, especially for weak civil society organizations.

resolved by particular, local struggles in the context of existing political organisations'.[242] Although Fine definitely did not allow that civil society (and its relation to the political sphere by way of the public sphere) was actually a lot more complex and would remain so[243] those theorists - for argument's sake, Habib et al - who attempt to correct this oversight by arguing for the ongoing significance of civil society (usually based on the experience they have of particular interest groups) overcompensate unnecessarily to the detriment of accurate social science.

The way in which the inevitable stabilization of political structures was characterized as being to the benefit of the 'new black elite' and the absolute detriment of others is what is meant by 'overcompensation'. The manner in which 'the forum culture' that existed in South Africa during and after the transition came to be viewed as obsolete; while processes within the ANC[244] took on huge significance, followed shortly thereafter by the apparent all important shift to exclusive reliance on the central executive policy structures, meant that a parallel process of mass action, land invasions and student rebellions, came to epitomize for more and more observers the spiralling desperate state of affairs – the total disregard for the opinions of South Africa's citizenry.

That 'linkages between those who spoke for the groups involved and sympathetic supporters in the corridors of power' were increasingly contemplated[245] began to be provided as evidence that indeed our democracy was becoming everything it should not. And that opponents of the policies being adopted had 'no substantial political intervention' strategy with which to back up their proposed solutions meant that some even saw the prospects of consolidating democracy as slim.[246] Thus began the concern with the alleged dual exclusion of factions within the tripartite alliance, opportunistically seized upon by those of the right - who could now claim that this further confirmed what they had feared would happen all along - and all manner of groups outside, but often originally aligned with, the official boundaries of the alliance.

As things stood these intellectual tendencies were strengthened by fears that overtures made to civil society in the form of invitations to join corporatist arrangements on the part of government were attempts to co-opt civil society groups, raising the possibility that 'civil society could become an arm of the state'.[247] This cooption argument was illustrated using the fact that after 1994 many civil society organisations did in fact enter into a 'corporatist pact' with the state. There seems to have been quite a widespread acceptance of this partnership arrangement according to Johnson, but concerns remain about where alternative visions and values informing public policy will arise from, even as 'the development language of 'social partnership' seems appropriate to South Africa's continuing transition'.[248]

This goes to the heart of my attempt to question the damage done by idealistic characterisation of the public sphere. While the description of the quality or substance of South African democracy suffers from the flaws pointed to thus far, how, without being

[242] Ibid, p 82.
[243] An oversight resulting perhaps from the logic of his argument, that in South Africa civil society and its significance to politics might have come for all intents and purposes in the wake of its historical decline.
[244] Lodge, 1999, p 20.
[245] Habib, A; Pillay, D and Desai, A, 1998, p 109.
[246] Ibid, p 110.
[247] Friedman, S and Reitzes, M, 1996, p 66.
[248] Johnson, K, 2002, p 236.

overly reactionary is the 'positive case' that adequate participative democracy exists to be made?

What follows as I have noted is a depiction of how and why one *could* introduce an organisation like the Human Sciences Research Council, for instance - as one that comprises an important actor in the democratic public sphere, and insinuates itself in public conversation - into theorisation about the quality of democracy and the relation between civil society and the state in the context of South Africa. This is ultimately in the interests of disputing the absolute validity of claims that structural barriers to participation are as inhibitive as made out by both one party dominance theorists, and those convinced of the adverse effect on democracy and open policy making of the reorganisation of The Presidency, or centralised power; so inhibitive and adverse that certain aggressive corrective action(s) are demanded.

Ultimately what is being floated is the possibility of wilful dishonesty or negligence about possible social scientific evidence by many analysts.

2. 8. 1 Conceiving it: a 'new' public sphere?

The attempt to evaluate and delineate the width, length and depth of particular and general political conversation(s) ought to be informed by the insight that the 'connections, encounters, supports, blockages, plays of forces, strategies, and so on which at any given moment establish what subsequently counts as being self-evident, universal and necessary'[249] cut both ways, so to speak. We should not fall into the trap as pointed out by Ran Greenstein, of rather than analysing this complex space, simply conducting 'an analysis of social forces, as if these forces had a meaningful pre-political and pre-discursive existence'.[250]

How it would be possible to move away from this latter type of analysis is not an easily answered question, but a useful starting point might be supplementing 'analysis of social forces' with what has been hinted at in chapter one: a less 'idealistic' account of how the public 'lays siege' to the administration with reasons, using a nuanced analysis of the different 'policy problem spaces' of such areas as 'economy', 'population', 'justice' and how within each of these 'spaces' broader 'projects of reality' have been developed.[251] Greenstein hints at this when he speaks of 'a process involving contestation within and between collective actors over the mode of organising and exercising power, and a process of repositioning social and political relations within wider discourses, which endow them with meaning (such as the discourses of nationalism, race, development, and alternative paths to modernity)'.[252] As noted earlier Gotz argued that a 'policy problem space' is expanded upon, using 'conceptual brokers' operating in the zone of engagement between abstract programme formulation and the exigencies of implementation, which allow a variety of different viable interventions.

The continued insistence that this process of political consciousness formation is not taking place optimally - via a democratic enough conversation - is summed up by a recent commentary from prominent Institute for Democracy in South Africa political

[249] Gotz, G, 1997, p 10.
[250] Greenstein, R, 2003, p 2.
[251] Gotz, G, 1997, p 29.
[252] Greenstein, R, 2003, p 17.

commentator Judith February when she writes, 'Perhaps it is time South Africans started talking to each other, instead of at each other, as we started doing in 1987 in Dakar? How can we use such a national dialogue to influence policy and to create positive contention not only on issues of race, identity and 'South African-ness', but also on intrinsically-linked questions related to the economy and economic empowerment?'[253] This alleged problem of how we are not creating sufficient 'positive contention' deserves spelling out, for it surely refers to the problem of agenda setting, solution contestation, and manoeuvring in 'wider discourses', referred to by Greenstein (and no doubt others).

The difficulty of instituting positive contestation is well illustrated in the following quote by an employee of the Centre for Civil Society based at the University of Kwazulu-Natal, when he writes,

> 'The adherents especially the elite of this system continue deceiving oppressed people that they must focus their energy on fighting for the so called better houses - "luvezunyawo" - and to pay "reasonable" rates'.[254]

He notes crucially that this elite pastime is at the expense of what the oppressed should really be doing. What would seem to be a particular type of problem for 'the elite' is construed in a completely different fashion by someone affected by difficulties they understand as rooted in, and ultimately resolvable through, alternative problem definitions (and thus solutions). This problematic issue speaks not only to that of allegedly insular technocrats seeking solutions via the introduction and contemplation of Gotz's 'policy problem spaces', 'projects of reality' and the various attendant 'conceptual brokers' (savoirs) which themselves are part of an intricate agenda setting process, but to that of other problem definers in the public conversation.

Robert Hoppe has presented a useful typology of problem definition strategies used to define problems in the public domain.[255] As should be evident from the example presented below, a 'problem definition strategy' refers to the complex way in which problems 'become what they are'. The process by which they do could foreseeably be similarly fathomed by applying the method of scrutiny to alternate problems. For example, Hoppe says, referring to one type of 'problem-definer', that

> 'The way the car mobility problem was framed by several technology assessment agencies working for national parliaments in Europe offers an example of the enclavist's[256] preferred problem definition strategy. The enclavist-egalitarian perspective defines the real issue at stake, as equal access to public space for all. Car mobility is a partial problem of excessive demand, over-expanded infrastructure, pollution of public space, and violation of health, ecological balance, and quietude of residential areas. Ultimately, the problem is one of control and cutting back on demand for car mobility, and substitution with more friendly, low-tech, small-scale transport modes such as bicycles and light, zero-emission (electrical) vehicles.'[257]

[253] February, J, 12 April 2007.
[254] Mthembu, N, May 2006.
[255] Hoppe, R, 2002, p 1.
[256] One of four types of problem-definers identified here by Hoppe.
[257] Hoppe, R, 2002, p 18.

Although I struggle to believe it would be possible to argue that certain actors use particular clearly definable problem definition strategies of the types Hoppe outlines (there are four main types, which need not be mentioned) the way Hoppe scrutinizes problems from this perspective throws up useful insights. Such difficulties exist with respect to other problems – the policy problem space under which the above debate would fall being anything from 'public transport', 'mobility', 'population' (or even 'global warming') – and involve, there is no doubt, what Greenstein referred to as the repositioning of social and political relations within wider discourses.

2. 9 Recognising the new in the old

Specifically, to 'reposition a social and political relationship' amounts to the realization that what was previously thought to constitute an interest position (perhaps an exclusive one) for those embroiled in a particular social and/or political relationship needs perhaps to be re-thought to take into account where that relationship *now* fits into a wider discourse. An example of a 'wider discourse' might for argument's sake be that used by Hoppe, above. There is a complex relationship between the parts of the discourses (*savoirs*) out there, so to speak, and the way in which 'interest groups' and political subjectivities come to attach themselves to these, or manufacture allegiance to certain combinations of those arguments (problem definitions') making up the wider discourse.

It must be noted that what was intended here was never a theoretical investigation of possible interest group (and coalition) strategies in respect of this undertaking, but an illumination of where a more thorough understanding of South Africa's democracy, and the alleged structural barriers inherent therein, might start from.

Similarly to Mattison's attempt to better understand how democracy may not be as compromised by one-party dominance in South Africa - since for her, the question arose as to what extent civil society coalitions provide for popular participation[258] - so I argue that the fact that the state relies on all kinds of information and decision modes (open to change and whose nature is clearly not completely under state control) raises the question as to how compromised the public sphere (as understood in the formulation of it in this report) can be.

Surely, when considering the health of democracy, from the perspective of how inclusive the formation of political consciousness is, it becomes a case of what sort of problem definition types or strategies (see Hoppe) are 'allowed'[259] to exist in the 'information loop' into which the minister, is implicated or implicates himself?

Now it is a political fact that, as Lodge found from Saki Macozoma[260] in 1999, ministers tend to pursue policies that 'emanate from the information loop that minister is in'.[261] Even a cursory introduction to how these information loops might be constituted - through a more, or less, intricate public conversation, or 'an equal access 'public sphere''[262] – and bearing in mind the way in which the state must pursue allocative and

[258] Mattison, H, 2003.
[259] That is, by surrounding actors successfully creating, sustaining, and strengthening the problem definitions in and through wider discourses.
[260] Now an esteemed businessman.
[261] Lodge, T, 1999, p 23.
[262] Matshiqi, A, 19 October 2006.

productive policies, and how it does not appear able to approach its task of being a successful capitalist state with exactitude (due to the problems inherent in all decision modes available to it), the implications are seen.

Consider this example: arguing about whether the particular question of the 'incomplete deracialisation of apartheid' had been adequately addressed, Rupert Taylor asserts that one of the main reasons for the shallow public debate on the matter is that 'many public intellectuals have become overly concerned to serve a largely unimaginative technocratic policy-oriented role in the service of state designs, rather than raise questions' that interrogate how effectively deracialisation has been addressed.[263] Short of the creation of a national Ministry of Effective Complete Deracialisation the ability to address such questions in a democratic manner surely depends on the quality of the contributions from the public sphere about issues that will determine success or not in that particular endeavour, and whether the question continues to be addressed within wider discourses. The same goes for other issues.

A measure of responsibility surely falls to those who desire to initiate or participate in a conversation about this, or any other topic, to take account of the interlocutor, 'the public space' in this instance. This is clearly not an easy task! How can the public sphere be an interlocutor? Without falling back on useless concepts such as changes in the 'mood of the political class', and perhaps equally dubiously, 'political culture', how does one delineate what this entails?

