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'It's not just the unions that are cut off from people, but the media too':[1] reconstituting South Africa's mediated public sphere

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This article draws on the early press coverage of the Marikana massacre to explore the extent to which South Africa's media transformation has delivered an inclusive public sphere that allows for deliberative debate on issues that really matter to the country. While adopting a critical approach to the normative assumptions underpinning the Habermasian public sphere, this article will argue that South Africa's negotiated 'miracle' transition has provided a framework for media transformation that has both opened up spaces for media democratisation and constrained their ability to transform to the extent that they established common public spaces for deliberative debate. South Africa's media transformation has shaped and been shaped by the growing division of South Africa into a two tier society of 'haves' and 'have nots', fuelling social instability, especially among the youth. This article traces the roots of this troubling picture back to the nature of South Africa's incomplete transition.

1 Prof. Peter Alexander, South African Research Chair in Social Change, quoted in Duncan, J. 'Media underplaying state, police brutality'. *Sunday Independent*. 26/08/2012.

The design of media systems is a fundamentally political matter, although it is seldom recognised as such. As a result, it is often not given as much priority in democratic theory as the design of electoral systems, structures of government and other forms of political power (Garnham 2004: 357). Media policy is inherently political, as it can determine, at least in part, how public opinion is constructed, and who gets to construct it. In highly mediated polities, those who exert control over public opinion formation can exert control over political processes more easily, as they can act as gatekeepers of political discourse. Democratic polities, broadly defined, are expected to support democratic media systems, which promote equal access to sources of information and the means to participate in the most crucial debates in society (Garnham 2004: 357). If media systems do not measure up, then citizens are well within their rights to demand transformation to ensure that the system realises these normative ideals. This is what happened during South Africa's struggle for liberation.

Freedom of expression and the media were key demands across the major liberation tendencies. For instance, the Freedom Charter states that "The law shall guarantee to all their right to speak, to organise, to meet together, to publish, to preach, to worship and to educate their children". It also calls for conditions to be created for the free exchange of ideas (Suttner & Cronin 1986: 263-5). According to a discussion document on the Workers' Charter, the rights to information and access to the media were considered key democratic demands (*Azanian Labour Journal* 1991: 3-8). The ten-point programme of the New Unity Movement called for "freedom of speech, press, meetings and association" (New Unity Movement 1987). To what extent has South Africa's media system transformed in order to realise this widely held aspiration of the liberation struggle?

There is little doubt that the media have transformed significantly in the past eighteen years of democracy. The media was required to move beyond the apartheid mindset that often moulded their approach to news and information in the past. Some of the most significant indicators of transformation are as follows:

- The repeal of many apartheid-era censorship laws and their replacement by democratic laws that uphold freedom of expression and access to information.
- Constitutional and legislative guarantees for access to information, including the Promotion of Access to Information Act.
- The dismantling of statutory regulations of the press, and its replacement by a co-regulatory system between the public and the press, in the form of the Press Council of South Africa (PCSA).

- The partial legislative and policy transformation of the state broadcaster, the South African Broadcasting Corporation (SABC) into a public broadcaster.
- The establishment of an independent communications regulator, initially the Independent Broadcasting Authority (IBA) and then the Independent Communications Authority of South Africa (ICASA). The regulator is responsible for licencing broadcasters and opening up the airwaves to new broadcasters, leading to the creation of a whole new layer of broadcasters, namely community broadcasters.[2]
- The increasing racial and gender representivity of many newsrooms, and transformed news agendas that reflect more accurately the concerns of South Africa as a whole.
- More recently, several press organisations have also re-established investigative journalism capacity, thus allowing newsrooms to uncover much-needed information about public and private malfeasance.
- The telecommunications landscape has also transformed, with universal access to the means of communication (measured in terms of access to a handset and network) having been reached, and universal service well within reach. The nearly ubiquitous nature of mobile communications especially, has also enabled greater access to the internet.

These developments suggest that South Africa has travelled a considerable distance in ensuring that its media system is free and independent, and provides common spaces for debate. How thoroughgoing has this transformation been, given that it has, to a large extent, been, in the words of Berger (2000: 90-7), "transformation at the top" of the social formation, involving mainly changes to policy, legislation and, to a lesser extent, ownership? Can South Africa say that it has achieved the type of media that truly reflects the society in which it operates? According to Krabill & Boloka (2000: 76), successful transformation would be achieved when the media

> reflects, in its ownership, staffing and product, the society within which it operates, not only in terms of race, but also socio economic status, gender, religion, sexual orientation, region, language, etc. This is only possible if access is opened again in ownership, staffing, and product not only to the emerging black elite, but also to grassroots communities of all colours.

2 Under apartheid, the licensing system was government controlled.

Such substantive transformation is necessary if the media are to play a normative role of enabling democracy by providing the information and debating necessary for meaningful opinion formation. In order for them to play this role, they need to constitute an inclusive public sphere that provides equality of opportunity to receive information, to listen and to speak. Notwithstanding the many theoretical and empirical flaws embedded in Jurgen Habermas's concept of the public sphere, it remains a relevant concept to aspire to as a singular sphere where common opinion can be formed and society improved through critique (Sparks 2011: 76-7, Garnham 2004: 361).

