

Social inequality, cultural diversity and a compromised commitment to complexity in contemporary public deliberation¹

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Abstract

The paper proceeds from two propositions: the first is that public deliberation is understood to occupy a central role in modern democracies. The second is that public discourse is a potential mode of social integration.

The paper argues that the post-repressive regime South African government has actively convened a public sphere bristling with institutions and policies designed to facilitate public deliberation. However, certain apartheid legacies and contemporary political compromises facilitate the reach of power into the convened public sphere, leading to the corraling of public deliberation and the attempted silencing of critical voices. The paper goes on to draw out the implications of manipulations and misconceptions around the issue of what constitutes quality in public deliberation.

Counter-public spheres have the potential to enable widespread public deliberation in conditions of persistent inequality, yet in many respects the formation of such counter-public spheres is currently inhibited. The paper goes on to consider the role of capillaries of public deliberation, in which various kinds of radical critiques of cultural values, norms, identities and the fragmentation of our historical consciousness, take place. These are critiques that are potentially disruptive of the convened public sphere and yet critically important in the recognition of mutual humanity and the possibility of future goodness.

The paper concludes that in various ways the operation of power in the convened public sphere compromises public deliberation, as does the manner of the convening itself, while the consigning away of culture critique deflects critical debates from the convened public sphere. It notes chilling indications of a further failure: the current

¹ Author's note: This paper draws heavily on a project of collaborative research by the Core Group of the Constitution of Public Intellectual Life Research Project viz. Rory Bester, Lesley Cowling, Anthea Garman, Yvette Greslé, Carolyn Hamilton, Windsor Leroke, Litheko Modisane, Pascal Mwale and, more recently, Alan Finlay. In some senses, then, it is a work of joint authorship, although I am responsible for (the sins of) this particular formulation. Thanks are due to Oliver Barstow for research support in the preparation of this paper. This is a work-in-progress and is not yet ready for citation.

trends reveal substantial silencing, self-silencing and the evasion rather than the confrontation of the fetters of the convened public sphere.

Every citizen bears a weighty ethical responsibility to engage in active deliberation. To engage in critique is to take risk as it almost always involves power, with critique coming from those who are less powerful, directed at those who are more powerful. To speak then, one must be secure in one's citizenship. And to be silenced or to self-silence is to be denied, or to deny, one's citizenship and to open up the possibility of the denial of our common humanity. The stakes in public discursivity are revealed to be immensely high, much higher than perhaps they first appear.

Introduction

There is a widespread view that our times are marked by the collapse of the public sphere. Indeed, the erosion of the public sphere was described by Jürgen Habermas even as he identified its existence.²

As formulated by Habermas the concept of the public sphere involves the assembling of private persons to discuss, unrestrictedly and in a rational-critical manner, matters of the public interest, and the transmission of the outcome of their deliberations in a form able to influence the state. Habermas identified the emergence of the public sphere as an historically-specific phenomenon created out of the relations between capitalism and the state that emerged in the seventeenth and eighteenth centuries in Europe, and as a specifically bourgeois phenomenon. Craig Calhoun points out that the value of Habermas' intervention lies in its insistence that a public sphere adequate to a democratic polity depends upon both quality of discourse and quantity of participation.³

By the late nineteenth century, Habermas argued, the public sphere had disintegrated. The reasons which he provides for this shift are complex and many of them specific to the time. The validity of some of them is open to challenge and the outcomes of such challenges are significant for how we understand public discursivity today. I deal with some of these in the course of the paper. Key to note in relation to the disintegration of the public sphere is Habermas' identification of an expansion of access to the media that brought with it a passive culture of consumption marked by individuated reception coming to replace what he termed serious involvement and the shared critical activity of public discourse, a withdrawal from literary and political debate, and the maintenance of a false sense of contributing to public opinion. He further argued that the consumption orientation of mass culture leads to a new relationship between cultural producers and consumers. With this break, he suggested intellectuals, the producers of culture and its critical commentaries, become separated from the consumers. By means of these transformations, he argued, the public sphere has become an arena for advertising and display, for earning legitimacy by acclaim, and for the manipulation of popular opinion.⁴

²*The Structural Transformation of the Public Sphere: An Enquiry into a Category of Bourgeois Society*, 1962 in German, translated into English in 1989, Cambridge, MIT Press, 1996.

³ Calhoun, C. (ed.), "Introduction: Habermas and Public Sphere," in *Habermas and Public Sphere*, Boston, MIT Press, 1992, p.2.

⁴ Calhoun's overview of Habermas' argument offers useful and well-formulated condensations on which I rely heavily here.

Despite his own pessimism, the idea of the public sphere continues to have life. Questions of public deliberation and public intellectual activity are understood to occupy a central role in modern democracies, notably in mediating the political tensions between state authority and private responsibility.⁵ Indeed, much current critique of democracy focuses on the need for active public citizenship rather than mere voter participation. Nancy Fraser asserts that while the Habermasian 'bourgeois or liberal model of the public sphere is no longer feasible [some] new form of public sphere is required to salvage that arena's critical function and to institutionalize democracy.'⁶ Her work, while focused specifically on North America, gave some thought to the particularities of the liberal democracies emerging out of the repressive regimes of Eastern Europe, Latin America and South Africa. Although she did not elaborate on the South African example her comments prompt an examination of the possibilities, limitations and constraints of the concept public sphere within the particularities of the South African context, where maintenance of a public sphere might be said to be an explicit part of the government's mandate.

In the paper that follows I inaugurate a project of trying to develop an historically specific understanding of public discursivity in post-repressive regime South Africa. The paper is alert to the significance of prevailing ideas about publicness rooted in ideas inherited from Ancient Greece and reshaped by the Enlightenment, the particular way these ideas were applied under colonialism and apartheid, and the way in which germane pre-colonial values and ideas intersected with them historically, and continue to so intersect.

In looking at discursive relations I attempt to pay attention to an arena that is distinct from, but profoundly shaped by, political and economic relations. In sharp contrast to the specific situation that occupied Habermas, South Africa is not, of course, a bourgeois society. I do not attempt a detailed analysis of South African society and economy, but in the course of the paper I allude to a number of its characteristic features: the state as committed to participatory democracy; the way in which a capitalist market economy, with significant global links, forms its basis; the widespread availability of broadcast media and a limitation of most other forms of media access in the hands of a small educated minority; the presence of an old, established white elite, the emergence of a new black bourgeoisie, the impact of a small but significant organized working class and a number of small social movements, and the existence a large mass of unemployed or informally employed. In particular, I focus on the implications of enormous social inequality and significant cultural diversity for processes of public deliberation.

Habermas emphasized two distinctive, intertwined, features of the eighteenth-century European public sphere: firstly the audience –orientated subjectivity of the conjugal family's intimate domain, and the location therein of particular ideas of humanness; and secondly the way in which the public sphere, and private life, were constituted in, and through, the world of letters. In contemporary South Africa subjectivity, ideas of humanness, the nature of a private/public division, and the extent of the world of letters are clearly very different, and the possible significances of these differences bear consideration. In the main, these are tasks I have as yet barely attempted.

⁵ See, for example, the essays on deliberative democracy in Benhabib, S., (ed.) *Democracy and Difference: Contesting the Boundaries of Political Difference*, Princeton, Princeton University Press, 1996.

⁶Fraser, N., "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy", in Calhoun (ed.), *Habermas and the Public Sphere*, p.111.

It is not my intention in this paper to argue for or against the idea of a public sphere, or to decide whether or not one exists in South Africa. The paper explores the role which the concept, or perhaps more accurately the ideal, of a public sphere, plays. It does this in an effort to achieve an understanding of contemporary public discursivity and to reveal what is currently at stake in relation to public discursivity.