What appears a strange anecdotal example at first is provided by the reorganisation of the once thoroughly sinister Afrikanerbond, which as an organisation had an inordinate influence on pre-transition South Africa. The infamous "Broerdebond" lost its last official representatives at the highest level of government when the NP withdrew from the national parliament and Cabinet in the late-1990's, but the organisation continued to try and influence the public agenda through informal meetings with government officials, and various public campaigns, such as that associated with the SABC's emerging language policy.[264] The 'Bond' therefore evaluated the changing structure of the public sphere, and with its changed organisational constitution, decided its cause would best be served through engaging in a different manner to how it had previously. In short it should not be assumed that because a cause or argument is worthy or valid its backers need not as vigorously engage with, and renegotiate, the changing institutional communication landscape.

Assuming that Thabo Mbeki and his government 'assume policy-perfection', never openly acknowledge past problems[265] don't carry out effective policy review, or rely on 'detached scenario-planning exercises' and 'integrative country-social analysis'[266] for one, mistakenly appeals to the unreliable belief that the would-be correctors of this alleged malaise would be able to carry out more inclusive analyses (a 'systematic policy review'), of a fundamentally different kind (so that they would 'empower a new president to make changes appropriate to his or her own vision of the future') to Mbeki's administration, and secondly, fails to appreciate the difficulty *all* actors who feel they

[263] Taylor, R, 7 – 13 September 2007.
[264] Brummer, S, 27 September 1996.
[265] As opposed to strategically downplaying policy component failure, for political reasons?,
[266] Butler, A, 10 September 2007.

deserve attention have had in plugging into or manipulating 'wider discourses'[267].

It is an analysis that brazenly skims over the fact, that some succeed at creating, or plugging into these discourses, while others, more or less fail. The difficulty lies in analysing where an explanation for that oversight might lie: I propose that it might lie to a great degree in an inadequate appreciation of, and grasp of the necessary 'procedure' for engaging this emerging, or 'new' public sphere; no matter how reviled some of the discourse that makes it up.

The following preliminary investigation by way of an *exploratory* case study involving interviews, seeks to further clarify the emerging nature of South Africa's 'new' public sphere.

The overall theoretical intervention is by no means solely reliant for any success it may have on the limited exploratory case study of the Human Sciences Research Council offered below. In other words my case does not succeed or fall on whether or not, or to what degree, HSRC functioning empirically bears out my case, but on the correctness of the portrayal of the mechanics of public conversation about values and policy questions in and via the public sphere in its relation to the political sphere - which may or may not be exemplified to whatever degree by the workings of the HSRC.

The argument made about the transformation and adaptation of the HSRC to this 'new' public sphere is nothing more than a partially informed guess.

[267] Greenstein, R, 2003, p 17.

Chapter 3

The South African Human Sciences Research Council: populating political theory through exploration?

Thus far the case has been made that in the provision of alleged evidence for the veracity of critiques of the formation of political consciousness in South Africa's democracy proponents should contemplate as far as possible the possibilities which exist in the public sphere for bringing influence to bear on the functioning of the state and its administration.

It should be noted that influence is exercised not only through intimidation of political opponents or authority but also in the course of offering *reasons* for pursuing or not pursuing particular courses of action, which become available to authorities and for the wider public to contemplate, which are then in the public sphere.

It was argued that the overconfidence in presenting critiques of this nature often stem from an inadequate theoretical conception of the public sphere, made up of the collective of all reasons - alluded to in the above paragraph – and outlined in chapter one. But in chapter two arguments that reliance on certain assumptions about the political space are an added hindrance to objective analysis, were also presented.

The following preliminary investigation by way of an *exploratory* case study involving a dozen interviews with individuals associated - in various important capacities - with the HSRC seeks to further query the emerging nature of South Africa's 'new' public sphere.

3.1 How theorists can be so wrong

The critical bias about the state of South Africa's democratic credentials is not surprising, since as alluded to in the first chapter, what constitutes the democratic policy space is extremely complex.[268] The democratic policy space includes that which goes toward political consciousness formation. The argument has been put forward that at base many claims for the low quality of democracy stemmed from the use of a theoretical account of political consciousness formation that could not adequately appreciate the full extent of the public conversation and the complex nature of the public sphere and its relation to the

[268] The Irish Prime Minister humorously noted in an address to public servants in 2005 that there was a time when those interested in policymaking were given the same warning as people who like sausages, 'don't look to closely at how they are made', See Cornish, J-J, 30 June – 6 July 2006, p 22.

state, because of the over-idealized conception of how popular opinion and values could be bought to bear. Over-idealization results in a particular kind of focus to the detriment of careful analysis.

This is by no means a position that would or should be accepted without contestation. For as it stands it amounts to a position similar to that of Suttner when he contends that not enough credence is given by one-party dominance advocates to the likelihood that a broader political conversation - in the form of contestation over the political agenda, values and norms, and practicable solutions – occurs in 'some less visible form'.[269]

Essentially the case being made, somewhat more controversially, is that democratic functioning and policy making - and all this entails, as argued - has gradually begun to occur in a broad arena (including importantly of course, ministerial 'information loops') which has been insufficiently theorised, thus leaving that arena and what occurs in it prone to constant attack, because a defence case does not as yet adequately exist. Of course once one did exist it would equally be open to criticism for a variety of reasons.

3. 1. 1 There are many distractions

As early as 1992 Mala Singh argued about 'transition' South Africa that,

> 'It seems to me at the moment that agendas are being set in rather problematic ways, in interactions between leadership and intellectuals. Perhaps the whole question of generating policy agendas is in fact a fairly elitist type of phenomenon. But the issue is: what happens to that agenda, and what happens to the products that flow from that agenda? How can that be democratised? And what context and what organisationally-driven social forces can actually force those agendas to become more democratised? If we get stuck with certain patterns of policy generation that are in fact elitist and are in fact problematic in a variety of ways, those are going to become quite well established. And it's going to be an incredible struggle then to dismantle.'[270]

The theme that concerns us here (and worries many) was clearly established early on in South Africa's democratic transition.

The 'new' public arena that arguably has not been theorized adequately comprises new and traditional actors, the way they catalyze public opinion and 'relay' this to decision centres for consideration. This arena has transformed markedly since the official transition, and arguably constitutes a different 'object of analysis' than that which preceded it, and has mistakenly stood in its stead to varying degrees ever since. Hence it was contended that in order to carry out (absolutely necessary) valid ongoing radical democratic critiques better, cognisance of that emerging reality needs to be taken.

If one considers this global theoretical weakness, the way in which contemporary events are 'plugged into' an inadequate theoretical grounding, is understandable. But consider the case of, in particular, one party dominance arguments that dominate political theory about South African democracy. They have the effect of focussing all theoretical energy on, for example the alleged effect of the continuing internal ANC battle for political supremacy, held to have all-encompassing and all pervasive negative effects on the

[269] Suttner, R, 2004, p 763.
[270] Singh, M, 1992.

functioning of democracy, as asserted here by prominent public political commentator Judith February when she says, 'is it any wonder then that someone such as Christine Qunta is provided space to be "expert" on anything from media freedom to land rights? The political climate is unhealthy and "the worst are full of passionate intensity", as (now deceased Irish poet) Yeats says. It is no exaggeration to say that we stand at a crossroads of democratic choice'[271]. While elements of this critique deserve scrutiny as valid or not, is the situation as dire as all that? February has spoken of the need to create 'positive contention' - a condition she feels is desperately lacking, which is obvious from her remarks above.

The analysis of our democratic public space will continue to suffer in the absence of an adequate theoretical (yet concrete enough) mapping of that terrain; tending to underestimate what is and remains important, and allowing a variety of those[272] who proffer new or alternate cures to the alleged democratic malaise the space to peddle partial remedies.

3. 1. 2 The public sphere and decision makers: communicative abundance - more accurate theory and description, less anxiety

John Keane characterises communicative practise in the modern 'democratic project' as follows:

> 'Further reflection on the subject of communicative abundance should teach us that the best political weapon against orthodoxies … is to cultivate the sense that we know that we do not know what is to be done, that life requires decisions and decisions require judgements, and that the publicly learned capacity to choose courses of action in a variety of differently-sized public spheres riddled with complexity, is the democratic art *par excellence*.
>
> It is true that communicative abundance does not somehow automatically ensure the triumph of this democratic art. Communicative abundance has several other effects, some of which are unhelpful or mildly harmful in a democracy, while others are perversely undemocratic. The pelting of audiences with a hail of political advertisements can and does produce frosty apolitical responses… Communicative abundance also arguably produces definite increases in levels of citizens' inattention while they are supposed and expected to pay attention to affairs outside their immediate household and neighbourhood, and while through time their spatial horizons of understanding are definitely stretched by communicative abundance, citizens find it ever harder to pay attention to the media's vast outpourings."[273]

The theorisation of the effects of communicative abundance above is very far removed from concerns about the type of practises which would have to undergird the kind of society (and national conversation) that prominent South African social analyst and media commentator, Aubrey Matshiqi, argues we should attempt to cultivate. While Keane argues that making sense out of communicative abundance is difficult for

[271] February, J, 12 October 2007. February was referring to Ms Christine Qunta's (a prominent ANC party ideologue and legal personage) role in the drafting team of the long gestated Foreign Land Ownership report, which may have controversial far reaching effects.
[272] From very influential, to less influential commentators.
[273] Keane, J, 1999, pp 22 – 23.

societies, Matshiqi is concerned to see the cultivation of a society where self censorship (particularly through a media, allegedly insensitive to different viewpoints), through poorly exercised power, is banished; and an 'equal access public sphere' is vigilantly created, so as to 'speak truth to power'.[274]

In fact the two viewpoints seem in direct conflict since Keane's worry is with how communicative abundance, as a fact, does not guarantee ideal democratic decision-making; while Matshiqi is concerned to argue, in effect, that communicative abundance (something which is not an immanent concern to him) definitely does not exist in this country, because the public and private media, as a powerful arena in society, have the potential (in some cases actualised he suggests) to create conditions of authoritarianism, through creating the fear necessary to silence dissenting views.

The stark contrast between these two perspectives serves as a further entry point for the discussion of our allegedly compromised public sphere. Are we in fact dealing with an actual lack of space for critical public interventions of many varieties (through a multitude of arenas akin to Nancy Fraser's model outlined in chapter one), or is there a tone of needless hysteria coupled with confused hand-wringing in these often very stark warnings? Evidence would arguably point to the existence of a variety of contrasting views on any number of topics, or within and across any wider discourse that may exist.[275]

It has been highlighted previously that rather than wishing to create an imperial presidency, the intention was an organised one.[276] Keane's warning that, with 'life requiring decisions and decisions requiring judgements,' and 'the publicly learned capacity to choose courses of action in a variety of differently-sized public spheres riddled with complexity, being the democratic art *par excellence*,' was, I argue, effectively the sort of understanding which was heeded in the decision to reorganise The Presidency. Yet by now the view that an 'imperial presidency' was the intention, prevails, effectively unopposed.[277] Confusion on this matter amongst others, has fuelled, I argue, an unfair share of controversy.

3. 1. 3 Institutional changes

Acknowledging this confusion and learning not to mistake opinion journalism for political theory is perhaps one of the first steps in creating an adequate theoretical understanding of this 'new' public sphere, commensurate with modern South African reality, as will shortly be argued. The reorganisation of The Presidency and the consequent refashioning of its relations to a variety of actors and current ideas (wider discourses) effectively denotes a massive institutional-discursive shift.