1. A snapshot of a problem: press coverage of the Marikana massacre

There are many signs that the post-apartheid, largely state-driven project of constituting South Africa's public sphere is experiencing difficulty, and that, in response, the working class and the unemployed are attempting to reconstitute the public sphere from below.

In the past decade, struggles at the point of consumption have given rise to a new layer of social movements, while production-related struggles have begun to emerge outside the ambit of the existing trade union federations. Since 2004, South Africa has experienced extremely high levels of protests, with a record number of protests taking place in 2012 (Runciman 2014: 3). The country is also experiencing a series of illegal 'wildcat' strikes, which signal not only high levels of discontent with salary settlement levels, but also the entire post-apartheid industrial relations framework that has been based on corporatist arrangements, with labour and capital negotiating contradictory interests according to a commonly agreed set of rules. These developments suggest that the existing, formalised channels of communication have atrophied and that an increasing number of workers are making it clear that they have a voice in these arrangements.

An added factor is that the established trade union federations are finding it difficult to relate their rank and file members, leading to splits in the trade union movement. According to a Human Sciences Research Council survey on public trust in selected South African institutions between 2011 and 2012, trust in trade unions declined markedly over that period, including among those groups that supported the organised labour movement historically. The HSRC concluded that

> ... [trade unions] need to intensify their engagement with working class communities in order to build greater levels of public confidence. Without such confidence it is unlikely that the

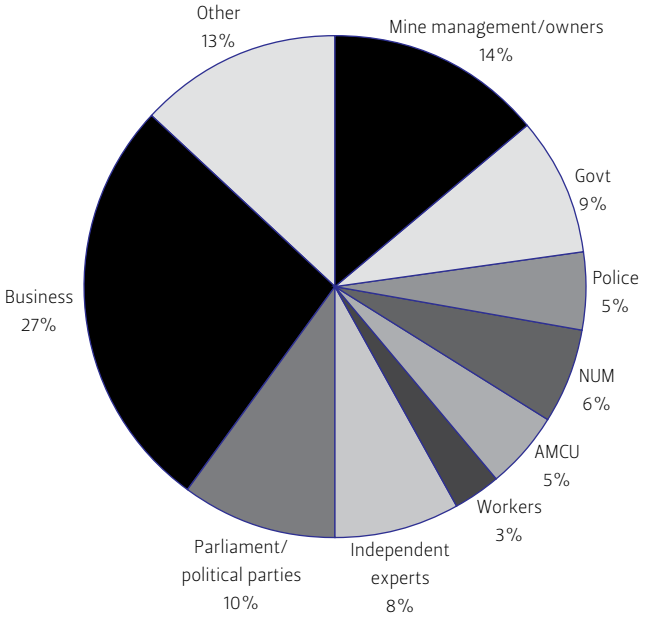
> organised labour movement will be able to achieve its mandate of working class prosperity and greater economic equality (Gordon et al. 2013).

While the recent industrial conflicts in South Africa's platinum belt surfaced the issue of lack of trust in existing unions clearly, the fragmentation of the trade union movement has a long post-apartheid history. The earliest post-apartheid split from the Congress of South African Trade Unions (Cosatu) took place in 1994, when a union called Turning Wheels broke away from the SA Transport and Allied Workers Union (SATAWU). In Uitenhage in 2001, the Oil, Chemical and General Allied Workers Union (OCGAWU) broke away from Numsa, as they felt that the union was selling them down the river during the strike. In the mid-2000s, the General Industries Workers Union of SA (GIWUSA) was formed as a breakaway from the Chemical, Energy, Paper, Printing, Wood and Allied Workers' Union (CCEPWAWU), and the Commercial, Services and Allied Workers' Union (Cosawu), broke away from the SA Commercial, Catering and Allied Workers' Union (SACCAWU). In fact, even in the platinum belt, pre-dating the 2012 strikes, there is a history of rock drill operators organising themselves (Stewart 2013). The lack of sufficient channels for the resolution of workers' grievances became starkly apparent during the industrial conflict of August 2010 at the Lonmin platinum mine in Marikana, North-West province. The conflict became violent and culminated in the police shooting many miners on the 16th August. The police maintained that they acted in self-defence after being attacked by armed miners (Fletcher 2012). The shooting was filmed by several television crews, and other media reporters were also present to witness the killings. Reporting from behind the relative safety of the police line, journalists presented to the world images which, on the surface of things, vindicated the police's version of events.

How did the media fare in reporting on the massacre? In an initial attempt to answer this question, a representative sample of printed newspaper articles (153 articles in total), dated 13 to 22 August and provided by News Monitor via Media Tenor, were analysed for their sources of information. The source analysis included people and organisations who were quoted directly, or who clearly provided information that formed part of the basis of the article (such as Lonmin annual reports or a report released shortly before the massacre by the non-governmental organisation, the Benchmarks Foundation). Many articles had several sources.

The upshot of this analysis, in pie chart form, is as follows:

Marikana/Lonmin stories – newspaper sources (13–22 August 2012)



Newspapers sampled: *Business Day*, *The Star* (including Business Report), *The New Age*, *Citizen*, *Mail and Guardian*, *City Press*, *The Sunday Times* and *Times*, *Sowetan*, *Beeld*, *Die Burger*, *Sunday Independent*, *Financial Mail*.