A Post-repressive Regime Public Sphere

The role of public deliberation in mediating the political tensions between state authority and private responsibility is a marked feature of the structural arrangements supporting post-apartheid South African democracy. In part this is a consequence of the pluralism of values upheld through prevailing political arrangements that require constant negotiation in relation to policy and legislation. It also flows from strong contemporary invocations of certain South African historical legacies: a celebrated tradition of public engagement by African intellectuals that dates back to the middle of the nineteenth century; concern about the long exclusion of the majority from the concept of public itself and acknowledgement of a concomitant need for redress; a commitment to consultation symbolized in, amongst others, the politically and socially valorised procedures of the traditional *lekhlotla/imbizo/volksvergadering/indaba*, performance of the drafting of the Freedom Charter, and ideals of community articulated in the struggle against apartheid, all of which lead to significant value being placed on public consultation and active participation in public deliberation in the post-colonial, post-apartheid present, effectively, the endorsement of a culture of consultation. The strength of this value in South Africa today is such that it can be, and often is, in its own right mobilized as a source of legitimation for a course of action.

It is a value currently institutionalised in a variety of instruments, organizations, and policies designed to promote public comment on government initiatives and legislation, and public engagement more generally. The idea of open, accountable government that is able to listen to its citizens is a founding value of the South African Constitution. Indeed, the Promotion of Administrative Justice Act makes it essential for government to consult the public when making policies or laws. The 17 August 2006 landmark judgment of the Constitutional Court in an application by Doctors for Life which challenged the constitutionality of certain health Bills, on the grounds that government⁷ had failed to fulfil its constitutional obligation to facilitate public involvement in the passing of the Bills, is a case in point. In relation to two of the Bills, the Traditional Health Practitioners Act and the Choice of Termination of Pregnancy Amendment Act there had been requests for public hearings that never took place. In response, Judge Ngcobo dealt extensively with the importance of participatory democracy in the South African constitutional order and the nature of the constitutional obligation imposed on the legislature to facilitate public involvement. He argued that a commitment in the Constitution to accountability, responsiveness and openness shows that South African democracy is not only representative but in fact contains participatory elements that are a defining feature of the form of democracy contemplated. It is a form that envisages participation by the public on a continual basis and active involvement by citizens in public affairs. Thus, he argued, the Constitution requires a high degree of public involvement. In a concurring judgment Judge Sachs - remarking that democracy did not go into a deep sleep after elections, only to be kissed back to short spells of life every five years -

⁷ The application –which succeeded - was originally brought against the Speaker of the National Assembly and the Chairperson of the National Council of Provinces, while the Minister of Health and the Speakers of the nine provincial legislatures were subsequently joined as respondents in the matter.

pointed out that consultation and involvement had become a distinctive part of the national ethos, and that deliberation and dialogue went hand in hand.

Access to information and freedom of the media are recognized as vital components of public deliberation. There are a significant number of government initiatives designed to secure this environment of public deliberation. These include the Independent Communications Authority of South Africa (ICASA) set up in terms of the Independent Communications Authority Act, the Broadcasting Complaints Commission, and the Protection of Access to Information Act. Other initiatives designed to protect the space of public deliberation are rooted in civil society or in the professions, such as the Freedom of Expression Institute, the Media Institute of South Africa, the South African National Editors' Forum (SANEF), the Press Ombudsman, the Media Monitoring Project, the South African History Archive (SAHA) and IDASA.

There are also substantial efforts geared towards the *stimulation* of public deliberation, dating back to the *Felicia Show* of the early 1990s, through other television initiatives such as *Soul City*, *Yizo-Yizo* (commissioned by the national Department of Education), the acclaimed daily *After 8 Debate* on SAFM, the Presidency-endorsed series *Heartlines*, promoting a "national conversation" about social values, and the SABC's own recent offering, *In the Public Interest*. There have also been a host of public events such as the 2005 *Public Interest* talks held at Constitutional Hill co-hosted by the Wolpe Trust and others. In many of these initiatives significant efforts are made to incorporate marginalized, isolated or ignored groups in processes of discussion. Broadcast media, with their capacity to reach the illiterate and the poor in distant regions, have been the focus of particular attention.⁸ In other words, considerable attention has been given to the extent of participation in the public sphere.⁹

The Presidency itself engages in the overt performance of acts of listening to the voice of the people, through monthly izimbizo across the country, which involve the President and senior officials in intensive face-to-face public consultations in which a particular effort is invested in ensuring that grassroots experiences are given expression. Presidency staff members also participate actively in a wide range of processes of public engagement by writing opinion pieces, and publishing books and articles.¹⁰ The speeches of the President frequently move beyond executive matters to reflect on questions of intellectual substance and ethical practice, and are often designed to stimulate public debate. One such speech was the 2007 Annual Nelson Mandela Lecture given by Mbeki in which the President raised questions about the personal pursuit of material gain at the expense of social cohesion.¹¹ The speech was widely discussed in public fora and its content actively debated in the media. The intellectual nature of the Presidency has been widely commented on in the media (though not always with acclaim¹²) while the Presidency actively supported the writing of an authorized "intellectual biography" of the President. Moreover, the

⁸ See, for example, the work of the Media Development and Diversity Agency (www.mdda.org.za) and the media programmes of the Open Society Foundation (www.osf.org.za).

⁹ See Schudson in Calhoun (ed.), *Habermas and the Public Sphere*, on the significance of extent.

¹⁰ See for example, the contributions of amongst others Vusi Gumede, Alan Hirsch, and Bheki Khumalo

¹¹ The speech has bearing on an issue raised by Habermas in his description of the decline of the public sphere where he notes that consumption levels are highest for those whose wealth has outstripped their education. He argues that from this flows a loss of any notion of the public interest and the ascendancy of a consumption orientation.

¹² See, for example, *The Weekender*, 12-13 August, 2007, article by Tim Cohen

President has repeatedly called for active intellectual engagement in public deliberation.

South Africa is thus an environment which, on the face of it, looks to be strongly enabling of an active public sphere, closely approximating the Habermasian formulation as characterized by the ability and opportunity for private persons to come together in public to engage in rational-critical discussion of the issues of the day, and thereby to shape political outcomes. More specifically, the South African situation seems to bear out the potential, noted by Fraser, of post-repressive regimes in particular to exemplify the possibility of active and vital public sphere conditions and activity.

The Post-repressive Regime Public Corral: Bit, Bridle, Halter and Reins

While public deliberation enjoys high social and political value, in practice, the valorising of diversity often leads to the guaranteeing of specific cultural rights against the thrust of reasoned public deliberation, and rationally motivated consensus does not always prevail. These outcomes are, rather, the result of compromises negotiated amongst parties, special interest groupings and public administrators and the public is only included sporadically in this circuit of power.¹³ In addition, the fact that South African democracy was the result of a relatively rapidly negotiated political settlement means that many of the values of a democracy and the notion of public sphere nested at the heart of its operations are far from familiar to, or accepted by, the majority of South Africans. A significant number of citizens are functionally illiterate, live in conditions of extreme poverty and inhabit worlds where different cultural values prevail, some of which are not readily reconcilable with the values of a constitutional democracy. In 2005 country-wide meetings organized by the National House of Traditional Leaders to discuss same-sex marriages revealed widespread discomfort with ideals enshrined in the Constitution, in particular those relating to gender and sexuality. "The nation must be free to talk," commented one of the organisers, but it is remarkable that these kinds of views are seldom heard first-hand in the South African public sphere.¹⁴ On occasion however, the conflict of values percolates into the heart of the institutions of democracy: in 1996 many ANC MPs balked at having to vote for the Termination of Pregnancy Bill which the ANC government adopted, and in 2006 the situation has again arisen in relation to the Civil Union Bill which will legalise same-sex marriages, both issues driven by the demands of the Constitution.

Education, is of course, crucially important in putting the public in a position to arrive at a considered, rather than common, opinion or understanding of an issue. While government has fully intended to provide a form of education enabling of informed participation, it has failed, spectacularly. The reasons for this are complex, and beyond the scope of this paper. The failure lies in both formal schooling and in the area of adult basic education. It is nonetheless a failure that fundamentally compromises the capacity of ordinary citizens to engage in quality public deliberations. Another structural factor that has an impact on the potential vitality of a South African public sphere lies in the way in which prevailing economic policies which emphasise globalization, privatization and investment, encourage and valorise aggressive commercialisation. Perhaps the most vivid example of this lies in its

¹³ My formulation here intentionally echoes that of Habermas, *Transformation*, p.176.