Concerning the public sphere (of which Habermas for instance argues political parties form part) including both weak and well resourced actors of different types, the situation

[274] Matshiqi, A, 19 October 2006.
[275] Anecdotal evidence illustrates that this is the case if one considers firstly, the object of President Mbeki's controversial-at-times weekly letter itself, and secondly, the strong response in particular to Mbeki's letter bemoaning the non-existence of what he referred to as the 'same script' about Affirmative Action in the public consciousness.
[276] See Jacobs, S, 17 February 2002; and Mbeki, T, 14 June 2000.
[277] Lehohla, P, 27 January 2005.

that prevailed up until late 2004 was summed up by a former head of Cosatu's Policy Unit[278],

> 'The new South Africa inherited extraordinarily closed and hierarchical policy-making systems[279], controlled primarily by bureaucrats. Departments focused on administering existing rules with only incremental change. In contrast, the new government had to transform most policies rapidly, which radically increased departments' need for policy capacity. Most responded by maintaining officials' nominal control over the policy process, with outside consultants as the main source of technical expertise and information. Thus, for most new policies, consultants conduct any necessary research and write the first draft. The problem with this model is that it undermines political direction. The politicians end up with a draft that may bear very little resemblance to the strategies espoused by the ruling party'[280]

If this is true, the intention and eventual effect of the reorganisation of The Presidency would not seem to square very well with what has been maintained by critics of that move, such as management academic and author William Gumede, who lists policies allegedly insulated from democratic decision-making serving he argued as evidence of a growing trend. In 2005 he stated that 'new centres of influence on policy-making – outside the elected representative system – have been established. Key among them is (sic) the presidential working groups: big business, black business, trade union, agriculture, international investment advisory council, and international IT council. Significant policies had their genesis or were fleshed out in these presidential groups and were presented to Parliament and the public as fait accompli.'[281]

Gumede's formulation assumes, most tellingly, that these centres of influence are 'new' in the sense that they replaced something which had existed to fulfil a similar role in the past. That is questionable. Arguably the Working Groups effectively extended the breadth of the public space. Instead of an indictment of the form of democracy South Africa has this form of consultation might well perform a different function from that which is popularly and very seriously maintained of them. Might they not be better conceptualised as supplementary to the efforts of elected representatives, rather than simply exclusive channels for the influential? If one considers that according to Ben Turok, a senior ANC MP serving since 1995, that the juniorisation of parliament has had 'a very substantial effect' (82 per cent of ANC MP's have left parliament since 1994)[282], then these presidential working groups make even more sense.

Considering the phenomenon outlined by Makgetla above might this reorganisation not be viewed as an attempt by political authorities to obtain useful information about values, goals and strategic questions from these groups, which could then be used in formulating political goals, and in so doing serve to re-take or *more* democratically redistribute

[278]It is not a little ironic that she presently works as sector strategies director in The Presidency.

[279] This understanding should not be read without considering how that portrayal misses the nuances across sectors, which Geoff Schriener (discussed earlier in chapter 2), for instance, highlights in his account of the type of corporatism that would likely come to exist in South Africa; Also see for example an article by Le Pere, G, 3 June 2006, the executive director of the Institute for Global Dialogue, on the ups and downs of the relations between the interested public and the Department of Trade and Industry since 1994.

[280] Makgetla, N, 8 October 2004.

[281] Gumede, W, 18 April 2005.

[282] Robinson, V, 14 August 2006.

control over the policy process, than what had existed, and no doubt continued and continues to exist?

The allegedly pernicious effect of these types of structural upheavals has only become more deeply felt, and lamented, with time. In 1996 journalist, Marion Edmunds, wrote that Ran Greenstein, a researcher then at the Witwatersrand University Education Policy Unit, believed that heated disputes over influence over government policy were caused by the fact that ANC members and advisors who were being absorbed into government, lost touch with 'the masses', as they (the advisors and ANC members) struggled to deal with the state's 'unwieldy structures, leaving no channel for the popular feeling on policy'.[283] Some years later this same researcher spoke of ways in which power is shared between civil society and state, by referring to 'a process involving contestation within and between collective actors over the mode of organising and exercising power, and a process of repositioning social and political relations within wider discourses, which endow them with meaning (such as the discourses of nationalism, race, development, and alternative paths to modernity)'.[284]

Greenstein's view in 1996 suggests a great deal of sympathy with those who felt excluded from power by the restructuring of the state, while in 2003 he appears to suggest the need for a more nuanced view, in which he argues particular actors (should) come to inhabit discursive positions. That is something I argue is partially determined by considerations of what actors interests are according to the nature of the surrounding discourse, and how those interests would thenceforth best be articulated within those multiple discourses. That involves considered repositioning, and subsequent (to a greater or lesser degree) changes of the discourse, in the best possible meaning of the term 'strategic action'.

Wider adoption of this type of approach to political analysis is not made easier with the belief, for instance, that it is possible for certain institutions to have a monopoly on progressive politics. Established commentator, Richard Calland, recently asked - in the course of commenting on a popular march by a new social movement he reveres, where they demanded access to information from the Durban's Mayor's office - 'who owns and controls progressive politics in South Africa? Is it still the ANC? Is it the secret funders that pump money to keep the ruling party's wheels turning? Or the companies whose interests so many in its national executive now serve? Or is it now, in fact, new social movements such as Abahlali?'[285] Although the question is largely rhetorical, meant to be provocative, is it not more objective when considering these types of questions to distinguish between successful and less successful efforts at manipulating or constructing (political) 'problem definitions,' by surveying the various problem definition strategies at play[286] and how the combinatory dynamic playing out between these have shaped and created various problems, having emanated from the various specialist enclaves and mini-spheres within the public sphere?

[283] Edmunds, M, 4 October 1996.
[284] Greenstein, R, 2003, p 17. One might add incidentally that this list of discourses is by no means exhaustive and in fact extremely conservative (orthodox) in theoretical terms. I would add discourses of migration, urban development, and so forth.
[285] Calland, R, 8 – 14 September 2007.
[286] See reference to problem definition strategies in Chapter Two.

This would arguably shed more light on, and provide more useful answers, than the more easily digestible type of questions and answers Calland has proposed for consideration. The question which will be discussed shortly in connection with research, 'popular' opinion, politicking in general, and the HSRC specifically, is, if the breadth of the public sphere was for instance extended rather than circumscribed by these presidential working groups, has the depth of the (potential) public sphere been effectively conceptualised?

3. 2 (Re) emergent interest in research for policy: introductory remarks

The reception of the Native Club initiative, meant to encourage the public contributions of less well known black thinkers, after Thabo Mbeki called for more critical engagement from them, also signals an attempt by government to stimulate the kind of critical engagement felt to be lacking in broadsides emanating from what Sandile Memela, spokesperson for the Ministry of Arts and Culture, contentiously (and contemptuously) called the 'celebrity pack' of 'coconut intellectuals'.[287] Examples of the latter being academic institution director, Sipho Seepe, who wrote recently that while we had progressed in consolidating the democratic framework, 'we have fallen short in matching this with the cultivation of a democratic culture,' citing the case of violence in the Khutsong region resulting from the re-demarcation of provincial boundaries.[288] More contentiously the ANC has itself initiated such developments as the Progressive Business Forum where it meets with business people for dialogue sessions.[289]

Since the official onset of Thabo Mbeki's presidency a variety of more important institutional political developments have been recorded with varying degrees of hope, or scorn. These include for instance the agreement by government and religious leaders to cooperate on various issues such as poverty and the social security system, along the lines of German and American practise[290], and more recently the accelerated and shared growth initiative for South Africa (AsgiSA), which as a public-private working partnership seeks not to 'solve all the economy's problems', but rather involves amongst other interventions for instance a panel of foreign economist working collaboratively on a series of research projects with local economists, to check on whether the initiative is setting priorities correctly.[291]

But equally interesting are other developments such as that referred to in 2000 by Richard Humphries, a researcher linked to the HSRC, who wrote in the Business Day that 'Legislative processes within government appear to have entered a new phase with senior government officials and ministers are joining their global colleagues in signalling a changed approach to the need to incorporate research data in the policy process,' he said.[292] He went on to list The Presidency, transport, provincial and local government, and the public service and administration national departments as heading up this trend toward relying on the 'data and analyses of South African researchers from assorted science councils, universities and research centres'. Humphries said the timing of the development should be 'read against the evolution of the policy-making process in South Africa since the change of government in 1994' - linking it ultimately to the sponsoring

[287] Memela, S, 5 – 11 May 2006.
[288] Seepe, S, 2 May 2007.
[289] Mkhabela, M, 23 April 2006.
[290] Sapa, 20 July 2004.
[291] Joffe, H, 7 March 2006.
[292] Humphries, R, 25 October 2000.

of large scale interventions that attempt to better forge links between policy makers and social science policy researchers, by organisations like the Organisation for Economic Co-operation and Development and the United Nations Educational, Scientific and Cultural Organisation.[293]

Groupings unreceptive to such developments would likely resort to dubbing them as a further evidence of the likely entrenchment of a technocratic bent in policy making, and consider this to strongly support the belief that the likelihood of influencing the national agenda (at whatever level) has shrunk to increasingly negligible status.

While Humphries specifically stresses the attempt to link social science policy researchers and policy makers represented by these efforts, adding that government would not find all social scientists receptive to the overture, the general development highlighted here is significant I argue.[294] Contrary to the by-and-large mistaken focus of some on the insularity of particular parts of the political process, this development arguably represents one of the clearer demonstrations of a veritable sea change in the nature of public political processes (the 'new' public sphere).

As mentioned, the role of parliament has been much debated, and in fact at present a panel chaired by an ex-ANC MP has been mandated to assess parliament and whether it is fulfilling its constitutional mandate. This probe emanates from the recent African Peer Review[295] undertaken in 2006.[296] Indicative of prior frustrations over the unclear understanding from whence 'positive contention'[297] might originate, the then labour convenor at the National Education and Development Labour Council (Nedlac), Ebrahim Patel, said in 2000 that Nedlac (fears abounded that it was becoming simply another 'rubber stamp' as parliament was said to be) should start a research wing like the International Labour Organisation, and for instance, co-ordinate the activities of different bodies like the National Skills Board.

It ought to be remembered that the argument being made is premised on the fact that the state relies on all kinds of information and decision modes (themselves open to change), raising the question as to how compromised the public sphere (as understood in the formulation of it in this report) firstly, can be, and closely related to this, is or is not? The developments listed (at random) above, far from signalling a muting of political contestation, indicate, along with the reorganisation of The Presidency, and the creation of the focused cabinet clusters, significant shifts. How exactly should we interpret the impact of these shifts from the perspective of democratic theory? I have tried to sketch a possible route.

The collective phenomenon of change hinted at so far is not altogether different to the phenomenon Greenstein pointed out in the early transition years, where the 'grass roots' felt unable to ensure its voice was heard by new government officials, previously close to them, is arguably *more dramatic* in fact than the strictly political transition preceding

[293] Ibid.
[294] A major concern for those who worry about the independence of research from undue influence by the sponsor whoever it happens to be, whether it is direct of self-imposed censorship.
[295] The African Peer Review Mechanism is one of the Nepad initiatives which sees African governments scrutinizing their political governance; ostensibly to placate and woo potential foreign investors, some argue.
[296] Rossouw, M, 26 October – 1 November 2007.
[297] February, J, 12 April 2007.

it.[298] The difference now however is that a situation exists where the change effects more than the 'grassroots', but rather interest groups of great variety.

President Thabo Mbeki did not make himself popular for instance when he controversially urged those at the 2006 annual conference of the South African Students Congress to 'become part of the progressive intelligentsia who are actually engaged in the process of rebuilding South Africa' unlike, he implied, reactionary commentators and analysts who he said claimed 'to know everything about you (him)' when some had not even met you (him).[299] It might be argued that this institutional reorganisation smacks of elitism, but equally the shift speaks to a desire (and need) on the part of rulers (and likely, other) for more intelligible channelling of public intelligence of all kinds.