Of the 3% of miners who were interviewed independently of the two main trade unions in the conflict, namely the National Union of Mineworkers (NUM) and the Association of Mineworkers and Construction Union (AMCU), only one worker was quoted speaking about what, in fact, took place during the massacre from his perspective; he mentioned that the police shot first. The majority of the miners were interviewed in relation to the stories alleging that they had used *muti* to defend themselves against the police's bullets, as well as the miners' working and living conditions.

In other words, only one of the 153 articles showed any attempt by a journalist to obtain an account from a worker concerning his/her version of events. There is scant evidence of journalists having asked the miners the simplest and most basic of questions, namely "what happened"? Journalists seemed to assume that

by having interviewed the unions, they had somehow 'covered' the miners' story; an incorrect assumption, as many miners who initiated and sustained the strike action did not feel represented by either union.

Why does the lack of miners' voices in the press coverage matter? A few days after the massacre, Professor Peter Alexander, the University of Johannesburg's South African Research Chair in Social Change, and his team, went to Marikana to conduct interviews. They found that many miners who were present had a very different account of events. Those interviewed spoke about a second 'kill site' at a 'small koppie' where police allegedly killed miners in a far more premeditated fashion. Eyewitnesses alleged that miners were chased by the police and shot at point-blank range; police vehicles crushed other miners who were lying down and pretending to be dead in order to escape the police attack (Alexander 2012b). They alleged that the police made it clear that these were revenge murders for two policemen who were allegedly killed by miners earlier in the week (Marinovich 2012c). The forensic markings at the scene appeared to be consistent with the eyewitness accounts.

This alternative account subsequently gave rise to journalist Greg Marinovich's articles for the *Daily Maverick* online news site, which analysed where the bodies were found at the second 'kill site' (Marinovich 2012a, 2012b). He also confirmed in interviews with miners as well as with a confidential source in the police that the police had, in fact, killed miners at a 'small koppie' (Marinovich 2012c). One eyewitness interviewed by Marinovich stated that each time a miner got on his feet and attempted to surrender to the police at the second 'kill site', the police shot him (Marinovich 2012c).

Because the media had not asked the miners themselves for their version of the events, they had missed entirely this alternative account, which pointed to a premeditated attack on the miners (Alexander et al. 2012: 170). If this was the case, what happened at the 'small koppie' effectively amounted to summary executions.

Immediately prior to and after the Marikana massacre, the press coverage provides a small, but telling snapshot of a broader problem in commercial media organisations that tend to take official sources of information more seriously than the voices of workers or the unemployed. A great deal of this has to do with the routine practices of news organisations (McNair 2001: 3-18, 61-81). In fast-paced newsrooms, where journalists are required to meet more and more deadlines, it is tempting to rely on sources of information that are more readily obtainable and have been validated by other media ('pack journalism'), while avoiding sources that are less 'trusted' and require more validation. These tendencies can give journalism a sameness that reduces the diversity of voices.

The most easily validated sources are likely to be organisations such as government agencies, big business and 'think tanks' that have the resources to maintain a constant flow of information to the media. Organisations or individuals representing working-class or unemployed interests are likely to be less well resourced and lack the capacity to communicate proactively; this can lead to them dropping under the journalist's radar. These practices often lead to journalists prioritising the dominant groups in society, allowing themselves to become mouthpieces of the rich and powerful, reproducing the official versions of events, and silencing the voices of the workers as rational, thinking beings with their own stories to tell.

In the week of the massacre, miners were represented in the Marikana story as mindless automatons, superstitious enough to believe that *muti* would stop the police's bullets: a representation that ignored the role of similar rituals in many faiths down the ages in conferring courage on those preparing for conflict. These representations fed into racist stereotypes and led to an avalanche of racist comments on the internet about the miners and Black people, in general. These events exposed very starkly not simply how divided the South African nation still is, but how these divisions appear to be increasing. In fact, eighteen years into democracy, the nation appears to be ill, and the risks of social fragmentation high.

A more comprehensive analysis of the media's coverage still needs to be undertaken, including a qualitative analysis of how the different actors were framed in the media. It also needs to be established whether the *Daily Maverick* stories shifted media coverage, leading to a greater focus on the miners and their stories. Anecdotal evidence seems to suggest that some shifts did, in fact, take place. Why was the press's coverage of the first week of the massacre so grossly skewed towards business and against the miners?

The problems that manifested themselves in the media coverage of the massacre are not peculiar to this particular case. Many media organisations have failed to report on the slow, but systematic build-up of state repression at grassroots level. As a result, South Africans have been deprived of information that allows them to develop a full understanding of the extent to which repression has become an entrenched feature of the country's political landscape. Undoubtedly, there is a class dimension to the problem, as journalists still tend to be drawn from a social base that does not experience the realities of working-class life, which includes a creeping de-democratisation of society that has manifested itself most starkly in poor communities (Duncan 2012).