¹⁴ Reid, G. "How to be a Real Gay," Phd. work-in-progress, University of Amsterdam; see also the 2006 HSRC survey which found a significant discrepancy between ideals enshrined in the constitution and the values of ordinary citizens.

impact on the public broadcaster, the SABC, where the pursuit of commercial viability threatens to imperil its public interest mandate. Similar conditions affect the Human Sciences Research Council and other statutory research councils.¹⁵

Public deliberation is further hobbled by colonial and apartheid inheritances that prove difficult to supersede. The relationship between public deliberation and archive is a case in point. In post-colonial and post-apartheid South Africa there is animated public discussion around a number of issues of contemporary significance –notably reconciliation, development and identity politics - that are based on archive. By archive I mean both the many items in many different forms from the past, or about the past, that survive in the present to serve as sources about the past, as well as the circumscribed body of knowledge of the past that is historically determined as that which is available to us to draw on when thinking about the past.

As is well known, the project of reconciliation is predicated on an interrogation of the past in order to identify previous wrongs, on incorporation of their recognition into collective memory, and on the acknowledgement of those who suffered from them. While the project of reconciliation exerts an obvious call on archives to support public deliberation, freedom and peace - which are the goals of reconciliation, and indeed of democracy- exert a different call on archive. To understand one of the most significant ways in which they make a call on archive, we need to recognize that in the South African situation a condition of freedom and peace is development.¹⁶ And development itself makes a call on archive.

Arturo Escobar has argued, in the current post-development era the project of development can no longer proceed without a struggle for reclaiming the dignity of cultures that have been turned into a set of experimental subjects through the implementation of economic developmentalism.¹⁷ Any reclamation of dignity requires a return to archive. The challenge for a country like South Africa is not only to unveil the foundations of the order of knowledge which defines aspects of our society as underdeveloped but also to explore the potential contributions in this post-development era of modes self-identification and accreditation in the development of self-capability, of indigenous practices and local forms of modernity. The meaning of what it is to be modern and African, a core proposition of South Africa's current development agenda, requires intensive engagement with matters of identity. Indeed, this is one of the most pressing intellectual questions of the day, and one with significant public reach.

Current concepts of identity bear the historic imprimatures of the interventions of past political powers, whether those of pre-colonial ruling elites, colonial authorities or apartheid ideologues, primarily in the form of efforts to create pure forms of identity able to exclude others from their parameters, and are bolstered by the very archive that is our current inheritance. The extent to which modern identities are necessarily constrained or facilitated by these past identities remains to be debated. That debate itself requires recourse to the archive, primarily to unpack the current ideologically-loaded webs of argumentation that bind South Africans into historic identities that they may wish to jettison, but also to provide resources for alternative possibilities,

¹⁵ See for example the 2003 HSRC Review Report which drew attention to the tension between the organisation's public interest mandate and commercial pressures.

¹⁶ Sen, A., *Development as Freedom*, New York, Anchor Books, 2000.

¹⁷ Escobar, A., *Encountering Development: The Making and Unmaking of the Third World*, Princeton, Princeton University Press, 1995.

appropriate to our post-colonial, and recognizably cosmopolitan, present.¹⁸ The colonial and apartheid legacy lies in both the particular content of the archive which those periods bequeathed to posterity, and what is entailed in the particular concept of archive which they installed –the definition of what is and is not archive, how archive is organized, and an understanding of its limits and possibilities.¹⁹ The question then is whether post-repressive regime South Africa has grappled with these issues.

It certainly acknowledges the problem: the active support of the project of African Renaissance by government is a clear signal in this regard, as is the establishment within the presidency of the South African Democracy Trust which seeks to record the history of the liberation struggle and to celebrate the heroes and heroines of the past.²⁰ However, archive is a powerful technology of rule, and if that rule is asserted through control of access to the archive - in the sense of both who uses and what goes into the archive - as well as control over the form that the materials take, then in the context of a change of political power, say from a repressive regime to a democratic one, an endorsement of the archive of the new power is not a sufficiently responsible recognition of the power of the archive. Our inherited notion of archive is one of an authoritative and inert repository. In post-apartheid South Africa, critique of archive has largely been limited to a rejection of its content, specifically its colonial and apartheid biases. While there are substantial attempts to add new content into the old model, this does little to open the archive to public deliberation, to question the certitudes of archive or to subject archive to the question of difference. In short, the concept of archive and the archival contents which prevail today make it extremely difficult not endless to rehearse the differences of the past, albeit that we can now valorise former victims and castigate former perpetrators.

The Italian philosopher, Giorgio Agambem lays out forcefully the implications of the idea of testimony - not in the standard sense of giving an account of an event that one has witnessed, but the matter of bearing witness to what is unsayable - to the impossibility of speech and making it appear within speech. It is in this way, he suggests, that the human is able to endure the inhuman.²¹ Agambem's concerns, articulated in relation to genocide, focus our attention on what is finally at stake in the matter of identity, archive and public deliberation, the definition of the limits of humanness. The way in which public deliberation is hobbled by a colonially and apartheid derived concept of archive, and set of archival holdings, is thus far from trivial.

¹⁸ For a sustained discussion of these points see Hamilton, C. and Mangcu, X., "Freedom, Public Deliberation and the Archive," paper presented to the plenary session, South African Historical Association, University of Pretoria, 2006. See also the ongoing discussion of identity and the archive in contemporary public deliberation reflected in www.public-conversations.org.za.

¹⁹ It is Foucault who alerts us to the way in which the organization of documents is constitutive of a particular history for a particular society. He views the document "not as the fortunate tool of a history that is primarily and fundamentally *memory*; history is one way in which society recognizes and develops a mass of documentation with which it is inextricably linked." (Foucault, M., *The Archaeology of Knowledge*, trans., A.M. Sheridan, London, Routledge, 1989, p.7). Foucault defines archive as the totality of discourses within a particular age, and it is the archive that assigns status to particular documents, structuring them in a hierarchy and in specific relation to one another so that spontaneous interaction with documents is precluded. (Foucault, *Archaeology*, chap. 5.)

²⁰ See speech by president Mbeki at Address at the Launch of the South African Democracy Education Trust, 21 March, 2001 (www.anc.org.za/ancdocs/history/mbeki/2001/tm0321.html)

²¹ Agambem, G., *Remnants of Auschwitz: The Witness and the Archive*, New York, Zone Books, 2002. See also Benedict Anderson's recent observation on the way that the pathos of the goodness of nations is hidden in the idea of genocide. (Public Lecture, *On the Goodness of Nations*, University of the Witwatersrand, 13 September, 2006.)

As Derrida has demonstrated so persuasively, there is no remembering without forgetting, and no political power without control of the archive.²² The struggle over access to the archive of the TRC is a vivid indication of the ways in which the tentacles of power inhibit access to information. The record of the TRC – supposedly a record of public expiation of guilt – disappeared under a veil of secrecy, despite the Commission’s own recommendations that its records be placed in the public domain. Only a protracted and expensive court action finally levered 34 boxes of “sensitive” material out of the Ministry of Intelligence, while the record now lodged in the National Archives continues to be difficult to access.²³ The case of the TRC record alerts us to indications of interventions by government, and the ruling party of not only the already identified commitment to the maintenance of a public sphere, and but also, simultaneously and at first glance, paradoxically, significant impulses to corral it, and in particular to subordinate it to dominant concerns of the political sphere, a link explicitly absent in Habermas’ original formulation.

Developments around the South African Broadcasting Corporation (SABC) also offer a further perspective on the reach of power into the convened public sphere. In the decade following the first democratic elections, massive efforts were invested in the transformation of the SABC from being a vehicle for state propaganda into a public broadcaster with a mandate to represent the public interest. Recent revelations of the existence of a “blacklist” of commentators - apparently comprising commentators known to be critical of the government/ANC - in operation at the SABC, have crystallized wider assessments of the public broadcaster as providing increasing uncritical coverage of government activities. Another widely cited example of this trend was the SABC’s decision to cancel a scheduled documentary on Mbeki, ostensibly because it was technically libelous of the President. To make these observations is not to assert direct government intervention in the decisions of the public broadcaster, but rather to point to the extent to which decision makers within the SABC are accepting of the halter and are willing to compromise the organisation’s public interest mandate. There are, however, other indications of direct government engagement with media content and the structure and operations of the industry.²⁴ Events at the SABC unfold against a wider background of a protracted tussle between government and the media regarding reporting on government, and public outcry at the perceived lack of independence in the latest ICASA appointments.

