

**A CRITICAL DISCOURSE ANALYSIS (CDA) OF THE CONTESTING DISCOURSES
ARTICULATED BY THE ANC AND THE NEWS MEDIA IN THE *CITY PRESS*
COVERAGE OF THE SPEAR.**

A mini-thesis submitted in partial fulfillment
of the requirements for the degree of:

MASTERS OF ARTS

SCHOOL OF JOURNALISM AND MEDIA STUDIES

of

RHODES UNIVERSITY

Grahamstown, South Africa

by

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January 2014

ABSTRACT

A critical discourse analysis (CDA) of the contesting discourses articulated by ANC and the news media in the *City Press* coverage of *The Spear*.

This research focuses on the controversy surrounding the exhibition and media publication of Brett Murray's painting, *The Spear of the Nation* (May 2012). It takes the form of a qualitative Critical Discourse Analysis (CDA), underpinned by Fairclough's (1995) three-dimensional approach, to investigate how the contesting discourses articulated by the ruling political party (the ANC) and the news media have been negotiated in the *City Press* coverage in response to the painting. While the contestation was fought ostensibly on constitutional grounds, it arguably serves as an illustrative moment of the deeply ideological debate occurring in South Africa between the government and the national media industry regarding media diversity, transformation and democracy. It points to the lines of fracture in the broader political and social space.

Informed by Foucault's conceptualisation of discourse and the role of power in the production of knowledge and 'truth', this study aims to expose the discourses articulated and contested in order to make inferences about the various 'truths' the ANC and the media make of the democratic role of the press in a contemporary South Africa. The sample consists of five reports intended to represent the media's responses and four articles that prominently articulate the ANC's responses. The analysis, which draws on strategies from within critical linguistics and media studies, is confined to these nine purposively sampled from the *City Press* online newspaper texts published between 13 May 2012 and 13 June 2012.

Findings suggest the ANC legitimise expectations for the media to engage in a collaborative role in order to serve the ‘national interest’. Conversely, the media advocate for a monitorial press to justify serving the ‘public interest’. This research is envisioned to be valuable for both sets of stakeholders in developing richer understandings relevant to issues of any regulation to be debated. It forms part of a larger project on Media Policy and Democracy¹ which seeks to contribute to media diversity and transformation, and to develop the quality of democracy in South Africa.

¹ The MPDP project is a joint initiative undertaken by Rhodes and UNISA. My project will contribute to the Media Diversity and Transformation focus area, headed by Professor Jane Duncan (Rhodes) (<http://www.mediapolicyanddemocracy.com>).

ACKNOWLEDGMENTS

I begin by thanking my thesis supervisor, Professor Jeanne Prinsloo. Her knowledge, work and practice are continuously a source of inspiration, which I was able to apply to my own process for this work. Throughout the year, she provided me with not only guidance, insight and encouragement for this project, but academic opportunities beyond the pages of this thesis. She was a role model for me during writing, and will remain as such as I pursue further academic endeavours.

I also extend my thanks to Professor Lynette Steenveld, who recognised the Masters program as the best 'fit' for me (even when I didn't), and consequently offered me the opportunity to participate. A further acknowledgment to all the faculty, staff and peers in the School of Journalism and Media Studies at Rhodes University.

The biggest THANK YOU to my South African family who welcomed me into their life and home when I first arrived to this country. Always with hearts and arms wide open, Brian and Gill Vermaak made what was then foreign, not so for me. Thank you for ensuring my safe arrival to Grahamstown in the first place. And, a big Thank You to Cath Deiner and Matt Parkinson for ensuring my comfort and safety in Grahamstown thereafter.

I thank my family in Canada, who – despite the news that University students in Johannesburg were being trampled to death in riots and protests on campus – encouraged my journey by letting free birds fly.

A big thanks to Cassie Lavery, not only for funding my stay for the last few months of this project, but for flying across the world to visit, explore and ease the confusion that was Africa.

And lastly, I want to THANK my dear partner Dane, who lovingly rearranged our cottage countless times to accommodate my desk, and for putting up with 'I can't – I'm working on my project' for the past year.

I am happy to now be able to respond to him, and to everyone, 'I can...'