The roots of this class bias cannot be understood without placing the problem in the larger context of South Africa's media transformation. This transformation has been premised, to a large extent, on the commercial media model, rather

than on a more democratic media model, where common viewing and listening spaces that constitute the public sphere are built into the system. For James Curran, a democratic media model – which promotes and protects the media's democratic role in society – could be conceptualised as a core surrounded by satellite networks and organised groupings, with the core providing an arena for society's most important debates (Curran 1991: 103-4). The core could consist of competing public service organisations, either publicly owned or privately owned but publicly regulated, providing general interest channels and opening up broad social access to the media. Peripheral media sectors would then offer special interest media, professional media and unregulated commercial media, with the aim of providing a plurality of media (Curran 1991: 105-6). South Africa's media model, on the other hand, has, to a large extent, inverted this logic, with commercial media, including professional media, dominating the core, while non-commercial public service and community media have – in reality, if not on paper – drifted towards the periphery.

The overly commercial nature of South Africa's media transformation has meant that the persistent social inequalities of South Africa have shaped the media system, which has developed the character of a funnel, where higher income groups have access to a plurality of media, and their media options are continuously expanding. Media access tapers off further down the funnel. This has led to the media "tilting upwards" towards where the money and power lies in society (Steenveld 2007: 5). As a result, those who participate in the economic mainstream have access to a plurality of media; but, for working-class, underemployed and unemployed South Africans, the majority of whom are youth, their viewing, listening and reading options remain limited.

2. Roots of the problem: the nature of South Africa's transition to democracy

Why has South Africa's media transformation drifted away so much from the democratic media ideal that underpinned earlier media transformation visions? In order to answer this question, it is necessary to understand the nature of South Africa's transition to democracy as – to paraphrase Raymond Williams – it "sets limits and exerted pressures" (Williams 1973: 6) on South Africa's media transformation.

The country's transition to democracy took place at a period in history when prospects for revolutionary change had waned. The transition was a negotiated one, one of a series of negotiated settlements that took place after the fall of the Berlin wall, as the international balance of forces had swung against liberation

movements generally, and armed struggles specifically. The character of the transition meant that South Africa has not experienced, in its true sense, a social revolution; in fact, the transition even fell short of being a democratic revolution, as negotiations led to a power-sharing arrangement that entrenched White privilege in significant ways. While the formal trappings of apartheid have been dismantled, the social relations forged under apartheid remain, to a large extent, intact. This has placed significant constraints on transformation in all levels of the social formation, including the media.

At the onset of secret talks between the two main protagonists in negotiations, the ANC and the National Party government, the latter attempted to address a mounting crisis internally by liberalising key sectors of the economy and commercialising public services, with the intention of privatising them, if the opportunities presented themselves. However, they were unable to retool the economy for global competitiveness owing to the sanctions campaign. At the same time, the mass struggles of the 1980s had been weakened by repression, leading to a downturn in mass struggle. These factors combined meant that both sides were too weak to achieve their respective objectives without significant concessions from the other side. This triggered a search for a negotiated solution. While the main protagonists clearly had diametrically opposed agendas when entering negotiations, the main outcome for both sides was the stabilisation of the capitalist system and the creation of conditions for its expansion (Alexander 2010: 4).

Sampie Terreblanche has argued that formal negotiations towards a political solution to the crisis were accompanied by parallel, informal, economic negotiations with corporate South Africa, led by the Anglo-American Corporation. These informal negotiations led to concessions by the African National Congress (ANC) on the inevitability of a neoliberal growth path for South Africa, at least for the foreseeable future. This resulted in the ANC conceding a '50%' solution for South Africa's crisis, where the upper 50% of society were incorporated into the economic mainstream, while the lower 50% were confined to its margins, although they were incorporated politically through franchise rights. Economic incorporation, the ANC conceded, would have to be deferred to a later date, and depended on the extent to which growth could be made to trickle down. While the ANC achieved political control of South Africa, as formal negotiations strongly favoured the ANC, informal negotiations did not, leading to the corporate sector achieving continued economic control (Terreblanche 2002).

These compromises ensured significant continuities between the apartheid state and the post-apartheid state, with the latter being even more capitalist in certain respects than the former. Concessions made by the apartheid state

to transformation were necessary tactical adjustments to save the property relations that underpinned apartheid, and restricted the transition to changes that would take place in any liberal democracy, and even some that would take place in a social democracy (Alexander 2010). The government's attempt to achieve a form of 'people's capitalism', in the form of Black Economic Empowerment (BEE), has benefited a small layer of middle-class Blacks, while confining working-class and unemployed Blacks to the margins of society. The government's programme of Broad-Based Black Economic Empowerment (B-BBEE) continues a transformation trajectory set in motion under apartheid, where the regime's objective was to create a Black bourgeoisie with a stake in the system, and which would act as a buffer against more radical transformation claims.[3] This elite nature of empowerment has continued, notwithstanding the fact that the B-BBEE regime was meant to be broad based.

3. The social consequences of the negotiated transition

South Africa's democracy has been shaped in profound ways by the negotiated transition. Shortly after the adoption of the neo-liberal Growth, Employment and Redistribution Plan (Gear) in response to a speculative attack on the currency in the late 1990s, the Mbeki administration centralised power in the executive arm of government, and reacted with great hostility towards those whom he considered his political enemies, either to the left or to the right of the political spectrum. Social movements were subject to covert and overt forms of repression, with the prohibition of gatherings, coupled with police violence against protests, becoming more widespread (Duncan 2010: 105-27). The very practice of democracy was considered to be deficient, and was described as "low intensity democracy", where "the formal requirements of democracy are met, yet under conditions of decreasing competition and declining popular participation" (Southall 2004: 74-5), a democracy characterised by "fragile stability", where the state is taken as legitimate, but where social problems remain a threat to this stability (Beall et al. 2005). In addition, the extreme mal-distribution of wealth has led to a bifurcated civil society that places significant constraints on the country's ability to achieve democratic deepening (Heller 2009: 124).