Archbishop Tutu used the 2004 Nelson Mandela Lecture to call attention to the pressures on the space of open public deliberation, highlighting the dangers of labelling of those who disagree and who express dissent as disloyal or unpatriotic. “I am concerned” he commented, “to see how many have so easily been seemingly cowed and apparently intimidated to comply.” Tutu’s identification of the growing reach of power into the space of public deliberation drew a sharp response from President Mbeki. Mbeki identified his critics as suggesting that the government intervenes in debates in order to silence dissenting voices. Mbeki contended that

²² Derrida, J., *Archive Fever: A Freudian Impression*, Chicago, University of Chicago Press, 1996; see also his comments on the TRC in “Archive Fever in South Africa” in Hamilton, C. *et al.* eds., *Refiguring the Archive*, Cape Town, David Philip, 2002, pp.38-60, alternate pp.only.

²³ Harris, V., Hamilton, C., *et al*, *A Prisoner in the Garden: Opening Nelson Mandela’s Prison Archive*, Johannesburg, Penguin, 2005, p.54.

²⁴ See for example government’s original Broadcasting Amendment Bill, the intention of which, as Anton Harber noted, was to remove the guarantee of freedom of expression from the SABC’s statutory charter; have SABC draft policies on editorial matters for ministerial approval; have the government authorise two new public service television channels, thus circumventing the position and authority of our independent regulator, Icasa, who would normally make such decisions. ⁴th Harold Wolpe Memorial Lecture, 26 September, 2002.

these critics made that point themselves precisely to secure the silence of government. His response, which asked for “those who present themselves as the greatest defenders of the poor [to] demonstrate decent respect for the truth, rather than indecent resort to empty rhetoric,” was interpreted by Tutu and a number of commentators as a discrediting of Tutu and thereby a seeking to exclude him from the space of public debate.²⁵ The exchange, and the intensive media take-up of it, focused attention on the two primary tactics perceived to be at play in the silencing of open discussion: the “when-you-say-that-I-am-trying-to-silence-you, -you-are-effectively-silencing-me” tactic, and the discrediting of the speaker rather than, or in addition to, engaging with the ideas being put forward.

In the next move in the tactical manoeuvring around the definition of the terrain of public discursivity, how it should operate, and who should speak, the ANC focussed attention on the sociology of public discourse in South Africa itself.²⁶ In a three-part article the ANC identified the core issue as being a struggle over who sets the national agenda. The article designated the protagonists in the struggle as “the elite” and the ANC, where the elite was identified primarily as the white elite but as including blacks who shared an elite “political and ideological platform that is at variance with the ANC’s own platform.” The article went on to identify elite control of the media and the representation of elite opinion in the media as “public opinion” as the primary tactic of the elite in this struggle. The article also identified an elite strategy of having established “icons” whose opinions were positioned as unassailable and whose job was to neutralize voices opposing the elite. Public opinion, the article asserted, is, rather, the “views of the overwhelming majority that supports the ANC.” The article went on to discuss various tactics used to silence the president, and in turn, engaged in a mirror performance of the same tactics to silence his critics. Finally, the article asserted that entire issue needed to be understood as part of a struggle by Africans to set an African agenda.

Another dramatic indication of an ongoing struggle over who has the right to participate in public deliberation surfaced with the establishment of the Native Club in May 2007. The aims of the Native Club as articulated in, and around, a newspaper commentary by Sandile Memela, are to get together native intellectuals - those inside government who do not occupy public spheres like the media because it is a hostile space - to set the national talking agenda. Memela specifically excluded from the category native intellectuals what he termed the coconut intellectuals - black independent intellectuals critical of government and vocal in the media.²⁷ A robust public debate followed over a range of linked topics including the definition of an intellectual, the specific roles of black and white intellectuals, and the relevance of intellectual activity.

The organized public performance of a sector of public opinion around the rape trial of ANC deputy-president Jacob Zuma, provided a vivid indication of the vulnerability of open public space, as feminist commentators and activists were rounded on by vociferous Zuma supporters, and critical commentary on the trial was denounced by key figures in the Zuma camp as intellectually incompetent.²⁸ At the close of his rape trial, Zuma explicitly juxtaposed loyalty and intellectual commentary, valorising the

²⁵ Both texts were reproduced in full *New African*, January 2005, No.436.

²⁶ The Sociology of the Public Discourse in Democratic South Africa, *ANC Today* 14, 21 and 28 [check dates] January 2005; also see *Financial Mail*, cover story by Justice Malala, “A Sense of Siege, 4 February 2005.”

²⁷ *Mail and Guardian*, May 5-11 2006.

²⁸ See for example Zizi Kodwa, “Comment: A Brood of Fangless Vipers,” *Mail and Guardian*, 12-19 May, 2006.

former.²⁹ By the time of the SADTU National Congress at the end of August 2006, union president Willie Madisha decried the closing down of the space of debate within the Alliance, and the practice of labelling those with whom one differs as the enemy camp, while public commentators proclaimed a national crisis in public debate.³⁰

In all of this we see warning signals that the idealized public sphere in this nascent democracy is faltering. One of the reasons for this lies in the effects of the long shadow of the injustices of the past, and the linked, and ethically-charged demand for redress in respect of the terrain of public deliberation. While some white public commentators remain impervious to the need modulate their public contributions in manner cognizant of the past, others are both sensitive to, and vulnerable in the face of, arguments which insist that the former command of the space of public debate enjoyed by whites be replaced a black, African, presence. Recognition of the need for redress in this area has the additional effect of inhibiting the formerly privileged from assuming full responsibility as deliberating citizens. It is not just that a climate prevails in which the ascription of guilt is used to silence some, but also where guilt is self-silencing. It creates an opening for attack on non-ANC aligned intellectuals, in terms of which they are positioned as tools of white interests and espousers of white values. In other words, they are rendered as functionally white, as a highly educated elite (regardless of their origins and material situations) as opposed to normal, real people, and are thereby subjected to the same forms silencing.³¹

Similarly, the universities are revealed to be irresolute in relation to their all-important role in fostering future thinking and independent critique. They too are required to rethink their role in the aftermath of apartheid injustice, and their uncertainty in response - even clumsiness in some instances - compromises their capacity and ability to negotiate government insistence on universities foregoing independent critique in favour of accepting the bit of contributing to a national agenda of reconstruction and development. A number of these universities have traditions of servicing government agendas and in response to the contemporary challenges they have themselves compromised the autonomy of their institutions. Others have responded by using autonomy as a source of self-imposed marginality, thereby effectively excluding themselves from active participation in public intellectual debate. National tertiary education policy has put "community engagement" in place as a third pillar of academic activity, alongside teaching and research. The semantics involved ("community" rather than "public" engagement) are themselves an indication of a scarcely enjoined debate over the demand from government for "service" rather than "critique" from the universities.

While ANC spokespeople often refer to vigorous processes of consultation within the organization, they also on occasion refer to a further tradition of dealing with conflict internally. Commentators, including some ANC members, have noted that the long upheld adherence to democratic centralism effectively amounts to a deep-seated tradition within the ruling party of powerful caucuses, party lines and the inhibition of open debate. In a recent essay on intellectual activity in the ANC-led liberation movement, Raymond Suttner conceptualised the ANC, historically, as "collective

²⁹ Summary and translation of Jacob Zuma's speech to his supporters, Nomfundo Xulu, Johncom Digital, Media Division.

³⁰ Siphso Seepe, *After 8 Debate*, Monday 4 September, 2006.