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CHAPTER ONE: INTRODUCTION

The enigma

In May 2012, South African artist and satirist Brett Murray displayed his painting entitled *The Spear of the Nation* depicting President Jacob Zuma as a Leninist figure with his genitals exposed. This piece was part of Murray's *Hail to the Thief II* exhibition on display at the Goodman Gallery in Johannesburg, of which the issues of political instability, patriarchy and corrupt leadership in South Africa were central themes. In response, President Zuma and the ruling political party, the African National Congress (ANC), labelled *The Spear* defamatory and a violation of his (and their) dignity, reputation and privacy. They consequently retaliated against Brett Murray, the Goodman Gallery, and the *City Press* newspaper (for publishing the image on their news website) through a series of public rallies, protests and boycotts, which culminated in official legal action. The controversy was abetted by what some fractions of the press saw as outrageous regulatory demands, "resulting in greater intensity of activity and a greater prominence of the issues in the news agenda" (Tiffen 2000, p. 199). In the weeks that followed the exhibition, public response highlighted political contestation and social division as the legal and media spheres resounded with debate centred on constitutional entitlement. With the South African government advocating for censorship in line with the right to human dignity, and the print news media broadly speaking advocating for the right to freedom of expression and of the press in the name of democratic development.

Coincidentally, across the globe in Canada, artist Margaret Sutherland exhibited her painting, *Emperor Haute Couture* (2011), portraying the Conservative Canadian Prime Minister Stephen Harper lounging contently in the nude, dog at his feet, being waited on by anonymous figures in suits. The response of Canadian citizens to this work was mixed; some were affronted by the nudity, however, most acknowledged that Sutherland was mounting a satirical criticism of the Canadian government through the artwork. In contrast to *The Spear* in South Africa, the Canadian media dedicated little attention, time and space to Sutherland and the painting. The government and political parties' counter-attack was light-hearted and humorous and the country's citizens showed minimal or no concern about the portrait.

As a Canadian citizen, my reaction to *The Spear* was comparable to the reaction of most Canadians to the Emperor Haute Couture. I was therefore taken aback and confused as I read of “the atmosphere of very real anger and fear created by the exhibition of the painting” in South Africa (Barnard-Naude & de Vos 2012, p. 177). My surprise at the outcry speaks to my naivety about the South African post-colonial, and post-apartheid context in which the exercise of the constitutionally protected democratic right to freedom of expression had, and continues to have, the potential to divide public opinion among a nation’s citizens. I was in disbelief as I read of the invectives and violent threats against the artist and the gallery, of the government-supported marches, national boycotts and angry protests against *The Spear*, and of the consequent vandalism against the artist’s painted canvas itself.

The casual response in Canada to Sutherland’s representation of Harper contrasts with the socially and politically charged controversy that erupted in South Africa in response to Murray’s representation of Zuma. My observation of these dichotomous social responses to a nude painting of a country’s head of state provided the enigma that triggered this study. The disparity of events with what appeared to me as a seemingly similar cause impelled me to reconsider my preconceptions and, in a sense, to both acknowledge and seek to better understand the impact of the historical legacies of colonialism and apartheid in South Africa and to ask myself questions about a culture I did not grow up in.

1.1. The scope of the study

South Africa is going through a process of profound social transformation. In such transformation, many ideas, empirical perceptions and attitudes ingrained in people’s thinking come under the spotlight. Mind-sets are challenged and paradigms are put to the test. (African National Congress [ANC] 2010, p.1)

Brett Murray’s *The Spear of the Nation* (*The Spear*) was an idea that challenged certain dominant positions and ideologies in contemporary South African society. This study focuses on the ephemeral, yet attention-grabbing, controversy in response to *The Spear* as it unfolded in one of the national newspapers embroiled in the saga, namely the *City Press*. Although the contestation was fought ostensibly on constitutional grounds, the responses in the national media coverage draw on a range of discourses, for they play out the concerns that form the undercurrent

of South African social and political life. Those opposing the image muster defensive arguments by drawing on discourses of race, class, culture and tradition, while those defending The Spear legitimate their claims with reference to discourses of freedom, progress, citizenship and democracy.

Arguably, the contestation regarding constitutional entitlement serves as a subset, a precise and illustrative moment, of the larger, deeply ideological debate occurring in South Africa between the government and the national news media regarding media diversity, transformation and democracy. Such debates between the media and the government are not restricted to South Africa (Nieminen 2007; Seleokane 2001), and are not new within the country (Friedman 2013; McDonald 2013). Long before, and since the advent of democracy in South Africa in 1994, the relationship between the media and the government has been “under severe strain” on numerous occasions as a result of “conflicting views” on the media’s role and commitment to the transformation and democratization of contemporary South African society (Wasserman & de Beer 2005, p. 193). This study investigates the discourses articulated by the ANC and the media in response to The Spear, and the assumptions that underpin these discourses, in order to make inferences about the various understandings each have of the democratic role of the media in a contemporary South Africa. The implications of its findings are for the deepening of the country’s democracy, which “will depend upon acceptance and tolerance by the ANC and the government of media” (Daniels 2012, p. 6).