The contradictions manifest themselves most starkly in the economy; contradictions so serious that they have led Moeletsi Mbeki to speculate that South Africa's 'Tunisia Day', where the masses rise up against the powers that be, may be less than a decade away (Mbeki 2011). While there is considerable

3 Duncan 2011, Gentle 2006: 129, Alexander 2006, Jansen 2010.

disagreement in the country about the extent of poverty and inequality, some consensus has emerged that poverty has declined, owing mainly to the extensive social safety net rolled out in the early 2000s. While interracial inequality has declined, intraracial inequality has increased (Van der Berg 2010). According to the official definition of unemployment, the unemployment rate stands at 24%; if discouraged work-seekers are taken into account, the rate stands at 35.8% (Lings 2011). The number of unemployed youth is even higher.

In its seventeen years in office, the ANC government has extended many basic services such as water, electricity and housing to previously underserved areas, but ironically, by extending these basic services, the government has inscribed more South Africans into consumption cycles that are proving to be increasingly unaffordable: hence, the seemingly contradictory phenomenon of increasing service delivery coupled with rising levels of protest. Violence has been used in many of these protests as a means of gaining the attention, as well as in response to state violence and repression, which raises the question as to whether South Africa's transition averted violence, or merely deferred it to a later date. As Alexander (2010: 1) has argued, "there are few thinking South Africans today who would be prepared to say that they are happy with how things have turned out".

4. The negotiated settlement and the media

The apartheid government encouraged the SABC and other parastatals to commercialise their operations, in response to the intensifying global neoliberal climate in the early 1990s, and to lessen the dangers of their extensive propaganda machine falling into the hands of the ANC. Civil society mobilised to stop the government's unilateral restructuring of broadcasting, initially through the Campaign for Open Media (COM), and then through the Campaign for Independent Broadcasting (CIB). The SABC's transformation was considered to be the most urgent task, as the apartheid government's control of the broadcaster would have made it practically impossible to hold free and fair elections.

The decision to legislate for three tiers of broadcasting had its origins in the early 1990s, when the liberation movement hastily began to develop policy for broadcasting's transformation. The Jabulani! Freedom of the Airwaves Conference, held by the ANC and Radio Omroep in Amsterdam in August 1991, and involving a range of civil society organisations, called for the opening up of the airwaves. To this end, the conference participants resolved that the broadcasting system should be conceptualised on three levels, although - echoing Currran's democratic media model - it also started from the premise that "the public broadcaster should form the core of the broadcasting system and set the standard for all broadcasting" (Omroep 1991: 67).

The fact that the government's pro-liberalisation line of thinking coincided with that of the liberation movement paved the way for a consensus on what Horwitz (2001) has termed the "negotiated liberalisation" of broadcasting at the multiparty negotiations on broadcasting's transition. As a result, the CIB succeeded, to a large extent, in achieving its stated objectives. According to the then coordinator of COM, Jeanette Minnie, both the ANC and the De Klerk government demonstrated high levels of good faith during the process. The ANC, through its main negotiator, Joel Netshitenzhe, repeatedly sought mandates from the CIB for the negotiations process, leading to an extremely constructive and fruitful working relationship between the two. This relationship continued for two years. However, as the negotiations reached a climax in 1993, the ANC negotiators could not afford the time to continue broadcasting negotiations, and insisted that existing agreements be considered adequate. As a result, some CIB demands such as provisions for a staff-elected SABC Board member and mechanisms for public access to the Board, were not considered by negotiators, and did not find their way into the ultimate agreements.[4] In addition, the apartheid government did not agree to the CIB's demand for an independent panel to select the Board, but compromised by agreeing to a judicial panel. Despite the CIB's reservations, the panel conducted a process that was widely considered to be credible. The CIB also played a key role in organising nominations for the SABC Board, and the selection procedure was impressive in terms of its levels of democratic participation.

However, the selection process soured at the last minute, as the then State President F W de Klerk intervened to block the appointment of seven members, leading to some of the others selected resigning in protest. De Klerk also attempted to impose his own chairperson (Frederick van Zyl Slabbert). Ultimately, a compromise board was agreed on. The CIB was unable to respond effectively to this crisis and to the ensuing events at the SABC, as constituent organisations, notably the ANC, stopped attending meetings, which meant that the CIB became demobilised. As a result, it was unable to play a watchdog role as the transformation at the SABC ensued. In addition, once it was in place, the Board demonstrated no interest in working with civil society.[5] The fact that insufficient provision was made for mechanisms of public accountability worked to the new Board's advantage, as there was little pressure for them to account to the constituency that brought them to office.

The CIB was so tied up with the transformation of the SABC during negotiations that the drafting of legislation for the IBA was left mainly to a technical committee,

4 Conversation with Jeanette Minnie, 26 March 2011.

5 Conversation with Jeanette Minnie, 26 March 2011.

with an affiliate of the CIB hiring a legal team to draft the Authority's founding Act. The lack of political focus on the establishment of the IBA, and its main drafters being sympathetic to the ANC, led to some fairly progressive elements creeping in - such as limitations on cross-media ownership and concentration of ownership; but it meant that compromises also crept in. These included the appointment of two co-chairpersons (one 'old order' and one 'new order'), as well as a grandfathering clause for the pay television channel M-Net, which was 'born in sin' under apartheid.