³¹ Fraser effectively exposes the way in which these kinds of tactics were used to discredit the testimony of Anita Hill in the hearings to confirm Clarence Thomas as a Supreme Court Justice of the USA. (See her "Sex, Lies and the Public Sphere: Some Reflections on the Confirmation of Clarence Thomas," *Critical Enquiry*, 1992, 18, 3, pp.595-612.

intellectual.”³² His vision of the ANC as drawing on book knowledge and grass roots experience and translating it into political understanding is evocative. However, while Suttner adduces much evidence of political education and political divisions, his account is not convincing with regard to vigorous and open debate, outside of, perhaps, Robben Island. His argument is weakened by his failure to discuss the darker side of processes of intellectual conflict and dissent in the ANC in exile and the resultant exclusions, hierarchies and “lines” within the movement. While endorsing the strongly collective intellectual practice which prevailed historically, Suttner describes more recent times as marked by authoritative pronouncements, signifying closure rather than engagement.

Thandika Mkandawire and other commentators writing about intellectual activity across Africa provide a sharp critique of the dilemma that the African state poses for African intellectuals, notably in insisting that intellectual activity be nationally relevant. They point also to the processes by which the word intellectual moves from being a badge of pride to a term of abuse and derision. Noting that muted differences within political movements become louder after liberation, Mkandawire comments that this phase typically sees the conflation of truth with power. Mkandawire points out that many African states have travelled the path of post-independence closure of the spaces of public deliberation noted by Suttner and deplored by Tutu and Madisha, with profound consequences. Recognising that the demand for autonomous spaces for intellectual activities distant from the state is typically resisted and vilified as elitist, aloof and self-indulgent, Mkandawire argues poignantly that the experience of the continent shows that these spaces are both essential and frequently endangered, and that the contest for control over them is indeed a site of the operation of power.

The significance, and the meaning, of the “intellectual” component of public debate is nettle that few are willing to grasp. Talk shows proliferate on South African radio, and viewer opinions are solicited live on a number of TV shows. Such talking is often construed as a sign of a healthy democracy. However, the incidence of talk itself is not a measure of public deliberation. As already noted, in the 2006 Constitutional judgement that set out the meaning of public participation in a democracy, Judge Sacks explicitly linked deliberation and dialogue. The sites of conversation or dialogue - where views are engaged, taken up and modified in relation to new insights and propositions - are less abundant. Talk which does not involve engagement of this kind can become a substitute for social critique and a way of containing disaffection. In democratic theory the idea of “deliberation” refers to talk that is specifically geared towards critique and the engagement of complexity, and distinguishes it from many other forms that public talk takes, including the expression of opinion, preference and belief. The aim of such deliberation and critique is the pursuit, through engagement, of a better society, a better state, and even a better world.

The terms deliberation and critique are not limited to the activities of a formally educated, learned intelligentsia, but apply to wider processes of engagement with ideas. Such a concept of public deliberation is congruent with the Gramscian identification of organic intellectuals involved in processes of deliberation and critique that take place outside of the circles of a learned intelligentsia. To recognize the role of organic intellectuals is not, however, to ignore the ways in which social inequality nonetheless excludes many from participation in the formal public sphere, an important issue which I take up more fully below. Recognition of the role of organic

³² Suttner, R., “The Character and Formation of Intellectuals within the ANC-led South African Liberation Movement,” in Mkandawire, T. (ed.), *African Intellectuals: Rethinking Politics, Language, Gender and Development*, Dakar and London, CODESRIA and Zed Books, 2005, pp.117-154

and popular intellectuals is significant because so much of the current fallout has depended on the idea of the intellectual component of deliberation necessarily being a manifestation of elite practices and perspectives. Again, it is a legacy of the previous repressive regime that this argument has gained such purchase and has been so easily harnessed to political, and often populist, agendas. While the “intellectual” component does not connote formal learnedness, it does imply quality. This in turn raises the issue of what quality engagement might mean in a setting such as South Africa where what constitutes knowledge is itself a issue that attracts critique, which is inflected with questions of power, and more specifically, which engages a powerful colonial legacy. Sloppy, immoral, short-sighted or ignorant speakers may lead citizens into tyranny or danger. Good thinkers may in turn be labelled sloppy, immoral, short-sighted or ignorant, and ignored or routed. This is a debate that has surfaced but that has not as yet been brought to a head.

Power and the Public Sphere

The discussion thus far reveals that an ideal of public sphere is central to the South African concept of democracy, and highlights its attempted realization as a formal arena bristling with institutions and policies. It also indicates that this idealized public sphere is permeated with the operations of power and cannot be freed from the political field as espoused by Habermas. The paper has begun to show how the state acts in terms of and emphasizes a single, formal public sphere, and seeks to affect the terms of public deliberation through, on the one hand, the establishment of an institutional and policy environment geared towards ensuring freedom of information and access to information, an independent media, calling for intellectual engagement and so on, while at the same time, actively seeking to bridle the public sphere through a host of interventions. We also see the signs of political opposition manoeuvring in the formal public sphere, seeking to take advantage of the dust kicked up in the process of the state’s attempt to dominate the public sphere, the Zuma camp attack on intellectual activity being a case in point. All of these developments draw our attention to the question of how power operates in the public sphere. Significantly, the core literature on the public sphere and indeed, on the concepts of deliberative and participatory democracy, have relatively little to say about the operations of power in public deliberation. (Habermas’ concept, for example, does not tackle the question of *how* the outcome of public sphere deliberations comes to influence the state, nor does his concept entertain the possibility that the state, or political parties, might seek to influence the course of public deliberation.).

In the public sphere literature, the formulation of concepts of counter publics, and more specifically, of subaltern counter publics, is one of the few areas where the matter of power is fore-grounded. Drawing attention to the exclusionary operations which operate in liberal public spheres, this work proceeds from an understanding of how deliberation can mask domination, how the media that constitute the main conduit for the circulation of views are often privately owned and operated for profit and how subordinated social groups often lack equal access to the material means of equal participation.³³

Fraser has argued that in societies marked by pervasive inequalities arrangements that accommodate contestation among a plurality of competing publics may better promote the ideal of participatory parity than does a single, comprehensive, overarching public sphere. She suggests that under such circumstances counter-

³³ See essays by Eley and Fraser in Calhoun (ed.), *Habermas and the Public Sphere*.

public spheres are desirable as they provide spaces for participants to express themselves, to formulate and try out counter discourses, and to avoid being appropriated into consensus. While Fraser is particularly interested in the operations of a feminist counter-public sphere, she recognizes that some counter-public spheres may well be reactionary or themselves anti-egalitarian. However, critical to her conceptualisation is the notion that these are publics, not enclaves, and thus ultimately open to engagement and geared towards contestation.

The concepts of counter and subaltern public spheres have a potentially powerful application in relation to deliberations fostered within organized social movements and the manner of their engagement with the convened central public sphere. The democratic practices of communal organization that often prevail in the social movements, the pursuit of public deliberation through the exertion of active citizenship, and the discussion of alternative policies, modes of organization and social and political visions, often across and in engagement with global networks,³⁴ physically and virtually, in public meetings, on electronic mailing lists, research institutes and policy forums indicate the potential of the social movements to act as counter-public spheres.³⁵ Understanding civil society to be a sphere of free associations that are independent of state power, that can potentially interact with the state and affect the course of its policy, and possibly even challenge it, the organizations of civil society and the new social movements are potentially, and sometimes already, significant participants in public deliberation, articulating autonomously and publicly ideas of general interest.³⁶ However, it can be argued that that the prevailing arrangements seek continually to draw these social movements in a central, comprehensive public sphere that pushes continually for consensus. Thus the Gender Commission established by government commands a central space in relation to feminist deliberations, and frames feminist deliberation in constitutional terms, while the Tripartite Alliance contains the potential of a worker counter-public sphere.

Some of the activities of these kinds of (potential or actual) counter-public spheres remain largely outside of the central political arena but do enter into the public domain through news coverage, opinion pieces and publications. However, their intellectual positions are often so marginalized that they are not engaged and strikes or forms of direct action become their primary recourse. (The play out of discursive interventions from within the unions and the way in which they engage the central public sphere is a case study currently in the making.) It is perhaps useful at this point to consider the way in which participation in the counter-public sphere may be undertaken by private persons, while the way in which a counter-public sphere contests ideas in the formal, convened public sphere may be a collective activity, expressive of a consensus achieved in the counter-public sphere, as in Suttner's formulation of pre-1994 ANC intellectual operations as "collective intellectual." The current intensity of denials of splits in the trade unions and alternative formulations of the significance of debates with the union movement and the alliance, speak to this issue.