Neither does Mbeki do himself and the institutional developments initiated under his presidential terms a service, by apparently undermining the ethic these same institutions attempt to encourage, through publicly lamenting the fact that 'we cannot get everyone to sing from the same hymn sheet on the important question of how to build a non-racial South Africa, regarding the role of affirmative action in this regard'.[300] This only sends out the message that the government is intractable on issues it deems there is little need to discuss, and which critics of the status quo are all to ready to broadcast. Much evidence points to the opposite being the case.

Mbeki sells short the fact that a vibrant public sphere does exist – not, as argued thus far, in the form many have sought it, and where they have 'found it' claimed it is ignored – in this way.

3. 3 Why the HSRC?

The HSRC remains a controversial (and conventional) organisation to some, particularly those with ideals of critical objective scholarship that is answerable only to standards upheld by the academy, but I argue that it nonetheless serves to ground and catalyse important debates about social and political matters, which are arguably socially significant beyond their immediate apparent use.

The position argued here is that the HSRC's existence can be debated using the 'ideal higher education framework' about independent critical scholarship, but until there is more convincing proof that a potential alternative arrangement to build and sustain national intellectual resources exists, and is compromised by the HSRC's existence, debate around the HSRC might be better focused on finding out if it allows space for the public sphere's critical function, as set out broadly in its mandate.

The HSRC as a parastatal science council tasked with carrying out public interest research, has a history steeped in controversy and linked to the apartheid state's stated goals, by-and-large.[301] But its transformation makes it a more relevant institution to the debate over what Judith February referred to as the struggle to create 'positive contention'; and the HSRC's role as regards this concept is a good starting point for

[298] Have we not after all witnessed a dramatic shift in the make-up of the political public space, which intuitively it would seem, is far from adequately theorised yet?
[299] Quintal, A, 14 December 2006.
[300] Sapa, 20 July 2007.
[301] Cloete, N and Muller, J, 1991.

beginning to flesh out how the HSRC has begun to adapt to and form part of the 'new' public sphere. The HSRC is firstly, a specific type of organ; an official parastatal which receives a National Treasury subsidy via the Department of Science and Technology. The HSRC is also an example of 'a space' that has evolved through judicious decision-making.

I have argued that the public sphere, in the sense we are interested, is constituted by communicative abundance and the unavoidable but less compromised than is often made out, 'information loops' mentioned by Saki Macozoma.[302] These two realities are two sides of the same coin. Too often it is assumed that the administration is or should at least be able to decipher the results of communicative abundance. But in the same way that 'flag burning' to protest the presence of United States troops in Iraq, or blocking a highway with boulders signals something fairly obvious and might appear a clear statement; what exactly, and for what reasons, is anything but clear in any meaningful way. The general idea is obvious: something is badly wrong, but what exactly, and what are you proposing?

At a symposium in 1992 for researchers pondering their place in the emerging institutional arrangements of transition South Africa**,** Mala Singh claimed

> 'Expert knowledge may be only one aspect of the necessary conditions for a more rational politics. The sufficient conditions depend on the political relations between the state and its citizens and whether the available social, political and economic space is organised in such a way that the will of the citizens for a more rational and humane politics prevails. And to get to that point, mass political struggle for the deepening of democracy is as indispensable as expertise.'[303]

I wish to argue is that it is difficult to separate the two – political mass struggle and expertise – in this way. Mass political struggle is surely less effective if it lacks expertise. And in fact it does 'mass political struggle' a disservice to assume that it one, lacks a good deal of 'expertise', and two, eschews being associated therewith. In fact evidence of a popular movement's endorsement of that fact lies in a 2005 Cosatu document emanating from its 2005 central executive committee, where it suggests the Industrial Development Corporation and HSRC be consulted as technical back-up for the development of industrial sector strategies.[304] In addition there is plenty of evidence of the print media's reference to HSRC research into issues of widespread concern.[305]

Greenstein's argument about 'a process of repositioning social and political relations within wider discourses'[306] is important in beginning to comprehend how the complex public sphere is 'plugged into' political consciousness formation. This ideal repositioning might also be likened to 'coalition formation', as Mattison argues when she used the example of the Treatment Action Campaign and its various allies to interrogate the democratic credentials of such movements.[307] Outside of political power *de jure* many of the actors that have essentially led our (partial) (mis)understanding of post

[302] Lodge, T, 1999, p. 20
[303] Singh, M, 1992, p 87.
[304] Louw, I, 10 September 2006; See the later discussion of the HSRC for further development of this theme.
[305] See 'Other research consulted' in the bibliography.
[306] Greenstein, R, 2003, p 17.
[307] Mattison, H, 2003.

apartheid democracy have, I argue, failed to greater or lesser degrees to either themselves plug into these 'information loops' saturated as they are by communicative abundance, or accord the process that goes along with that attempt, enough critical attention in a positive sense.

As noted earlier the intention is not to offer an account of better strategic organizational possibilities, however. Nor is the way the HSRC operates or the influence it has or has not had evidence of its 'rising star status' – that's not what I am looking at the HSRC for. The HSRC is not a potential model actor for public intellectuals or researchers to coalesce around, or for 'new' social movements to mimic.

The point of introducing the HSRC into this discussion, in the context of attempts to envision how 'positive contention' does operate, is to offer the HSRC's transformation as indicative of certain trends in the public sphere. If these trends were better theorised they might reveal a less one-dimensional picture of South Africa's allegedly exclusionary, or insufficient, democratic culture. Opportunities do exist for 'positive contention'.

I attempt to portray the HSRC and other bodies like it - particular actors in this 'new' global and country-specific public realm who are equally important role players' as any of the other 'traditional' ones – as supporting struts in this understanding, which takes the public sphere and how it does have a bearing on the rationalizations within the democratic state, to be as important as deliberative democrats have argued it is.

The HSRC (and its relation to government) as a little acknowledged feature of the public sphere should - along with other centres of research, and issue-based coalitions in the country, notably of the variety analysed by Mattison[308] - be taken into account more when considering the vibrancy of the democratic public sphere. Doing so might go a long way to illuminating to what extent our public sphere is compromised. It would offer a different perspective at least on that broader fundamental question.

3. 3. 1 Initial research concerns

At a 1992 researcher's symposium held in South Africa, sponsored by the Canada's International Development Research Centre, the present minister of Public Enterprise, Alec Erwin, who expanded on some of the dilemmas raised there about the place of the research enterprise in general in transition South Africa, said

> 'I think that universities are a linchpin. But why they must be the linchpin seems to me in the present situation in South Africa, (to be) that there are very heavy concentrations of intellectuals and resources. And they must use that concentration. If they are not capable of defending any interests, or articulating any interests - which I think is even worse - then I think we've got problems…
>
> …on the one hand research can flourish in a favourable political (i.e. open and democratic society) and economic (i.e. resources are available) situation. This suggests that researchers and intellectuals should be active participants in striving for such a favourable situation. However, on the other hand, does this not mean that the

[308] Although in that instance, on account of the interest in the democratic credentials of the coalitions themselves, see Mattison, 2004. It would be incorrect to argue that expertise in the form of knowledge and strategy are at odds with democracy.

researchers could become the instruments of particular political and economic interests in the process of transition? There is little doubt that such a dilemma exists acutely for many here tonight. Yet if the intellectual and research community can achieve a fine balance between these poles then the benefits to all aspects of society are very, very considerable, if often immeasurable.'[309]

Such were some of the concerns, about where, and how - for intellectuals with a likely major role to play in South Africa's reconstruction - the dilemmas existed. Erwin's worry that universities might not be capable 'of defending any interests, or articulating any interests' is a telling one. Erwin was responding to Witwatersrand University Humanities academic, Eddie Webster's, concern that local universities were largely teaching universities and had not concentrated on producing research. Erwin seemed to be hinting that it was high time universities made use of their concentration of resources, and effectively chose how they were going to achieve funding, or risk being manipulated by the state. In his concluding remarks to the 1992 symposium the National Union of Mineworkers' Marcel Golding stated,

'The first thing about the parastatals, universities, and those organizations that have generated research over a long period, I think the discussion is very interesting, but I think it seems to have been obsessed with the idea that one either has to get rid of those institutions and or build something new. It seems to me that this dichotomy of trying to say that either this organization is totally useless and we need to get something else in its place or the idea that we should capture them and hope that they will change, is far to simplistic a notion.

I think the whole process depends on capacity; the process depends on what our objectives are; and I think it also depends on the specific focus and demands that we do have. But more importantly, I think, given the history of such organizations, both universities and organizations such as the CSIR[310] and so on, there has been a history of patronage that's been built up over a long period of time, and I think the prospect of changing that is going to be extremely difficult.'[311]

Golding's concern was with how the transformation of these research institutions will be difficult, and dependent on the variables he mentioned. There was clearly concern at how the relationship between a state that would rely on policy advice, and those who might provide that advice would evolve; so that ultimately the advice itself was not compromised.

Lawrence Schlemmer a senior executive at the HSRC said at the symposium in response to a very critical presentation about the HSRC and its ability to transform from an organisation that essentially defended the status quo, said,

'I believe that I can speak with some authority about changes taking place in the HSRC because I am in some measure responsible for those changes. Obviously large parastatal organisations which functioned for so long under the past dispensation in

[309] Erwin, A, 1992, p 11; In late 2006 the DST announced the R200 million South African Research Chairs Initiative (SARCI) which aims to recruit top scientists to SA universities to increase research output and mentor young scientists; Khan, T, 14 December 2006.
[310] The HSRC, like the CSIR, is one of ten official state science councils (parastatals).
[311] Golding, M, 1992, p 182.

South Africa are not likely to be able to change overnight as it were. In the case of the HSRC, however, fairly fundamental changes in goals and organisational commitments have been taking place since the mid eighties.'[312]

The HSRC self consciously, no doubt with its own (via those who led and staffed it) survival in mind, sought to re-model itself. Following a discussion of the ANC's – a social movement - policy research history at that symposium, Sipho Pityana summed up as follows,

"I think that it's naive for us to pretend as though we're talking about a movement which has had a long culture of research. Researchers who are in the ANC are fighting for a position. There isn't recognition of research and the role of research. To what extent is it a good idea to have a research formation, fully fledged, within the ANC? And to what extent does that take away the autonomy of research and research work?"[313]

From this remark alone it becomes clear that the future relation of the ANC-in-power to the research sector would be a difficult one. These concerns with the higher education system and research in general that would impact on the vibrancy and quality of the public sphere are by no means behind us.

The until-very-recently, now former-Executive Director at one of the HSRC research programmes, Adam Habib, said in an interview with the author that even presently,

"The problem is that no serious work is being done in the universities. Unlike the United States system where the money is available for all types of research – because there is more money all round - research is not happening. Teaching gets in the way. I believe the model is bad. Vice Chancellors came up with faulty plans. I mean, 'a Linda Richter'[314] should have been made HOD of the Psychology Department at the University of KwaZulu-Natal; instead she was poached by the HSRC. Mark Orkin[315] provided a generic lesson. He saw that there were two basic options: either cut expenditure (which the universities did) or grow income. Orkin sold knowledge for income! At universities the state's GEAR policy saw the appointment of managers who subsequently failed to optimally do their job. Mark Orkin 'found' forty academic staff that were not deployed optimally in universities and gave them an offer they could not refuse.

Now, I have a model that sits somewhere between the proposed solutions to the research crisis. The money should go neither to the universities, nor the (HSRC) staff to the universities, nor in turn should university staff go to the HSRC. Instead my suggestion has to do with the science councils and their role. The councils would act as the interface with universities - a broker. The bulk of a research programme's[316] work would be done by a team of researchers from the HSRC (and the other councils) and the universities. Take for example my work with the Centre for Civil Society – I

[312] White, C, 1992, p 31.
[313] N Ngoasheng, 1992, p 124.
[314] Senior staff member of HSRC.
[315] Mark Orkin was the former CEO of the HSRC credited with turning the organization around in an era of budgetary austerity, yet ever growing need for research and data.
[316] Like other research organizations the HSRC is composed of a variety of programmatic areas of expertise.

ran two major projects there on 'the state of social giving' and on 'social movements'. On the latter there were sixteen researchers. It was funded by the Ford Foundation. With a research broker there is a win-win situation."[317]

These concerns do not seem very different from Alec Erwin's 1992 concern that universities with concentrations of intellectual resources need to use this advantage and achieve a 'fine balance'. Yet Habib's reference to 'the research crisis' is interesting, since he clearly feels the HSRC for instance, does a lot of good work. The suggestion is that not enough 'serious work' is being done by university researchers or the science councils as they presently operate. The academy, he appears to suggest, might learn from the way the HSRC operates: necessity is the mother of invention.