I begin by outlining the events that transpired involving The Spear in South Africa, the combination of which became known as The Spear “saga” (Harber 2012). This is followed with a discussion of the constitutional clauses central to The Spear debate as defined in the South African Constitution (1996), notably the right to human dignity (section 10); the right to freedom of expression and of the press (section 16); and the limitations clause (section 36). In closing, I historicize the broader South African media debates, with specific regard to the contemporary South African news media landscape.

1.2. Background information for The Spear

1.2.1 Brett Murray, *Hail to the Thief II* and *The Spear of the Nation*

Brett Murray is a Cape Town-based professional artist, who over the decades has acquired a “local and international reputation for thought-provoking and satirical art” (Essers 2012, cited in *City Press*, 21 May 2012¹). His work has been extensively exhibited in South Africa and abroad, and has received several awards, professional merits and institutional recognition. Themes of “power, race, politics, patriarchy, oppression and the manipulation of the media” prevail through his works, which Murray (2012) attributes to living through South Africa’s apartheid-ravaged 1970s and 1980s. During this time, Murray was vigorously engaged as an anti-apartheid activist and a supporter of the ANC and his art developed as a platform for protest against apartheid. It is ironic then that Murray, designer and producer of some of the anti-apartheid movement’s most iconic protest art, becomes the target of the present government who demanded the destructions of his critical, contemporary protest art (Haffajee 2012a).

Murray’s *Hail to the Thief II* exhibition opened at the Goodman Gallery in Johannesburg on 10 May 2012, a sequel exhibition to his 2010 Cape Town show under the same name. The 2012 exhibition presented a range of bronzes, etchings, paintings and silk-screens that “form part of a vitriolic and succinct censure of bad governance and are [Murray’s] attempts to humorously expose the paucity of morals and greed within the ruling elite” (Goodman Gallery 2012). This recent exhibition is consistent with Murray’s artistic and creative style, which uses populism and parody to deliver social comment and political critique. He classifies *The Spear* as a work of “satire”, which he uses in a political context to open public debate (Murray 2012).

Satire employs the use of parody as part of its arsenal for critique and expose, parody being a common, postmodern aesthetic device that draws on an original form for making different kinds of comments. Here, the 1.85meter high painting of President Zuma parodies Viktor Ivanov’s (1967) Russian propaganda piece entitled “Lenin Lived, Lenin is Alive, Lenin Will Live”. The mimicry in *The Spear* implies a political commentary on the authoritative and autocratic

¹*City Press* 2012, ‘Not even the most powerful should dictate content –Goodman Gallery’, 21 May, viewed 15 December 2012, <http://www.citypress.co.za/news/not-even-the-most-powerful-should-dictate-content-goodman-gallery-20120521/>

governance of South Africa, comparing the current state of the nation to the Russian communist-era. The central, and most controversial element, of the painting, which made it explicitly subject to criticism and debate, is the graphic depiction of Zuma's exposed penis², referred to here as 'The Spear'. In this sense, the painting offers additional commentary from Murray's perspective on the leadership style and sexual conduct of the country's president. "Spear of the Nation" is translated from Xhosa's "Umkhonto weSizwe" (MK), the name of the armed wing of the ANC (1961 – 1990), which was co-founded by Nelson Mandela in response to the repressive measures of the apartheid state (South African History Organization (SAHO) 2012). The satirical edge implicit here reduces the MK's armed liberation struggle to Zuma armed with an uncontrolled sexual appetite, as symbolised by his exposed penis.



Figure 1: *Lenin Lived, Lenin is Alive, Lenin Will Live* (Ivanov 1967)



Figure 2: *The Spear of the Nation* (Murray 2012)

Murray's art has frequently aroused social controversy as a consequence of its politically and socially provocative nature, although none of which has prompted as much media attention, public criticism and political involvement as *The Spear*. The furore surrounding *The Spear*

² *The Spear of the Nation* is also a reference to the Hans Christian Anderson storybook tale "The Emperor's New Clothes", in which a vain king parades around naked, believing his new suit is so superior that it is invisible.

“propelled [it] into being one of the most vilified work of art ever produced in South Africa” (Dubin 2013, p. 176).

1.2.2 The Spear saga

The saga was set in motion on 13 May 2012, when *City Press* published a review of the *Hail to the Thief II* exhibition entitled ‘White noise’ (Blignaut 2012) in the print editions’ Lifestyle section called ‘7’. It emerged from a general newsroom discussion that because a number of *City Press* staff expressed strong opposition to the Zuma image (Basson 2013), the cover of the arts supplement used another images from the exhibition. As the painting sold to a German art collector for R136, 000 on the following day, the *City Press* did a follow up story, publishing an image of The Spear on the news pages (with a price tag strategically covering the penis) and on the newspapers website (without the tag serving as the proverbial fig leaf).