³⁴ Note to participants in the Wolpe colloquium: I am sharply aware that the paper needs to have thread drawn right through it that attends to the global connections that are germane to an understanding of the nature of a post-repressive regime public sphere. That is a task of considerable complexity. I simply have not yet got to that.

³⁵ Greenstein, R. "Social Movements and Public Intellectual Life," paper presented to the 2004 workshop of the Constitution of Public Intellectual Life Project.

³⁶ Mbembe, A, *On the Postcolony*, p.39.

Mediatized Public Deliberation

To what extent then, are the ideas and critiques that emanate from government and from their opponents, from counter-public spheres, and from independent commentators, debated or engaged in dialogue, and made the subject of serious deliberation? To some extent this happens in conferences, workshops, think tanks and so on, which enter the wider public domain primarily through the media. In *The Structural Transformation of the Public Sphere* Habermas excludes modern-day media as a space from his delineation of the public sphere because of their commercial, non-conversational and entertainment dimensions, suggesting that there are no such sites of engagement today. However, as Garman³⁷ points out, in later commentary on his own study, he qualifies this saying “today newspapers and magazines, radio and TV are the media of the public sphere,”³⁸ thus modifying his position. His interventions have provoked both a normative understanding of how the media should operate in the public sphere, and a pessimism about whether the media do this task properly, given their modern-day features.

The primary response in the field of media studies has been the work of John Thompson³⁹ which challenges the centrality of face-to-face dimensions of conversation in public spaces in the Habermasian conception. Thompson argues for the press as a medium of communication that allows for an added and completely different form of publicness, one that is not face-to-face, not in a shared locale and not necessarily dialogical. Thompson terms such forms of social relations established through the media of mass communication mediated quasi-interaction. Key media studies theorists, notably on agenda setting and gate-keeping, also offer insights into the role the media plays in relation to processes of public deliberation, into the status of the media as the Fourth Estate, and as working in the public interest, and in understanding the impact on public interest journalism of commercial imperatives. The picture that emerges from these combined perspectives is of pressing commercial imperatives and strong professional journalism practices. How they play out in relation to each other is far from settled.

However, the primary site of public deliberation in the media is the opinion and editorial section in the print media, and discussion fora and talk shows in the broadcast media, areas about which media theory has relatively little to say. In South Africa who gets chosen to comment, and on what basis is an important question that warrants investigation? Does the media indeed have canonized “icons” as the ANC asserts? Which media favour which commentators and under what circumstances? The matter is not only about who speaks but also about the ongoing public life of ideas, and how that proceeds in the media.⁴⁰ However, not all forms of public

³⁷Garman, A., “Rethinking the media-public sphere relationship for today,” paper presented to “Media Change and Social Theory” Conference, 6-8 September, 2006, St Hugh’s College, Oxford.

³⁸Quoted by Eley, Geoff. 1992. “Nations, Publics and Political Cultures” in Calhoun (ed) *Habermas and the Public Sphere*. Boston: MIT Press.

³⁹Thompson, J., *The Media and Modernity: A Social Theory of the Media*, Cambridge, Polity Press, 1995.

⁴⁰For research currently in progress on these questions see the collaborative projects of the Media Observatory (Wits Journalism and Media Studies) and the Constitution of Public Intellectual Life Research Project, viz. L. Cowling, “Notions of the Commercial and the Public Interest in the Imaginings and Practices of Journalistic Work;” P. Masango, Masters Research Report, 2006 ongoing, on what the way in which the Native Club has surfaced in the media tells us about public intellectual life as realised through the media; M. Kenichi Serino, Masters Research Report, 2006 ongoing, “The Origin of Ideas in the ‘Paper of the People’. What topics enter the Sunday Times’ Opinion pages, how do they emerge and by what process?; H.Roussouw, Honours Research Essay, 2004, “From Authorisation to Native Intellectuals: An Anatomy of how a literary dispute became a public

deliberation are mediated in these ways, and indeed, some may remain wholly unmediated.

Capillaries⁴¹ of Public Deliberation

This section of the paper highlights significant forms of public deliberation which are not socially and politically marked out, or accorded formal recognition, as arenas of public deliberation. The paper draws attention not only to their existence but also to the significance of their not carrying such markings or gaining such recognition. It also draws attention to how diverse, fragmented and disassociated these forms are.

As we have seen, in certain instances a focus on the questions of power points us to potential, and actual, operations of subaltern counter publics, but in other instances both the space of public discursivity and the reach, and the evasion of the reach, of power in relation to public deliberation, requires other forms of conceptualization and understanding. This demands critical engagement with key tenets of Habermas' formulation of the concept of the public sphere, and exploration of the gap between the ideals of the public sphere and what happens in practice, requiring an interrogation of the notions of public, publicness, and public interest on which the concept of the public sphere hinges, and the operations and practices of public, publicness and public interest that operate in South Africa today. It becomes necessary to explore the places where these notions exert a normative force, and where they are not, or are differently, valued.

An understanding of how public deliberation takes place cannot only be undertaken in relation to political outcomes. While a South African public sphere has been actively convened by the state, much public deliberation takes a much more capillaried form, often outside of this convened space, in areas not conventionally regarded as sites of deliberation. Many different ideas are presented and debated in public, through articles, books, films, performances, artworks, speeches, advertising and so on. An enquiry into public deliberation opens up to the range of ruminations, ideas, and positions that are not directly in the field of politics, that are not the foci of counter-public spheres, and which initially may not be mediated, or even never mediated, and which are not necessarily adhere to procedural rationality, but which engage public attention, often with implications for the field of politics. We need to ask what and where the spaces and conduits are that are available.

Significant deliberations take place in and around cultural productions of various kinds. Habermas' original formulation of the notion of the public sphere makes much of the role of literature - which he views as subsequently superseded by the commercial media - in enabling rational-critical debate. Habermas' sense of the diminishing significance of literature in public deliberation and his notion of the new media as commercialized and inimical to public deliberation are open to challenge. This section of the paper explores the role of not only literature, but the arts more

intellectual debate in the media"; B. Hiles, Honours Research Essay, 2004, "The Rainbow Nation: Perceptions of South Africa in the New York Times"; P. Zvomuya, Honours Research Essay, 2004, "Sipho Seepe: The Making of a Public Intellectual"; R. Roussouw, Honours Research Essay, 2006 ongoing, on how the SABC manages its public interest mandate; N.Dramat, Honours Research Essay, 2006 ongoing, on how power operates in the public broadcaster with reference to the blacklisting fracas; S.Patel, Honours Research Essay, 2006 ongoing, on media reflections on media practices and the idea of the public interest; R. Lepere, Honours Research Essay, 2006 ongoing, identifying and examining the criteria used by the SABC (South African Broadcast Corporation) for the choice of commentators in news and current affairs programs.

⁴¹ This concept consciously echoes Foucault's formulation regarding power.

widely, and their contribution to public deliberation. The paper begins here to take a position that diverges from Habermas' original formulation. Where he viewed literature as centrally facilitative of rational-critical debate in the formal public sphere, and where some might be tempted, in other settings, to view the arts as some kind of counter public sphere(s), the paper proposes that in South Africa they may be better characterized as taking the form of, or in some cases as entering, capillaries of public deliberation.

Precisely because the arts are often the site of irreverence, iconoclasm, subversion, experiments in cultural hybridity, often in very edgy ways, sometimes reactionary and sometimes progressive, the issues which they raise and engage may not be readily admissible in the public sphere. Conversely the assertive corralling that characterizes the convened public sphere may be resisted by artists, as might even bottom-up organization into alternative public spheres. Constituting, or participating in, capillaries of deliberation allows art projects to evade the leading reins of the central corral, and yet to enter into silent dialogue with the formally convened public sphere, and various counter-public spheres.