However, despite the 'research crisis' the HSRC continues to receive positive publicity for its emerging role. 'Increasingly', said a prominent newspaper editor, 'the most innovative thinking and research is coming from the academies, NGO's and institutions such as the HSRC, much of which is commissioned by government (unfortunately, it seems, with little effect).'[318]

Where do the divergences in opinion stem from? Is it simply that to a large degree the HSRC's Orkin's 'innovative thinking' exists in a situation where the one-eyed man in the kingdom of the blind, is king?

These differing appraisals suggest moreover that an answer has still not (ever?) been found to Muller and Cloete's rapidly ageing question of 'how intellectuals will deal with this tricky, imperfectly transformed terrain. Will (or even should) they professionalise themselves? Will we see a dissolution, or universalization of ideological commitments and a consolidation of their position *vis a vis* other social classes as South Africa moves towards a modern mixed-economy, probably social-democratic, state?'[319]

With the 'creative potential in specifying problems as post apartheid ones rapidly draining away', and the increasing need for 'revelatory problem statements' that 'define the relationship between indicators – constructions which once validated, ground action'[320] a move toward relying on more explicitly evidenced-based policy advice (more on this shortly) is arguably not surprising, and confirms what Humphries identified as an emerging trend in 2000.[321]

The period under review is one which we are struggling to define – especially as democratic theorists: an era following the one where as Gotz highlights problems were almost willy-nilly classified as post apartheid with little else by way of justification deemed necessary (aside that is from the researcher's credentials, academic or otherwise).

3. 3. 2 The HSRC in history

[317] Interview, Habib, A, 7 June 2007.
[318] Haffajee, F, 29 June – 5 July 2007; A senior ANC MP wrote in 2003 that the HSRC has 'policy capacity and huge experience in research, as well as staff committed to socioeconomic development programmes'; Turok, B, 22 October 2003.
[319] Cloete, N and Muller, J, 1991.
[320] Gotz, G, May 1997, pp 35 – 36.
[321] Humphries, R, 25 October 2000.

The HSRC was created by Act of Parliament in 1968, bringing together a number of advisory and research bodies that had previously been attached to the departments of Education and Manpower.[322] Critical analysis of this parastatal focused on how in its early years it had 'little if any credibility as an institution for promoting independent social science of a high quality'.[323] But increasingly, 'a careful laying bare of the bourgeois, racist and gendered modes of subjectification operating in (and operated by) knowledge domains; and a carrying out of similar critiques against the apparently neutral and liberal research institutes … and the later, 'reformed' state-operated HSRC,' began to occur.[324] While others argued that to expect a quasi-governmental organization like the HSRC to become very controversial is, perhaps, to demand to much of it…credit must be given where credit is due.'[325]

In 1979 there was an attempt to co-opt independent social scientists by creating the impression that the agency 'had become "free of bias".'[326] This was done through employing peer review carried out by ten HSRC in-house discipline committees. It was at this stage that it served the expanded corporate state rather than simply being directly political or party-political.[327] This was at a time when reform of various aspects of the apartheid system was underway, thus mirroring that search for partial socio political reform. However far the output of the HSRC did move toward endorsing changes though, the overriding concern was with the 'legitimization of the apartheid project'. Cloete and Muller quite sarcastically dubbed the period the 'golden age of quasi academia' at the HSRC. 'Individual researchers had a great deal of autonomy to initiate their own research projects and to engage in 'academic' research, they argued in 1991'[328] Adam Habib said, 'As you know the period 1967-1989 was a period where the HSRC basically served a legitimating, managerial balancing role for the apartheid state. There were a few dissidents.'[329]

From 1986 until 1991 Muller and Cloete categorized the HSRC as 'accountable toward a broad marketplace of users with widely differing user criteria, and united only in their market-determined desire for research that is useful.'[330] Extensive lobbying in government departments and the private sector, but more so the former due to the need for sufficient budgets which the private sector was not willing to pay, saw the HSRC revert to social engineering-type human science research which was available only to those who could pay. 'There was even a report on segregation written in 1988 at the HSRC,' says Habib.[331] Budget austerity (pre- and post-GEAR) meant also that 'a few of the less obviously social scientific enterprises such as SA Sport Information, the South African Centre for Arts Information, SA Literature Reviews, and Contree, a journal on regional history, which had found a home at the HSRC over many decades, were 'decentralised' to other institutions.'[332] In addition to this restructuring a senior academic added that 'what happened was that the funding arm in the HSRC was taken out, and

[322] White, J, 1992, p 23.
[323] Cloete, N and Muller, J, 1991, p 147.
[324] Painter, D and Terre Blanche, M, 2004.
[325] Lever, H, 1981, p 259.
[326] Cloete, N; Muller, J and Orkin, M, 1986, p 41.
[327] Cloete, N and Muller, J, 1991, p 151.
[328] Ibid, p 153.
[329] Interview, Habib, A, 7 June 2007.
[330] Cloete, N and Muller, J, 1991, p 154.
[331] Interview, Habib, A, 7 June 2007.
[332] White, C, 1992, p 29.

along with the Foundation for Research Development formed into the National Research Foundation.'[333]

Financial intricacies of knowledge generation were not the only controversies dogging speculation about the HSRC's future. Senior executive at the time, Lawrence Schlemmer, in responding to queries about whether the HSRC was capable of becoming financially self sustaining, said he thought 'that a major role for the HSRC is to emphasise data base activities. It must assemble information and make it available to everyone. It has the capacity to do it more effectively than isolated or atomised academics.'[334] Then HSRC staff member, Caroline White's, response to this thought was that she did not,

> '…see any conflict between doing the sort of research that Schlemmer thinks needs to be done, and the way which I suggest. That is, having people who are doing the boring research and the data bases in government departments which do that research, and have an on-going relationship with people who are doing that. And having academics sort of released - on the money that they get from the HSRC and perhaps working for a year or two years - released from their teaching to do full time research. My problem is with the organisation that I see not adapting to the future. Talking about allocation but actually not doing it.'[335]

This is misleading in that White foresaw database activity being performed on a mass scale across government departments, and the HSRC acting not as a generator of research topics as such, but more a funding agency to supplement the funds researchers got on the open market. But where would these topics come from?

3. 3. 3 An evolving organisation - false comparisons in a different time

Writing about the changing research landscape in South Africa a former methodology expert at the HSRC, Johan Mouton, writes

> 'the HSRC, on the other hand, seems to be moving back into a situation (similar to that of the late 1980s and early 1990s) where it is competing directly with universities and non-governmental organisations for state tenders and staff. It could be argued that the 'new' HSRC is in exactly the same relationship to the new government as the old HSRC of the 1970's and early 1980's was in relation to the apartheid government! While acknowledging the handmaiden relationship between the 'old' HSRC and the apartheid government, Cloete and Muller question whether the HSRC actually was useful to the government that sponsored it. The same question can be raised about the 'new' HSRC.'[336]

A senior academic close to the HSRC structures said,

[333] Interview, 25 May 2007; Also, in 2005 the GCIS news service, BuaNews, announced that that the license to re-launch and develop a database called The South African Development Directory previously owned by the HSRC, had been acquired by SANGONeT; Masango, D, 31 January 2005.
[334] White, C, 1992, p 32.
[335] Ibid, p 33.
[336] Mouton, J and Bawa, A, 2002.

> "Now if you look at a conference held in 1992 published as a symposium in the journal Transformation, you'll notice the position of one Sipho Pityana who was of the opinion that since the Nats[337] had had access to an institution of the nature of the HSRC the new regime should to. Why demobilise the HSRC, as some like Caroline White had argued? This seemed to be the 'position that won out.' This became 'the new song'. Of course people tried to make it more responsive. The problem appeared to be bureaucratic not ideological. When Orkin came in, in 2000 the problem was still there?'[338]

Another senior humanities academic offered the following opinion on the matter when interviewed:

> "When the government founded the HSRC I was a young man and thought that giving that money to the universities would have been a better idea. As Foucault said, 'when you create an institution it sort of runs away from you. It becomes difficult to deconstruct.' Why did the new government not sell the HSRC (an asset in Pretoria) and give the money to the universities? Well, it was of course because of the employees there - the sunset clauses. There was a price to pay. With few exceptions the HSRC has never produced any great scholars."[339]

"In 1994/5 there were changes at senior management – colour changes – but basically 'the place did not change fundamentally. The ethos at the HSRC did not change. During the Mandela era the HSRC was in decline. Mark Orkin applied and got the job," said Habib.[340] According to another former HSRC executive director, Roger Southall, "Mark Orkin was bought in as a 'turnaround agent'. He wanted to make the organisation dependent on external funding."[341] "What is fascinating, and see on this a 2006 article in The Economist, is that unlike in times past the HSRC is widely respected," according to Habib, who added,

> "We could of course judge the HSRC according to a number of different indicators – peer review output, finances etc… Orkin restructured the finances of the HSRC. The universities did not say this; they go on about the quality of the staff. Orkin paid good people 25 percent more than the market was willing to offer. His only condition was that you did not run at a loss. He restructured the programmes based on 'gut feel'.[342] The point is that Orkin ran the HSRC 'like a king with his barons'. They had complete autonomy. Olive Shisana[343] had huge partnerships with people working on them all over the world. Linda Richter had a plan where staff had targets based on how she split the parliamentary grant allocation. Democracy & Governance (D&G)[344] was run in a fashion where Roger Southall was the driving energy and they did not really rely on state tenders. The eleven programs were sort

[337] Short for 'National Party'.
[338] Interview, 25 May 2007.
[339] Interview, Vale, P, 23 April 2007.
[340] Interview, Habib, A, 7 June 2007.
[341] Interview, Southall, R, 19 April 2007.
[342] 'Taking into account the stakeholders' views, there is scope for adopting a more representative mechanism for involving knowledgeable outsiders in setting research priorities for each Research Programme, particularly where these are financed through the Parliamentary grant' according to the HSRC institutional review of 2003.
[343] Olive Shisana was executive director of an HSRC research program before taking over from Orkin as CEO of the HSRC in 2006.
[344] One of the research programmes at the HSRC.

> of – and here I'm quoting what a friend said to me recently – like completely different NGO's all reliant on the central administration of the HSRC."[345]

Habib's vision for a more productive research enterprise - sketched out earlier - shows that he clearly found the way Orkin re-modelled the HSRC to be workable on a larger scale. Astute management figures strongly in this conception as to whether an organisation is able to do 'good work' in the sense that it survives and develops integrity in carrying out its mandate.

When asked what had happened to the HSRC under the directorship of Mark Orkin, the CEO from 2000 until 2006, and whether the strategy chosen had worked, Christa van Zyl, current Head of Business Development at the HSRC said 'in the 2003 HSRC Review appears a picture presented by Orkin, of the HSRC as neither a university, nor a government department, nor an NGO, nor a Foundation, nor a business. It therefore had to come up with a unique model to manage itself.'[346] Former HSRC senior executive, Roger Southall confirmed this, saying, 'The HSRC is a 'curious outfit'. When Orkin recalled Bloemfontein, where the D&G programme had a sub unit, it was simply because it was not making enough money. I had made a case for expanding other programmes there but Orkin would not hear it. Orkin never put his back into 'the district idea'.'[347] Southall conveyed that he felt this sort of action compromised the HSRC's developmental mandate to a degree.