The CIB had ensured that the internal transformation of the SABC also began to take place even as negotiations ensued, as the intention was to have key elements of transformation in place in time for the first democratic elections in 1994. The CIB focused especially on news, encouraging the replacement of key members of staff and organising a training programme for several print journalists to re-skill themselves in broadcast media. Once the Board was in place, they initiated a transformation process in news, which resulted in a transformation plan. The TNP (Television News Productions) transformation process was democratic, arising out of a series of consultative workshops involving over 400 staff members across the country, and led to the dismantling of many of the authoritarian structures and practices in the newsroom (Martinis 2000: 12). The Board drove transformation in the religious broadcasting department, but encouraged a multi-faith approach.[6] The Board also developed strategies to enhance the SABC's educational role. The newly established IBA also played an important role during this period, conducting what was referred to as a Triple Enquiry into the future of public broadcasting, cross-media ownership and limitations on foreign ownership.

Many media transformation efforts were undone when Gear was imposed in 1996. In response to its own financial crisis, precipitated mainly by the government's decision to sell some of its most profitable stations in the country's first post-apartheid privatisation, the SABC contracted change management consultants McKinsey and Associates to advise on rationalisation. The resulting restructuring led to news being identified as the broadcaster's core business, the dismantling of its programme production capacity, and the reduction of local content levels (with the agreement of the IBA). A third of the broadcaster's staff was also retrenched.

A key question arising from South Africa's media transformation relates to how to ensure that progressive forces remain mobilised during transformation. Negotiations can be inherently disempowering, as issues are generally resolved

6 Under the National Party government, the SABC became a mouthpiece of Christian national education.

in small groups or technical committees. In addition, the 'transformed' institution may have no interest in maintaining cooperation with progressive civil society, paving the way for the marginalisation of civil society and reversals of transformation gains. The majority of the civil society groups that comprised the CIB also demonstrated high levels of trust in the ANC. This meant that they also dropped their guard once the ANC was in power. The ANC thus encountered hardly any resistance when it began to roll back key transformation gains in the media from the late 1990s onwards (FXI 2008: 16).

5. The media transformation status quo

As far back as the early 2000s, South African scholars have disagreed over the extent of media transformation. According to Berger (2001), significant de-racialisation of the media had been achieved by that stage, while other writers argued that transformation was limited by class continuity in ownership, control, content and audiences (Teer-Tomaselli & Tomaselli 2001, Boloka & Krabill 2001). The unequal distribution of media goods in the social formation is apparent from an account of the media baskets available to various income groups. According to the Living Standards Measurement (LSM) from June 2010, LSM 1 and 2, which, according to the SA Advertising Research Foundation, comprise 9.3% of the population, rely mainly on SABC radio. LSM 3 and 4, which comprise 21.7% of the population, rely on SABC radio and television, with some relying on the private television station e.tv (although e.tv's target market is LSM 5.5). It is only LSM 5 and 6, which comprise 36.1% of the population, that begin to enjoy a range of media products, including SABC, e.tv, daily and weekly newspapers, magazines and outdoor media. LSM 7 and above, which comprise 27.5% of the population, command the lion's share of media. In fact, the majority of commercial media (including the tabloids) tend not to identify LSM 4 and below, or 36.4% of the population, as being part of their target audiences. While radio tends to have the largest penetration, television and print media (including the tabloids) tend to prioritise LSM 5 and above. This accounts for 69.1% of the population (SAARF 2011).

While these figures imply a better portrayal than the '50% society' scenario of the negotiated settlement, the uneven nature of media transformation was to place significant constraints on the media to develop a common space for deliberative debate. However, it should be noted that SAARF's estimation of media access is probably overstated, as the LSM is a consumption-based measurement of wealth and poverty. Given that such definitions also include credit-funded consumption, it is likely that the number of South Africans in the higher LSMs has been overestimated. It should also be noted that the LSM measures access to media, but is silent on the ability of audiences to influence media discourses.

The transformation of broadcasting has been much more marked than in the print media, as the former is state regulated. Icasa is under a legislative and policy mandate to ensure both significant Black ownership and control of the sector and that broadcasting be regulated for fairness and a diversity of views. Since the advent of democracy, the number of television stations has increased from 7 to 100 between 1991 and 2010, and the number of radio stations from 34 to 138. However, reflecting global trends, the number of daily newspapers has declined from 22 to 21, and the number of major weeklies has increased from 25 to 26 (OMD South Africa). Yet the increase in stations has not automatically led to a diversification of content, because of the 'hotelling effect' where media organisations that compete for the same audiences and revenue streams tend to produce similar fare (Van Cuilenburg 2007: 40). Owing to the relatively cheap nature of the medium, diversification efforts in radio have been more successful than in television, where commercial television has dominated overwhelmingly in the television system. Community and public service television have become subsidiary elements, with the extent of their survival dependent on their ability to adapt to commercial imperatives.