In an attempt to understand the role of literature in public deliberation in South Africa, recent work by the Australian scholar David Carter is helpful. Carter identifies in contemporary Australia a remarkable rise to prominence of public intellectuals in the late 1990s, and the emergence of a new public ethical discourse, stimulated primarily by debate around indigenous issues such as the stolen generations, genocide, the consequent apology and reconciliation effort, as well as the so-called culture wars. He identifies this surge of activity as occurring at precisely the same time as a rise in talk about the decline of public intellectual life, about the disintegration of public culture, and about a crisis in the contemporary public sphere. Carter's work seeks to address this discrepancy, by probing the structural context – the relations between the market, the media and the academy - within which both the new public intellectuals thrive and the discussion about crisis occurs. Carter finds his answers on the one hand by reconsidering the boundaries of the category public intellectual and through an identification of a structural shift in Australian book culture, more specifically an expansion and diversification of what he terms "post-media" reading cultures, with the marketplace essentially creating these readers as the new public intellectuals.⁴²

Carter's study is significant for an enquiry into South African deliberative life not simply because there are significant parallels with the Australian situation in the emergence of a new public ethical discourse in a context of so-called culture wars, and key differences in that in South Africa state power has shifted out of the hands of the previously dominant elite responsible for apartheid. It is also significant because it challenges us to look critically at the talk about the decline of public deliberative life and to examine closely its structural context.

The huge attendance at, and interest shown in, the first Cape Town Book Fair in June 2006, is a vivid marker of animated public participation in literary discussion. Run over four days, hosting 195 authors from 21 countries, 400 exhibitors from 26 countries, filling all of the available floor space at the immense Cape Town Convention Centre, and finally overwhelmed by visitors, the event was ultimately much more than a publishers' trade opportunity.⁴³ For one thing its very existence was a mark of publishers' perceptions, local and international, of the vibrancy of South African reading culture and the energy of South African literary production,

⁴² Carter, D. *Public Intellectuals*, Book Culture and Civil Society, 2001.

⁴³ "Beauty and the wonder of words," article by Annaleigh Vallie, *The Weekender*, June 17-18, 2006;

despite the relatively narrow band of South African society actively involved in book purchasing. Noting UNESCO Institute of Statistics figures that a startling 17% of South Africans over the age of 15 are illiterate, Book Fair publicity also emphasized the Fair's intention to popularize reading, to develop further the culture of reading and to contribute to the expansion of the literacy skills vital to the growth of SA. The programme included a session on the role of reading in facilitating sustainable democracy. A high degree of interest was manifest at the Book Fair in publishing in local languages other than English.⁴⁴

Public interest in the linked presentations of the Noma Award, the Alan Paton Award for non-fiction and the Sunday Times Fiction Award was also intense, and indeed, the number of literary awards made annually in South Africa is considerable. According to SAPNet, a South African company that examines sales figures for the country's book industry, about 500 000 of the total of 46 million South Africans regularly buy books and spend an average of R15 million a week on books. Another marker of a vigorous book culture is the growth of space accorded to book reviews in many local newspapers.

As observed by Carter for Australia, book clubs in South Africa are on the increase. Noting how book clubs have been popularized by Oprah, Book Fair director, Vanessa Badroodien, pointed to the existence of specialist clubs such as Christian book clubs, and to the 30 active book clubs in the Cape Town working-class suburb of Mitchell's Plain, observing that the members of book clubs are often black and upwardly mobile, and use the clubs as a networking and a social opportunity. She further observed that every magazine aimed at 18-24 year olds has a books page.⁴⁵ Commentators on the South African literary scene have noted the high proportion of new books dealing with white experiences under apartheid or in the freedom struggle, as well as fictional writing by whites and blacks exploring themes that are likely to be uncomfortable in discussion in the formally convened public sphere. Fiction features prominently on the book review pages of the newspapers, interestingly in contrast to the situation in US newspapers which have cut down of fiction reviews (because, as the *New York Times* editor put it, "the most compelling ideas tend to be in the non-fiction world.")⁴⁶ This prompts exploration of the possibility that fiction today is an important outlet for ideas in situations of closing opportunities in the formally constituted public sphere, just as it was in the first half of the twentieth century when it was the elected medium for many black intellectuals who struggled to find a space from which to contest ideas in the apartheid public sphere.⁴⁷ The extent to which novel reading and book clubs are particularly female spaces of engagement is raised for consideration, as is the linked question, raised differently by Karin Barber and Hannah Arendt, of the significance of choosing to engage issues of immense social and political significance through story telling rather than procedural rationality.

Habermas' original formulation did not attribute a role to the visual and performing arts – music, drama, art and for modern times, film – in the making of the public sphere. In contemporary South Africa there seem to be compelling arguments for consideration of their contribution to public deliberation, not least because of the sheer extent of their take-up in a "serious" (Habermas' word) manner, in the print media. Various art forms focus on subjectivity and introduce matters of affect into public deliberation. Hannah Arendt's discussion of shifts in the relationship between

⁴⁴ See comments by Vanessa Badroodien, Fair director, quoted in "Writing the past and future" by Andrew Donaldson, *Sunday Times*, Cape Town Book Fair insert, 11 June, 2006.

⁴⁵ *Sunday Times*, Cape Town Book Fair insert, 11 June, 2006.

⁴⁶ Cited in *The Weekender*, 9-10 September, 2006.

⁴⁷ See also "Is fiction facing a gender crisis?" *The Weekender*, 9-10 September, 2006.

private and public realms over time, and more specifically, her observations about the development of a huge and pervasive bureaucracy embedded in the workings of the nation state and modelled on the idea of the household that enters the in-between space of the public sphere and alters the previously distinct public-private boundaries in irretrievable ways, offer insights here. In reaction to this Arendt discerns a flowering of the arts through which comes an outpouring of the individual and intimate, the experiences of the private realm, into the public domain. Arendt sees these artistic practices as a reaction to the rise of the social in the public sphere.⁴⁸ Her work also opens our discussion up to consideration of the role of aesthetics and more specifically affect, in post-repressive regimes: the way in which in the aftermath of situations which crush the individuality of self, explorations of subjectivity, affect and a new interiority become essential, often as an act of reporting one's consciousness and expressing identity through the body itself (this being especially the case in the aftermath of torture or extreme physical violation, whether as victims, perpetrators or witnesses).⁴⁹ In other words, novels, art and film introduce affect and subjectivity into public deliberation because of the grave difficulties of the negotiation of self in contemporary South Africa. These are issues which cannot be screened out of public deliberation but which the formal public sphere as presently set up, cannot easily accommodate.⁵⁰

Aesthetics, others have noted, enter the realm of public deliberation with particular capacities to engage in critique of the power of discourse itself, to license the unspeakable, and to dwell in contradiction.⁵¹ We can push these ideas further to consider how the presentation of these experiences in the public realm through the arts and other forms of cultural activity, is then transformed through curatorial practices, exhibitions, book production, book fairs, art critical writing, reviews, and other forms of media take-up into active public deliberation in which rational-critical discussion occurs, and in which subjectivity and affect nevertheless continue to occupy a central place.⁵² Visual and performance forms, and the written texts which flow from these forms, in their respective and combined roles, constitute important forms of public discursivity.

Public deliberation and social critique which takes place outside of the centrally convened public sphere, outside of the spaces of organized social movements, and outside of the formal fields of the various arts and their take-up in the media, have largely been explored though expression in various forms of popular cultural media, typically, though not exclusively, urban in character and location.⁵³ In practice,

⁴⁸ Arendt, H., *The Human Condition*. (1958), Chicago: The University of Chicago Press, 1998

⁴⁹ See the work of Garman, A. (Phd. work in progress, University of the Witwatersrand) on the way in which the poet Antje Krog deliberates in public in this register.

⁵⁰ The work of Michael Warner provides an entry point into the notion of public subjectivity and the desire to participate vicariously in public bodies through certain kinds of media genres (Warner, M., *Publics and Counterpublics*, New York, Zone Books, 2002.) See also Modisane, L. Phd work in progress on film and black subjectivity.