Another former researcher commented about the Port Elizabeth regional office (basically a unit like the one described by Southall) that,

> "There was an idea prevalent at the time I joined the HSRC that the PE office would be built up as a regional policy research body, closely linked to provincial government. However, provincial government has other bodies closer to them both politically and geographically, at the University of Fort Hare. Moreover, we had only two programmes working from the PE office – Employment, Growth and Development (EGD)[348], and D&G (when I was employed). The SAHARA unit also used our offices as a 'base' when doing research in the province – e.g. for training, for receiving and sending samples. But the staffing was minimal."[349]

Southall for instance believed that it would have made more sense to have the PE office in Umtata – the provincial capital – which squares with what Cherry said concerning the University of Fort Hare and the provincial government's use of geographically closer research bodies. Judging from Southall's response, Orkin was almost singularly focused on the cost effectiveness of the organisation. Orkin clearly had certain priorities which he decided not to dilute on the alter of pursuing other goals simultaneously.

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[345] Interview, Habib, A, 7 June 2007.

[346] Interview, Van Zyl, C, 27 June 2007; Mark Orkin wrote in Business Day in 2004 that 'we ourselves are the ultimate resource for what we have to solve, towards what we want to achieve'. He said 'we *mainly* select work that is developmentally oriented and scientifically demanding, and yields not only report for users but peer-reviewed scientific articles'.

[347] Interview, Southall, R, 19 April 2007.

[348] The HSRC consists of a group of programmes which are periodically 'reengineered' according to various criteria. According to Habib, Mark Orkin restructured the programmes based on 'gut feel' or what he thought 'would fly'.

[349] Interview, Cherry, J, 15 March 2007.

Habib said, 'The COUPE strategy was to be the guide and Orkin told his ED's that as long as their programmes did not run at a loss and published they would get a piece of the parliamentary pie.[350] For this they needed to restructure. He focused on two main aspects of the COUPE strategy.'[351]

How seriously can the contention by Bawa and Mouton be taken then, when they allege, 'Cloete and Muller question whether the HSRC actually was useful to the government that sponsored it. The same question can be raised about the 'new' HSRC'[352]?

This is an important question since it is not helpful to have a distorted picture in mind when raising these type of questions. The significance of whether this is a true reflection of the HSRC has a bearing on whether the HSRC, as I claim, counts as an example of an actor or space in the 'new' public sphere I have argued is partially visible.

Perhaps the best way of putting into perspective such a question is to cite research the HSRC was known to carry out, and contrast this with some examples of some of its current work. Carolyn White said in 1992, when critiquing the HSRC's alleged inability to adapt adequately to transition circumstances that 'judgements of usefulness are hard to make objectively, but taking the HSRC's own mission, to be useful 'to all the inhabitants of South Africa', it is not hard to be critical of the Afrikaner-centric nature of a number of its projects, for example the genealogies of Afrikaans families, research into the Afrikaans language and dialects, Afrikaans literature and Afrikaans theatre.'[353] Simply looking at some of the controversies raised by the HSRC's work in the last ten years in only one major local media publication, the Financial Mail, and comparing the type of some of work being done by the HSRC at the time of Caroline White's critique and more recently, the comparison is nothing short of laughable.

In 1999 the Financial Mail covered one developmental challenge which the HSRC was instrumental in uncovering and addressing: 'Confronted with these realities, and sceptical of the Department of Home Affairs' ability to issue the bar-coded IDs to the millions without them in time for them to vote, the IEC changed tack on the advice of the HSRC.[354] Former Education Minister Kadar Asmal wrote in the Financial Mail in 2004:

> 'The release of the HSRC's Human Resources Development Review 2003 has generated much interest in the media, including your own through an editorial and Carol Paton's article. As Paton says, the review is the "size of a telephone directory". Nevertheless, I am confident that the review, which was funded by the department of science & technology, will be an important contribution to inform the ongoing implementation of government's human resources development strategy. This strategy, led by the labour and education departments, also involves a number of other departments and is a good example of "joined-up" policy implementation, which the review considers to be necessary if human resources and development

[350] The HSRC operates using a budget from National Treasury and money it earns from contract research.
[351] Interview, Habib, A, 7 June 2007.
[352] Mouton, J and Bawa, A, 2002.
[353] White, C, 1992, p 28.
[354] Laurence, P, 5 February 1999.

> reforms are to interlock with broader macroeconomic, industrial and other frameworks.'[355]

Although it is not surprising that Asmal defended the report since he had backed the process since 2001, and though "joined up" policy in this sphere has not met with nearly the success level envisioned, with the advent of the joint initiative on priority skills - government's new strategy to push through some of the insights emerging from this type of research - efforts continue to be made to use the research findings to full effect in collaboration with other institutional actors.

It could easily be argued that dissatisfaction with government and its alleged insularity is somewhat misguided; since the dissatisfaction is arguably in actual fact - although understandable - a keen disappointment that things have not improved, faster.

An ex-senior researcher at the HSRC stated,

> "I think the HSRC falls more easily into the civil society category than the state category. It really does have a considerable amount of independence. I don't think it is always effective or strategic in using this independence, but it certainly is not a lackey of the state. In my experience in D&G, none of the researchers were 'pliant' – all were critical of government to a greater or lesser degree. Some – especially in the 'public administration' area – were less critical and less interesting and less productive; and some researchers were not very productive; while others were very ambitious. We did not work only for government departments; and when we did, they quite often did not like what we said."[356]

Southall added that the 'The HSRC is reactive, yes. Development agencies have a large say in setting research agendas.'[357] Is the HSRC then just a useful tool in extending the agenda of whichever research agency funds the research it does? The author's own experience of contemplating and writing applications for funding suggest that there is no doubt the funding agencies do dictate to a large degree what can be researched but one takes these opportunities voluntarily and once work is underway there is leeway in choosing the themes and indices upon which to focus. The broad topics (discursive positions) they fund are obviously a function of wider societal processes and whether the funding agency chooses to use the researchers on future projects is up to them.[358]

Asked if there was any other motivation behind the new HSRC national priority areas of 2000, which the HSRC Council and management pushed through, than to access government departmental funding a senior humanities academic interviewee said, 'What the HSRC in fact does is manufacture an ethical position for government, a stance; just like the South African Institute of International Affairs manufactures a position for big business on doing business in Africa for instance or in other international issues.'[359]

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[355] Asmal, K, 5 March 2004.
[356] Interview, Cherry, J, 15 March 2007.
[357] Interview, Southall, R, 19 April 2007.
[358] Former CEO Mark Orkin stated in 2002, 'We select those projects where we can add scientific value. And we find that the best researchers who maintain their publications and scientific, are also the ones who attract the grants or win tenders for the most interesting and far-reaching projects'; Business Day, 4 December 2002.
[359] Interview, Vale, P, 23 April 2007.

Habib replied to a question on what his take on criticisms of the HSRC by those who say its assets should have been sold in 1994 and given to the universities by saying,

> "Empirical evidence shows that the HSRC upped its research output nine fold. I think many of the critiques - those who quibble - are churlish. There was an "unholy alliance" against Orkin. The HSRC could achieve a sustainable research agenda. The problem with these critiques is that they assume that all is well with the universities – which to be honest are black holes. They were given large amounts of money. The historically black universities did nothing with it."[360]

Asked about the direction which the HSRC took after the 1992 symposium referred to earlier, and how exactly it has speeded the relationship between organised knowledge and political control, senior humanities academic Peter Vale[361] argued,

'Mark Orkin distorted the market by transforming the HSRC so that it received both a government subsidy, and competed on the open market. This is a distortion in this market.'[362]

'What happens exactly', said the current head of HSRC Business Development[363] 'is if parliament gave R100 million grant per year and the HSRC needed R300 million to run judiciously the extra R200 million needed would be parcelled out (to generate the money) fairly between the research programmes, based on consultation'.[364] She continued, saying,

> 'The HSRC is only able to meet its obligations to parliament by using other resources though. But this is not bad thing, as without the pressure complacency could set in. On the other hand one would become little more than a consultant with to much reliance on private funds.'

Presumably Peter Vale implies that the chances of a monopoly on funding sources due to the inability of knowledge generators to successfully compete in tendering, cuts down the diversity of knowledge providers.[365] 'The HSRC' said Van Zyl 'is a small organisation with big expectations'.[366] Vale's argument surely depends on there being a viable alternative to the HSRC, no matter how many different opinions there are about the quality of the type of research the HSRC does. Mike Morris, presently of the University of KwaZulu-Natal, School of Development Studies, said at a researcher symposium in 1992,

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[360] Interview, Habib, A, 7 June 2007.
[361] A position argued by this interviewee at the 2006 Social Science Network of South Africa conference in Boksburg.
[362] Interview, Vale, P, 23 April 2007.
[363] She intimated to me prior to the interview that due to the nature of the research she would be speaking as a member of the HSRC. She was not a representative strictly though.
[364] Interview, Van Zyl, C, 27 June 2007.
[365] According to the 2003 HSRC Institutional Review 'Representatives of the higher education community, while generally complimentary about the new HSRC, felt that the organisation had competed aggressively with higher education institutions (HEI's) for the scarce pool of top level researchers but had not formed strategic partnerships with HEI's in the interest of national development.'
[366] Interview, Van Zyl, C, 27 June 2007.

> 'Universities are riddled with uselessness and inefficiency as well. There is no particular virtue in deciding to put the money into universities either. The issue is trying to set up a correct kind of relationship between the state research organizations and the markets in the sense of private sector, community, trade unions, etc. Setting up the correct kind of relationships with them, and having a particular kind of social vision, a plan, a growth strategy, which will enable us to move forward.'[367]

Habib and Vale's concerns point to this dilemma not having been solved adequately.

Commenting on the similar theme, that of the HSRC's constantly changing research priorities in order to deal with the difficulties of managing an organisation faced with budgetary austerity, the present head of Business Development, Christa van Zyl, at the HSRC commented, 'a pendulum might serve as a metaphor for how the organisation operates. Sometimes the programmes have more latitude, sometimes only some do; but in turning the organisation around entrepreneurialism had been required, especially initially. Lessons have been learnt from mistakes. This is organisational learning. The HSRC had to be transformed on many fronts. At first research programmes were formed around personalities – D&G was different from Child, Youth and Family Development for instance. Experimentation was needed. The amount of tender work undertaken will depend on relations established with the departments. The Business Development Unit is there for 'tender support'. The requirements of the sponsor are always an issue in doing research. I am not sure universities could be independent formulators of research either.'[368]

A senior academic close to the HSRC structures said, 'The better programmes within the HSRC get quite a lot from the foundations – the rest get government department funding mostly. This is reflected in the Key Performance Indicators.'[369] Former HSRC senior researcher, Maxine Reitzes, said, appearing to find this a significant and encouraging fact,

> "The fact that one has a consortium of funders means all their agendas – the state and the organisations – are part of the process. But the proposal would be put before a panel consisting of one member of the HSRC external to the programme whose proposal it is, a donor representative, an academic, and government representative. At these panel discussions the parties would advise the researcher, that she had not read so-and-so on teleological conceptions of rights, etc".[370]

The HSRC advertises itself as an organisation that carries out research that is 'evidence-based'. Reitzes said of this fact that, "When Mark Orkin came to the HSRC he was insistent that studies be evidence-based. The evidence-based approach does not entail that the research is impartial. Instead take an issue like land reform. The researcher wants to know what the expectations of people are and what they want from policy in

[367] White, C, 1992, p. 34; A further dimension has been added to the research and development (R&D) market in that National Treasury increased the R&D tax allowance from 100 percent to 150 percent in the 2006/2007 budget which will benefit about 500 firms, a quarter of those being medium and small enterprises, Le Roux, Mathabo, 12 October 2006.
[368] Interview, Van Zyl, C, 27 June 2007.
[369] Interview, 25 May 2007.
[370] Interview, Reitzes, M, 26 February 2007.

order to the better present to the policy-maker their findings on this, so that the policy maker can verify whether their own work is in fact based on a right appraisal of the situation he or she is attempting to address, or preferably use it to inform policy?"[371] A senior academic interviewee familiar with the HSRC said, 'As I understand it evidence-led or -based research is meant to be the opposite of boomerang research – your case needs to be proved and it is not a case of knowing in advance what needs to be heard.'[372] Another said 'it's just a 'fancy phrase for 'know what you're talking about!'.[373] These are not identical understandings of the term which points to a certain amount of freedom in interpretation of both the kind of research task to pursue and how it is achieved.