Some public funding has been made available for community and small commercial media through the Media Development and Diversity Agency (MDDA), following a review of media diversity conducted by the Government Communication and Information Service (GCIS). Yet the funding that was ultimately made available to the MDDA was one sixth of the original budget which the GCIS had estimated was needed to make a significant difference to the media landscape, which called into question government's commitment to achieving this objective (Skinner 2005). The majority of media continued to rely on commercial sources of funding, which meant that the media's transformation was heavily tied to the transformation of the economy. Post-apartheid economic restructuring has increased interracial inequality relative to intraracial inequality. The upper class has become deracialised and better off, the semi-professional class, the intermediate class and the core working class have shrunk, but become better off, while the marginal working class are worse off (Seekings & Natrass 2005: 337).

There have also been reversals to the independence of the broadcasting sector, where the ANC government has made repeated attempts to increase the control of the executive arm of government over broadcasting. This trend has been especially apparent in relation to Icasa and the SABC since 1999 (the year Mbeki became South Africa's president), although these attempts began to unfold two years before Mbeki assumed power, and were to an extent precipitated by the adoption of Gear. However, after a brief 'Prague spring' both for parliamentary accountability and broadcasting independence, there were no signs that

Zuma's administration reversed the trends towards reduced independence and accountability.

The ANC has been particularly hostile towards the print media, which has been accused of a lack of racial transformation, prioritising the world views of elites, and being overly concentrated. Lack of transformation on these levels has ostensibly created a mismatch between the values espoused in the media (in particular, the print media) and the values promoted by the ANC (ANC 2010). The ANC has also harshly criticised the self-regulatory system for the press, arguing that the PCSA is 'toothless' and biased towards the media, and has argued for the establishment of a statutory Media Appeals Tribunal to hear appeals from the Council's ombudsman. These criticisms have subsided somewhat, as the Council has reformed its code and internal processes to increase its independence from the media and strengthen its powers of sanction.

Despite these pressures and threats of censorious legislation, such as the controversial Protection of State Information Bill, which, in its current form, will still effectively criminalise a great deal of investigative journalism on state security matters as well as other forms of unauthorised disclosure, journalists still do enjoy considerable autonomy to produce journalism in the classical watchdog mould. Newspapers remain on the cutting edge of investigative journalism, breaking far more major stories than the electronic media.

Numerous content studies give credence to the ANC's argument that newspaper coverage tends to prioritise the world views of those with power and money, who, predictably, tend to occupy the centre of the political spectrum.[6] Geographic and linguistic diversity is still sadly lacking. Women, in general, still lack a significant voice in the media, with a marginal increase in the number of women sources in the past seven years (from 19% to 20%). The fact that newsrooms have more Black people and women has not automatically led to a transformation of content on these levels.

Since the mid-1990s, when ownership transformed rapidly, many of the early deals that saw ownership being transferred into Black hands, trade unions and women's organisations, unwound (Duncan 2000: 34). As a result, the media has reconsolidated. In addition, the empowerment credentials of the four largest groups (Naspers/Media 24, Caxton, Independent Newspapers and Avusa), measured by scorecards implemented in conformity with the B-BBEE Act, are relatively weak, with most groups (with the exception of Avusa) underperforming on their

7 Wasserman 2006: 266, McDonald & Mahyer 2007, Jacobs 2005, Hadland 2008, Lovaas 2008, Duncan 2009: 216 33.

scorecards. Until recently, the ownership profile of the industry was particularly patchy, with two of the four groups (Caxton and Independent Newspapers) having been entirely white-owned. However, this picture improved somewhat when Independent Newspapers was sold to a black-owned local consortium, Sekunjalo Independent Media Consortium. However, concerns have been raised about the independence of this consortium from political control by the ANC. Even more problematic, the dominant transformation paradigm has been reduced to B-BBEE. This paradigm fails to problematise its 'race-based' paradigm for transformation, which continues to maintain racial identities as actually existing, dominant social identities, while failing to provide other paradigms that would place disadvantage rather than 'race' at the centre of transformation endeavours and thereby move South Africa towards a raceless society, as well as toward a society that benefits those who truly need to be advantaged (Alexander 2008).

Concentration of ownership is a legitimate concern, especially the dominance of the newspaper market by Media 24, whose parent company Naspers is also becoming increasingly powerful in other emerging markets.[8] Concentration of ownership is of particular concern in the current recessionary climate, as the major groups exploit content to the hilt in order to maximise revenue, impacting negatively on news diversity. Hence, the more concentrated the market, the more homogenous the news.

The overly concentrated nature of the print media has also disadvantaged small media, as the 'big four' press groups enjoy competitive advantages over smaller, independent media, and the larger the big groups, the more difficult it is for the smaller groups to survive. There is evidence that small commercial and community newspapers, which should give a voice to the poorest and most marginalised sections of society, are experiencing major problems. According to the Association of Independent Newspapers (AIP), an audit of its membership revealed a 51% decline in membership between 2008 and 2010 (Sanglay 2010: 3). The Competition Commission also received an increasing number of complaints from small newspapers, alleging anti-competitive conduct by the 'big four'. The ANC has argued for competition policy to apply to the print media in order to limit anti-competitive behaviour against small media, but the competition authorities have not proved to be sufficiently sensitive to the peculiar dynamics of the sector. Given the inadequacy of general competition rules, several countries are developing media-specific diversity of voices tests, or diversity points systems. France has legislated ownership limitations for the print media. Foreign ownership caps are also being debated. However, since the establishment of the MDDA, South

8 Media 24 commands 39% of total circulation.

Africa has fallen behind the international curve in crafting similar diversification tools, and the ANC's media policy is also silent on them.