⁵¹ I put out these initial ideas in an effort to draw out further discussion, and to stimulate responses. I anticipate that my formulations will be hugely refined and challenged by those inhabiting that disciplinary space, notably in the forthcoming studies by Yvette Greslé on Berni Searle and public discursivity, Rory Bester on documentary photography and public deliberation, as well as by Colin Richards whose guiding hand here is critically important. See also, Siopsis, P. "On Painting," *Art South Africa*, [full ref]

⁵² Modisane, L., (Phd. work in progress, University of the Witwatersrand) on explorations of black subjectivity in film.

⁵³ Note to the Wolpe conference participants: popular cultural performance and production is an important site of public deliberation, and one that I have only just begun to investigate. Thus I include a few sentences here to signal its significance, but anticipate that it will loom large in the final argument.

popular culture overlaps with literature, art, film and music, and many of the points made earlier apply here. However, there are some forms of popular culture which are not taken up in mediatised ways such as reviews and the like, and which are involved in public deliberation primarily through presentation, whether street theatre or social critique encapsulated in a combi taxi name that flashes past, emblazoned on a rear window. Sometimes these occasion face- to- face dialogue and exchange, but even where they do not, the form of their reception is often active. In some instances engagement is deferred. Different kinds of take-up depend on the kinds of publics being called into being in a range of relations to the text or performance. Karin Barber argues that these kinds of cultural performances convene the publics that engage them, assigning them positions from which they receive and engage the text or performance. The central point here is that they do not simply receive an idea but engage it.⁵⁴ Thus it is that patriarchal ruminations banished from the convened public sphere, are engaged by fellow passengers when the combi taxi driver bans the wearers of mini skirts from entering his vehicle.

Public deliberation which takes place outside of the organized social movements and which is not conducted in, or reflected in, any form of media, is perhaps the most elusive aspect in any attempt to understand the scope of public deliberation in a democracy. Expert forms of deliberation often take place within closed arenas such as the academy, professional meetings, scientific journals and so on. The results of these deliberations, or reports of debates amongst scientists, may be reported - as opposed to debated - in various ways in the media. Sometimes these findings are challenged by activists or lobby groups in the public domain, but, as the work of Pascal Mwale⁵⁵ shows, this often results in the performance of debate, or the reporting of debate - what he terms "babelisation"- rather than actual debate. Scientific findings may rub up against what we might for want of a better formulation provisionally term cultural ideas. In the South African case, the hard issues thrown up are seldom fully debated out in the convened public sphere. The HIV/AIDS debate is of course an exception, and there serious debate has been driven by TAC commitment to engagement, challenge and critique conducted in the public domain.

A significant proportion of South Africans are located in an extensive rural hinterland in which many communities adhere to historical practices of *lekhotla/imbizo*, themselves often the sites of the performance of local power struggles, and sites of a contest between traditional and democratic values. The forms of public deliberation which take place in these enclaves are sometimes alluded to in the mainstream media, though for the most part, they are inscrutable outside their immediate locale. Occasionally, the work of anthropologists provides an insight into these processes. These deliberations are contained in the convened public sphere by their routing through the House of Traditional Leaders.

Public deliberation around topics which are either legally, politically or morally prescribed routinely takes place, mostly in media- free spaces, though again allusions to such forms of deliberation percolate up into the media. Indeed, many unmediatised discussions are the sites that reveal the extent to which the values of the Constitution, and the ideas that underpin notions of human rights, and of open public debate, are not generally accepted. These sites may not be mediatised, but are profoundly public, shared in wide, but sealed, discussion communities. The deliberations that underpinned the proposal for the Oranje "homeland, or the push for the maintenance of Afrikaans as a legal language, are cases in point. In some

⁵⁴ See special edition of *Africa*, 67,3, 1997 on audiences in Africa.

⁵⁵ Mwale P., Phd. work in progress, University of the Witwatersrand, on media take up of the debate around genetically modified foods.

instances these may take the form of informal public spheres, but these consciously resist incorporation into the convened public sphere.

Fraser argues that where pervasive inequalities exist, counter-public spheres can facilitate participatory parity. Where significant cultural diversity exists she makes the argument for the opposite arrangements, viz. engagement in the formal public sphere. It is her contention that democracy is served in such instances by direct engagement in which intercultural communication is demanded. Literature, the arts and popular culture, and increasingly the culturally-contested spaces of law, medicine, and science, can be places where multicultural literacy develops. The resort of culture critique to capillaries of deliberation, as in South Africa, reveals a failure in the convened public sphere to argue out key questions of the public interest when cultural diversity or difference plays a role.

Conclusion

The concern of this paper, then, is thus not limited to the issue of whether the notion of the “public sphere” is a useful explanatory model for the nature and kinds of public deliberation that take place in South Africa, but extends to encompass the question of how public discursivity itself is constituted, to an examination of the historical, cultural and social arrangements that locate that discursivity, and what is at stake in how it is constituted. Finally, and perhaps most importantly we ask where responsibility lies for ensuring public discursivity, and what are the risks involved assuming that responsibility?

I have argued that a notion of the public sphere is lodged in the heart of participatory democracy and that its vitality cannot be measured by the institutional and policy arrangements designed to secure it. The fingers of power have a long reach into those arrangements and indeed, the corralling of public deliberation is a prime political objective. The particular circumstances of a post-repressive regime society, in fact, facilitate that corralling. There are strong attempts to inhibit the formation of counter public spheres. The paper goes on to argue that capillaried forms of public deliberation governed by different arrangements, conventions and protocols exist, some mediated and others more fugitive. Some of these forms are vitiated by the fields in which they operate, others contribute trenchantly or some times equivocally to public discourse.

In the specifically post-repressive regime South African situation, inequality of participation in public deliberation is marked, as is cultural difference. The formal public sphere fostered by the state seeks consensus by corralling public deliberation within its ambit. While it is crucial to continue to do whatever can be done to facilitate the widest possible engagement, the persistent fact of inequality of public participation must be confronted. Fraser argues that this inequality requires the active fostering of counter-public spheres. The convened public sphere also suppresses the expression of cultural difference through on the one hand, constitutional limitation of debate, and through arrangements which “respect” cultural difference. Fraser’s work suggests that issues presently explored in the capillaries need to be drawn into robust cultural debate in a central public arena.

The importance of the public sphere lies in its potential as a mode of social integration. As Calhoun puts it,

“Public Discourse (and what Habermas later and more generally calls communicative action) is a possible mode of co-ordination of human life,

as are state power and market economies. But money and power are non-discursive modes of co-ordination, as Habermas's later theory stresses; they offer no intrinsic openings to the identification of reason and will, and they suffer from tendencies toward domination and reification. State and economy are thus both crucial topics for and rivals of the democratic public sphere."⁵⁶

In South Africa the historical consciousness that constitutes publicness is highly fragmented. This fragmentation is perhaps the greatest challenge to public discursivity. We see this played out in efforts made to accommodate diverse cultural values, and to valorise indigenous knowledge. The impact of this fragmentation presents challenges of enormous complexity. The current way in which the ethical demand for redress is set up is perhaps the greatest threat of all, making it difficult for counter-public spheres to resist the call to "contribute," and for cultural propositions to be subjected to procedural rationality.

In various ways the operation of power in the convened public sphere compromises public deliberation, as does the manner of the convening itself, while the consigning away of culture critique deflects critical debates from the convened public sphere. We note, threaded through the paper, chilling indications of a further failure: the current trends reveal substantial silencing, self-silencing and the evasion rather than the confrontation of the fetters of the convened public sphere. Every citizen bears a weighty ethical responsibility to engage in active deliberation. To engage in critique, as Foucault points out, is to take risk as it almost always involves power, with critique coming from those who are less powerful, directed at those who are more powerful. To speak then, one must be secure in one's citizenship.⁵⁷ And to be silenced or to self-silence is to be denied, or to deny, one's citizenship and to open up the possibility of the denial of our common humanity. The stakes in public discursivity are revealed to be immensely high, much higher than perhaps they first appear.

⁵⁶ Calhoun, "Introduction," p.6.

⁵⁷ Foucault, M. *Fearless Speech*, Los Angeles, Semiotext(e), 2001.