A former staff member of the HSRC who now works as a consultant said, 'Mark Orkin began the management information meetings which were flexible and encouraged people to think out the box. They took place sequentially with about four programmes per session. The various proposals were conceived per programme and sanctioned by the executive directors.'[374]

3. 3. 4 The independence and dependence conundrum

The author raised questions of the HSRC board's role in ensuring independence with a senior academic, who replied that 'Enver Motala is the most active I would say. He is always raising questions about the Council's autonomy'.[375] In 2006 an HSRC staff member delivered a paper at the a social science conference where he argued that social science research within the HSRC varies in terms of the nature of the problem being addressed, and the objectives which the research programme is seeking to address. He argued that although social science research is currently being carried out in a number of institutions, the HSRC is an extremely favourable environment for carrying out social science research within Africa.[376] The author put this formulation to a former HSRC D&G employee, in written form, who replied,

> "I agree that the HSRC has no single research framework, and that there is variation in both objectives and actual research; also I agree that the HSRC is a favourable environment for carrying out social science research – although I am not sure about 'extremely' as I have some criticisms based upon the limitations placed on research due to the 'cost centre' model adopted by HSRC which requires units to 'raise their own funds' to some extent through private or government contracts. An example of this limitation from my perspective in working in D&G was that when I joined, we had a strategic planning session and defined the key areas of research that we should be looking into. I and a colleague put together what we thought was a significant longitudinal study on rural women's rights, which fell within one of these key areas. We obtained 'baseline funding' from the HSRC to get the study going, but were under constant pressure to raise additional funds. We managed to do so in the first year of the project, but the project was not considered 'sexy' enough or within the scope of funding of various funders, and so the project – which was meant to run for three years – ground to a halt. In fact, by the next D&G 'lekgotla' held a year later,

[371] Interview, Reitzes, M, 26 February 2007.
[372] Interview, 25 May 2007.
[373] Interview, Southall, R, 19 April 2007.
[374] Interview, 16 April 2007.
[375] Interview, Southall, R, 19 April 2007.
[376] Makoni, S, 2006.

> we had completely lost sight of the key research areas that we had defined, as we had all been drawn into other short-term projects for various clients. The other downside to this model is that researchers, rather than having the space to define and work on what they think is important, are required to work on short-term and sometimes meaningless projects for the 'clients' who pay for such research. My chief frustration with the HSRC was that I kept on being allocated to short-term projects which had little interest to me and that I did not think would make a 'difference' to society."[377]

So the HSRC is quite dependent on external funders evidently, so it can stick to its agreed goal of relying on non government funding. In being able to generate this type of funding the HSRC makes itself less reliant on government projects, and therefore able to carry out work for government when it does, which is not 'he who pays the piper calls the tune' research? Former senior staff member, Janet Cherry, confirmed this saying, 'we did not work only for government departments; and when we did, they quite often did not like what we said.'[378] Though, for Southall 'as far as the HSRC goes the State of the Nation,[379] is 'pushing the limits' of the acceptable.'[380] Whilst referring to tendering for government research work, Christa van Zyl said, 'on the other hand The State of the Nation was funded through parliament and international donors and would more readily qualify as 'self-initiated research'.[381]

It was as a consequence of Orkin's revolutionary commercialised targets that at least one researcher left (though she was able to expand at some length on similar cases). Cherry's interview confirmed this. 'It became coincidental', said Reitzes, 'what researchers researched'. She for instance claimed not to have done 'specialized work proper' in five years.'[382]

A senior academic close to the structures of the HSRC described the HSRC mandate as 'complex, contradictory and demanding'. Researchers are meant to publish in international journals – the HSRC does not recognise chapters in books (this was under discussion at the time of the interview), mentor interns, and at the same time there is the Africanist agenda. This all raises the question of sustainability of the entire enterprise.'[383]

Roger Southall felt that, 'as far as the impact of some of the cross cutting units go they don't seem to do much. Capacity Development 'is a lot of talk really. As far as interns go they get slapped on a research programme and there is little personal development opportunity. They would get a better deal at a university. The HSRC is not a teaching organisation. The Capacity Development is lip service really.'[384]

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[377] Interview, Cherry, J, 15 March 2007.
[378] Ibid.
[379] This annual series of twenty of so essays was conceived as a successor to the South African Review, according to Roger Southall, and is published by the HSRC Press. The press is run by its own Board and makes the majority of its research products available for free download.
[380] Interview, Southall, R, 19 April 2007.
[381] Interview, Van Zyl, C, 27 June 2007.
[382] Interview, Reitzes, M, 26 February 2007.
[383] Interview, 25 May 2007.
[384] Interview, Southall, R, 19 April 2007.

A highly publicized incident at the HSRC in which a senior executive resigned due to what he felt was an impingement on his right to free expression, was expanded on by Roger Southall,

> "Quite honestly it need not have turned out as it did. The issue of his resignation[385] has to do with the corporate image of the HSRC: the HSRC's media policy in this case.[386] Olive Shisana was passing on the displeasure of the government, yes. But after Xolela's resignation the newspaper stories in the Mail and Guardian – the Haffajee interview – skewed and false. Xolela said the HSRC was not a place where you had academic freedom which I disagreed with. I urged him to 'fight them on it'."

Southall explained that

> "If it had carried on it would certainly have gone 'all the way to the top' so to speak, and the government and HSRC management would have got 'egg on their faces'. How could they have seriously interfered with him, stopped him from saying as he pleased in the end? If they had they would have appeared the aggressor in the one place – the academy - where this behaviour is intolerable! The only thing they (the HSRC) can rightfully get you 'out on' is releasing research findings which have been agreed to with the financer as confidential until a certain time."[387]

Southall added though that Xolela Mangcu felt doing as he suggested would have been intolerable, as Mangcu felt he did not want to work in such 'an unpleasant environment'. Mangcu meanwhile acknowledged he had left the HSRC as a result of a disagreement with the new CEO Olive Shisana after she allegedly told him ministers were not happy with his public writing, saying, 'What I could surmise from what she (Shisana) was saying was that we should not bite the hand that feeds us.'[388]

According to a senior humanities academic close to the governing structures of the HSRC,

> "The current Deputy Minister of Science and Technology, Derek Hanekom, has gone on record as saying he is very happy with the direction the HSRC is moving in at present. He was of the opinion that Orkin was too independent and wouldn't subordinate himself enough. Orkin would for instance allow the questioning from people like Southall. Shisana is definitely in a more applied field - I mean health is about getting people off their death beds, right - that is 'problem solving.' Which as you know is one of the HSRC's catch phrases. And I have a sense that statements about the government from the council seem more positive. I am not sure how everyone in the HSRC sees the Shisana appointment. Orkin was not a politician like Shisana is. Olive has her 'implementation networks' strategy. The new HSRC

[385] Xolela Mangcu's resignation as an HSRC programme executive director.
[386] From what I could gather in interviews this officially dealt with the issue of decreeing that one notify readers that one was writing in one's personal capacity when writing for the general public in newspapers, unless the issue was linked to an area in which one was qualified to comment professionally.
[387] Interview, Southall, R, 19 May 2007.
[388] Webb, B, 8 December 2005.

> Policy Unit is a direct manifestation of the concern she has instilled about getting the knowledge across."[389]

3. 3. 5 The HSRC in the public sphere

Despite these differing opinions, CEO since 2006, Olive Shisana, seems to have overseen a transition in which a similar commercial model to Orkin's prevails, except there is now more emphasis on getting the message implied by the evidence-based research, across to policy makers, and other concerned members of society.

This view of matters as far as the new HSRC CEO is concerned, were echoed by Habib:

> "Basically the HSRC partners with agencies and vice versa. There is greater disaggregation. There is more money from the state. Olive bought in money. The R20 million for the new Policy Unit would not have come to the HSRC if not for her. Olive is extremely responsive to PAITECS[390] but finance is the implicit priority – she is more statistical though about it. Mark Orkin was very clever though to focus on two priorities in his strategy. Olive insists on responsiveness to PAITECS. There is a collective responsibility to Key Performance Indicators. Olive has retained her profile from when she was a successful Executive Director. Orkin left networking to ED's. Olive takes a lead in networking - going to London, and so on, to find partners."[391]

In 2004 the former Deputy Minster of Arts, Culture, Science and Technology (since disaggregated) had said – she is but one such official to have said similar things - 'we are grateful to South Africans, including the HSRC's contributors, who continue to play the role of fact gathering an analysis that gives government the basis for assessing alternate options and facilitates informed policy decisions.'[392]

The development referred to by Habib – the HSRC Policy Unit - is financed by Department of Science and Technology (DST) ring-fenced funding. Habib says,

'The unit looks at an area for three years, in–depth. It is a fantastic model which the HSRC is in the midst of.'[393]

An HSRC press statement quoted Shisana as saying, 'Obviously there are already excellent, established research units within and outside the HSRC who are working in these areas. A key strategy of the Policy Unit is the establishment of networks involving researchers from various institutions and disciplines, policy makers, programme implementers in government departments and NGOs, as well as activists in civil society

[389] Interview, 25 May 2007.
[390] The HSRC measures its performance in terms of indicators grouped under the acronym of 'PAITECS', which stands for Public-purpose mandate; International collaboration with particular emphasis on collaborative research in Africa; explicit attention to the Implementation and impact of research; ongoing and deepened Transformation of the HSRC workforce; Excellence and Capacity building in research, and Sustainability through securing of grants to support longer-term, large-scale research projects and programmes; HSRC, Annual report 2006/2007.
[391] Interview, Habib, A, 7 June 2007.
[392] Sonjica, B, 23 March 2004.
[393] Interview, Habib, A, 7 June 2007.

in process of policy analysis and policy dialogue'.[394] Southall mentioned that, 'The Presidency does think of the HSRC as 'its organisation''.[395] In the context of how Cosatu has found the HSRC a compelling site for research,[396] this suggestion perhaps deserves further scrutiny.

Recent developments involving the HSRC speak to the organisation's expanding role in facilitating the development of political consciousness formation, along the lines suggested throughout this intervention. Consultant Renee Grawitzky broke the story of the creation of an 'Employment Scenarios' reference group under the auspices of one of the HSRC research programmes (or units), which starts a process that creates 'space to ask creative questions' and seeks to ensure 'that participants have the maturity to play out scenarios without being limited by narrow sectarian influences'.