The combined effect of the underfunding of the MDDA, the lack of policy to measure diversity and limit excessive media concentration, the shortcomings of the Competition Authorities in addressing diversity questions, and the reduction of transformation to B-BBEE-driven de-racialisation, is that the environment has, by default, favoured media concentration. It has also led to the destruction of many independent, small commercial and community media, and opened the newspaper industry up to political attack (Duncan 2011).

6. Conclusion: towards a reconstituted public sphere

The dominant narrative about South Africa's media negotiations is that they were overwhelmingly successful, and that much of this success could be attributed to the strength of civil society in the process. It can, therefore, be inferred from this narrative that the most recent setbacks to media freedom are deviations from this positive process. These setbacks are rarely understood as outcomes of negotiations.

Undeniably, the negotiated settlement delivered a much more independent and representative SABC Board, which, in turn, resulted in a greatly transformed SABC, especially in the early years of democracy. They delivered an independent regulator with powers to make regulatory policy on key issues. This legislated three tiers of broadcasting into being, ending the era of complete state control of broadcasting. The negotiations were silent, however, on the economic transformation of broadcasting as well as on the transformation of the print media. This meant that agreements arrived at on the shape of the economy (the neoliberal '50% solution') undergirded media transformation, and became the *de facto* framework within which media transformation was pursued. Furthermore, the existing design of the apartheid-era media system, and the property relations that underpinned it, were largely left intact.

There is a chasm between the subjective commitment of the ANC to media diversity, and the objective conditions of government in which it has attempted to realise its vision. Echoing Curran, the ANC in its media policy has committed itself to media freedom and diversity. In its 2002 policy, the ANC even committed itself to establishing a publicly funded, inclusive media system, aimed at bringing the voices of the poor and marginalised – especially workers, the unemployed, women and the rural poor – into the mainstream of public debate (ANC 2002). When confronted with the objective conditions of governing in a neoliberal environment, in its everyday practice, the ANC has failed to legislate adequately

for media diversity, and is attempting to erode media freedom in significant ways. While the SABC is formally independent, the dominant faction in the ANC has exerted noticeable influence on the broadcaster at critical moments, particularly in the run-up to elective conferences. Independent, investigative journalism has become, to a large extent, the preserve of the newspaper industry. However, because it was shaped by market forces, with virtually no state intervention to ensure diversity, sections of the industry remain White owned and controlled. This vulnerability is working to the ANC's advantage, as it can now justify greater state control of the industry. There is hardly any reason to believe that the ascendance of the Democratic Alliance (DA) in the structures of government will significantly change this overall trajectory, especially given that the DA is committed explicitly to a market-driven communications environment (DA: *s a*).

The South African media's 'tilt upwards' has serious implications, as it fosters a society that is unable to see itself, and respond to its most pressing problems. South Africans can remain suspended in a state of disbelief, continuing to deny the increasingly obvious fact that society, with its massive inequalities, can no longer be held in equilibrium by means of consent and that coercion is becoming the terrible - if not entirely unpredictable – state response.

Apart from its social implications, what is the political project that underpins this highly unequal media system? By dispossessing the most marginalised South Africans of media spaces that should have come into being after the transition to democracy, it deprives them of the tools to speak back to the most powerful in society and to fight for power in the realm of ideas. In other words, it allows the status quo to remain unchallenged. Any struggle for power has to be waged in the realm of both ideas and organisation. It is thus not difficult to understand why, despite its rhetorical commitment to media diversity, the government has failed to act decisively against rampant profiteering in the cellphone industry, underfunded the public broadcaster and community media, and failed to act against growing media concentration. It can be inferred that the status quo wants subjects, not citizens.

Despite the challenges, it is important for society to believe in its inherent capacity to change how it has been organised, principally by the state, and to take power from below. This belief also applies to the media. In this regard, a great deal can be done and indeed is being done in relation to the media. The media system is not a monolith. It is a highly uneven space, and there are excellent journalists who are genuinely committed to telling the stories of the people. *The Daily Maverick's* Marinovich's journalism on Marikana, for instance, changed how many journalists covered Marikana. Community media organisations such as Cape Town TV and organisations such as the Right 2 Know Campaign are creating spaces for a

genuinely free flow of information and ideas, and although not without their problems, they have also marked up many successes.

Their efforts help South African society notice that another media system is possible, and that part of the tasks on the cultural/ideological level of the social formation is to re-envision the media as a component of the public sphere. We need to ask and answer the question as to what kind of media system we want to see, and then set about achieving it. Once we do that, we can start to create the media system which we truly need and deserve as a country.

However, the simple, unavoidable lessons of South Africa's negotiated transition to democracy also need to be learnt, the most important being that media transformation is ultimately not sustainable without social transformation. Media transformation projects that are depoliticised, and reduced to technicist, formulaic processes of finding the right laws and policies, may well be overtaken in time by the politics of the street. In fact, their long-term sustainability will probably come to depend on the politics of the street.

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