The HSRC as an 'independent body' was considered suitable to the task according to Sipho Pityana. The forum includes prominent government figures from The Presidency, business and labour, including Cosatu's General Secretary.[397] 'The group meets twice a year to conduct scenario-planning sessions but its members, bolstered by twenty eight experts and researchers, also take part in continuous rounds of concentrated debate. The HSRC's scenarios are not government policy, nor is there an expectation that the process will lead to an employment strategy. However, it has encouraged ideas that are being taken back to the participants' institutions. Alan Hirsch in The Presidency says if the Employment Scenarios research didn't exist, The Presidency would probably have had to commission the work. The work will feed into The Presidency's ongoing scenario planning as well as the 15-year policy review, on which work recently started.'[398]

The HSRC's work is by no means used exclusively by those who commissioned it, whether government or otherwise. In 2004 HSRC CEO Mark Orkin alluded to the fact that, for instance, pre-election market polls provide a resource for political parties, including smaller parties that cannot afford their own opinion polls.[399] This is arguably also judicious way of carrying out the HSRC's parliamentary mandate to provide public purpose research. African Christian Democratic Party (ACDP) MP, Cheryllyn Dudley said, 'I know we as the ACDP have made use of HSRC research often. I recall the first time I was very aware of the value of their work was when they came to parliament and gave feedback to individual parties with reference to their surveys on party support etc. We found this very useful.'[400] Dudley also referred to further HSRC research in November 2004 on welfare and poverty in a speech to parliament.[401] The DA health

[394] HSRC media statement, 10 October 2006; At a symposium on 'evidence-based practice' Olive Shisana spoke of how upon producing evidence, in a study for the Education Labour Relations Council, that 11 districts in the country was where the problem of HIV among educators was/is confined, and therefore that a pilot project where the Education Department (DoE) rolled out antiretroviral therapy treatment, instead of the Health Department, be implemented, the suggestion was shot down by the Department of Education; ASSAf, September 2006.
[395] Interview, Southall, R, 19 April 2007.
[396] Louw, I, 10 September 2006.
[397] Grawitzky, R, 29 November 2006.
[398] Bisseker, C, 26 October 2007.
[399] Business Day, 13 April 2004.
[400] Dudley, C, Personal email communication with the author, 25 January 2007.
[401] Dudley, C, 2 November 2004.

spokesperson recently referred to joint Medical Research Council[402] and HSRC work on HIV and other diseases among educators when addressing parliament.[403]

The HSRC has also been recently commissioned by the WK Kellogg Foundation, for instance, to conduct research, manage community based initiatives, and identify NGO's to implement projects to combat growing number of orphans in sub-Saharan countries.[404] In a similar role, has been asked by the World Bank to assist in the roll-out and provision of technical support for the Affiliated Network for Social Accountability which aims to develop social accountability initiatives across the African continent from 2008.[405] Another significant recent project is the granting of R69 million over five years to a consortium led by the HSRC, including top literacy and numeracy research bodies, in order to implement a programme that seeks to develop the capacity of the education system.[406] Current CEO, Shisana explained that it is important to work with the Department of Education in this because they would be implementing the reforms.[407] The HSRC was recently involved in chairing the 3rd National AIDS conference in Durban, after government released its five-year National Health Strategic Plan, in order to help forge consensus as to how to implement the plans, recommendations, and goals.[408]

Another study by the HSRC has for instance involved a situational analysis of Historically Black Universities, and the determination that rural universities especially could play an effective role in reducing poverty.[409] The HSRC has also worked on very technical, applied projects, such as jointly designing the City of Tshwane's Safe City Policy, with the CSIR.[410] Recently collaborated with Statistics SA in compiling and releasing a detailed publication on how to use census data.[411]

It might even be effectively argued that if one considers how government departments – who make liberal use of consultants, and which basically function like the Foundations that to a great extent set agendas for the research community – function in brokering research[412] the HSRC and other science councils, or perhaps a modified science council system along the lines suggested by Habib, could perform a bigger and more effective role in brokering and arranging such research partnerships

Is the HSRC in civil society or the state administration? Are we better off without its competition to the private sector? Others cite faulty research as reason not to disregard all and alternate types of information, data and opinion. The HSRC, for instance, has been accused of using grossly inaccurate statistics and information and those studies were being used now by MP's and state bureaucrats to arrive at misleading conclusions about

[402] One of the other ten national science councils.
[403] Hartley, W, 8 January 2007; this is the research whose recommendations CEO Olive Shisana explained had not been taken up by government.
[404] Rosenberg, R, 11 November 2005.
[405] Moodley, N, 12 December 2006.
[406] I-Net Bridge, 22 January 2007.
[407] Blaine, S, 24 January 2007.
[408] Scott, C, 5 June 2007.
[409] Nkomo, M, 8 December 2006; details of the HSRC's projects are available in their Annual Reports and Quarterly Reviews. Details of the media's coverage of their projects and the recommendations appear frequently in the national media – examples of these appear in the bibliography.
[410] Hlahla, P, 31 July 2006.
[411] Lehola, P, 19 September 2007.
[412] An interesting question, but not one it is possible to consider here.

immigration to this country'.[413] At other times the HSRC has been accused of not consulting widely enough in the research it does[414], but these concerns are all part and parcel of the research enterprise in general.

Answers to this question were not the intent of this intervention. This exploratory case study therefore concludes on an agnostic note – as it always was going to. No profound conclusion regarding the nature of the organisation was ever intended. The point was to raise the possibility that political theorisation about South Africa had either misinterpreted certain facets of reality through oversight, or wilful neglect. Features of the HSRC in the 'new' public sphere illustrate in a more concrete sense where emphasis ought to lie in accurately appraising the state of South Africa's democratic political culture.

Conclusion: Wither Radical Democracy?

The central argument in this dissertation is that arguing for a compromised or depleted political culture or space is extremely difficult if we consider the complexity of the public sphere. This involves arguing that by re-interrogating some of the concepts and arguments underpinning orthodox critical perspectives on democratic functioning, which tend to emanate from deliberative democratic theorists using a version of the concept of the public sphere, we find notions of the critical public sphere have been corrupted by the idealism that accompanies the nonetheless important concept of the critical public sphere.

By illuminating this flaw in the orthodox critical democratic perspective, and adding that critique of democratic function is pronounced and misguided for a variety of historical reasons, and applying the final theoretical product to critiques of South Africa's democracy, I argue that critiquing South African politics and policy making should in general be done with more care, since what is under-contemplated in orthodox critiques by way of the nature of the actual public sphere, is not negligible. A counter critique is the end result.

Critics who start by characterising the political space as dominated by one party which allegedly renders the political space unfit for its critical purpose ought to be fairer in their accounts. The end result of this increasingly consensual critical position is that we inhabit only a relatively meaningless formal democracy. The *exploratory* case study of the Human Sciences Research Council which I go on to consider was chosen on the basis that it was possible it could throw up evidence of interesting illustrative tendencies in what I argue may constitute a 'new' public sphere. This was however nothing more than an informed guess.

The theoretical possibilities I aim to highlight are arguably deserving of more focused appraisal in themselves, but the aim of this dissertation is to introduce the theoretical possibility of an under-theorised public sphere in a dramatically historically-encumbered atmosphere of political opinion and suspicion. That was done through highlighting how

[413] Business Day, 7 July 2000.
[414] Kunene, O. B, 5 November 2006.

that situation came about, and less so, what would constitute evidence of the nascent theory's correctness. It could very well be argued that other aspects of constitutional democracy – not flimsy speculation about so-called political consciousness formation and how this informs policy – are far more important to the quality of democracy than argued for here.

If the HSRC is able to carry out its role (bearing in mind its by now virtual multiple mandate) to a significant degree and with a significant degree of dignity, as I have argued it likely does, this fact and its implications should not pass unnoticed by those who criticize the quality of South Africa's democracy, and the nature of political consciousness formation.

Is the HSRC compromised, in its mandate of delivering 'social science that makes a difference?' The jury will always be out, and make its measurement according to a variety of esoteric indicators, but evidence from interviews with present and former staff, and other relevant figures, points to this being unlikely. The HSRC undergoes regular reviews (so far in 1997 and 2003), and is overseen by parliament through legislation (reporting to its committee system). It was never the intention to pass judgement on the HSRC's accountability, rather it was to argue that the validity of the consensual critical position on the state of democratic will formation in our nascent democracy ought not to be as comfortable or easy a position to hold given such empirical examples of tendencies in our democratic culture which are either overlooked, or equally likely, underemphasized. Above all it should surely be held in mind when theorizing about democracy that given voting systems, the representation of interests within different institutions, and so forth; political consciousness formation which obviously informs policy-making and which is after all the all-important output of any democratic dispensation, depends on freedom to articulate preferences. A question to bear in mind is therefore to what extent are we free; a question keeping thoughts on what has been discussed in perspective?

The relation of civil society to the state is an aspect of our democratic culture which many have argued is to be found wanting, particularly since the ascent of Thabo Mbeki to The Presidency. Ironically this is arguably the case because it is since then that the policy-making process has been most vigorously open to heated dispute.

I have argued that political consciousness formation would be shown to be much less circumscribed than is argued by critics if, instead of focusing on how particular actors have felt themselves excluded, a discursive analysis as suggested by Greenstein and expanded on by my own arguments about the public sphere, were the theoretical starting point.

Honneth's challenge to would-be civil society democratic reformers, to show the structural barriers to participation remains as forceful as it was when he laid it out in 1993. I argued similarly that proving the insufficiency of the orthodox consensual critical position requires that the complex nature of the public sphere be acknowledged, which I have tried to sketch out in chapter one, and supplement throughout.

What is the differentiated picture of the public sphere I have argued exists? In summary there exists one, the picture presented by John Keane, of communicative abundance; in a situation where, two, the state is unable to perform most of its productive policy tasks

without massive public input; and thirdly, this communicative abundance in the public sphere might be further described in the way Nancy Fraser breaks down that complex terrain when she refers to an issue being 'political' if it is contested across a range of different publics.[415]

So finally, how does the HSRC figure in better conceptualising that space? The HSRC is but one actor going about its business in a situation where the state needs, even encourages, the input of diverse voices in society.[416] Given what is maintained about the complex public sphere, more attention needs to be given to it and other spaces and discursive battles as highlighted by Mattison for instance, for the fluid space it is. The reason for focussing on the HSRC (this was done in a basic fashion), was to highlight that contrary to the consensus that little space for 'positive contention' exists, or that our public sphere is terminally compromised, interesting theoretical questions concerning this critical issue deserve ongoing attention from social scientists.

This perspective might in-itself give rise to a host of related questions. A possible shift in the policy terrain, which Richard Humphries claimed was in evidence in 2000, deserves perhaps to be a theme which receives closer attention. Alternately, to what extent might it be that the HSRC and other such institutions are actually a type of bridge that acts to shorten the distance which 'reasons and their impact on policy' must cross between specialized publics and 'a range of different publics', and vice versa?

Ultimately Jurgen Habermas' original concern with the public sphere was with the degree to which this space - where an ideal speech situation might be approached, *sans* distortion by power and money - could be theoretically envisioned. It has been argued that the concept of the public sphere needs to be resurrected for further theorisation. Crying wolf at the slightest provocation is not helpful for democratic theory, and theory ought to be more carefully applied to reality because it informs understanding. I hope to have gone some way to providing a guide to how to begin that enterprise.

[415] Fraser, N, 1990, p. 166; Hoppe's problem definition strategies might be a good way of understanding how a 'political' issue is contemplated, see in this report, 'The 'new' public sphere?' in Chapter 2.

[416] The excursus on the nature of the state derived from Claus Offe's analysis is meant to have explained that fact. See Offe, C, 1975.

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In-person Interviews

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Semi-structured Interview, Southall, R, Former executive director of HSRC Democracy & Governance programme, HSRC Distinguished Research Fellow & Founding editor of State of the Nation series, 25 May 2007, Witwatersrand University, Johannesburg.
Semi-structured Interview, Name withheld, Former HSRC executive director of HSRC programme (until 2005), 16 April 2007, Interviewee's office, Johannesburg.
Semi-structured Interview, Name withheld, Senior humanities academic close to HSRC structures, 25 May 2007, Interviewee's office, Johannesburg.

Telephonic Interviews

Semi-structured Interview, Atkinson, D, Former senior researcher at HSRC Democracy & Governance programme, 11 April 2007, Johannesburg – Bloemfontein.
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