It was not until four days later, 17 May, that a “vicious national debate on artistic freedom, freedom of expression and human dignity” was initiated (Basson 2013, p. 233). The debate was triggered by a press statement issued by ANC spokesperson Jackson Mthembu (2012), which expressed the party’s outrage at the manner in which The Spear depicted the president. The following evening, 18 May, Mchunu Attorneys filed an “urgent application” on behalf of President Zuma and the ANC (as the First and Second applicants) to the South Gauteng High Court in Johannesburg (Zuma 2012, p.1). The Goodman Gallery and the *City Press* newspaper (the First and Second respondents) were subsequently served legal papers seeking to “interdict both parties from displaying and exhibiting on their website or any other platform, including the online channels, the offensive and distasteful so-called portrait” (*City Press*, 19 May 2012³). The application argued The Spear was a violation of Zuma’s constitutional right to dignity and privacy, maintaining that “the more days it stays displayed, the more [Zuma’s] right to dignity and that of the ANC are impugned” (Zuma 2012, p. 5). Legalistic defamation suits are not a novel political approach for Zuma, who has, since mid-2006, sued seven media organisations and individuals for over R60million for violating his right to dignity (Dubin 2013, p. 125). Most of these court claims did not question the inaccuracy of news stories, but reacted to criticism of his

³*City Press* 2012, ‘ANC launches urgent court application’, 19 May, viewed 15 December 2012, <http://www.citypress.co.za/news/anc-launches-urgent-court-application-20120519/>

personal conduct, as graphically expressed in *The Spear* (*City Press*, 19 October 2012⁴).

The Goodman Gallery rejected the demands in the affidavit, refusing to remove the painting from exhibition on the basis that such an act would constitute censorship. Gallery owner, Liza Essers (2012, cited in *City Press*, 21 May 2012⁵), reported no intention of causing Zuma, as a family man or as the president, any harm or offence in displaying the painting, but insisted *The Spear* would remain on exhibition until its scheduled closing of June 16 2012 (or otherwise as ordered by the courts). Similarly, *City Press* (21 May 2012⁵) announced that any court proceedings against the publication of the image would be defended because the ANC had no legal grounding to support their application. *City Press* cited it as their “duty”, as established and protected by the South African Constitution, to publish the image (Basson 2013, p. 233).

The ANC’s defence of Zuma’s (and their) dignity did not stop with strictly legal enforcement. The ANC assembled allegiance with various figures and structures including the Arts and Culture Minister, the Justice and Constitutional Minister, the ANC Women’s League (ANCWL), the Congress of South African Trade Unions (COSATU), the South African Communist Party (SACP), and the Young Communist League (YCL), among others. This ANC-led alliance stood accused of employing “intimidation tactics” against the citizens and institutions supporting *The Spear* (*City Press*, 31 May 2012⁶), which included organizing a march on the gallery, advocating Murray be stoned to death, and rallying angry protesters outside the Johannesburg Magistrate’s court in an act of solidarity with the president and the ANC. Furthermore, Minister of Higher Education and SACP secretary-general Blade Nzimande called for a boycott of the *City Press* until the institution issued an apology for publishing the image:

It is our democratic right not to read City Press. Let us use this weekend to call on all our shop stewards’, councils, our churches, our branch meetings, our stokvels, our calls to

⁴*City Press* 2012, ‘Nkandla: Apartheid-era laws being used – Milo’, 19 October, viewed 23 April 2013, <http://www.citypress.co.za/news/nkandla-apartheid-era-laws-being-used-milo-20121019/>

⁵*City Press* 2012, ‘Zuma ‘Spear’: ‘Constitution entitles City Press to publish’, 21 May, viewed 15 December 2012, <http://www.citypress.co.za/news/zuma-spear-constitution-entitles-city-press-to-publish-20120521/>

⁶*City Press* 2012, ‘Global media rights body slates ANC ‘intimidation’ of City Press’, 31 May, viewed 13 August 2012, <http://www.citypress.co.za/news/global-media-rights-body-slates-anc-intimidation-of-city-press-20120531/>

radio stations to say human dignity, especially black dignity, must be respected in this country (Nzimande 2012, cited in *City Press*, 24 May⁷).

In spite of their opposition to the image, the ANC disassociated itself from the subsequent vandalism of Murray's painted canvas at the Goodman Gallery on 22 May. Fifty-eight year old white Kempton Park businessman, Barnard la Grange, painted a red "X" over Zuma's genitals and one on his face. Subsequently a twenty-five year old black taxi-driver from Limpopo, Louis Mabokela, smeared black paint over the rest of the portrait (*City Press*, 23 May 2012⁸). The vandalism and following arrest was caught on video by eNews. It depicted the radically different treatment of the two men received during their apprehension. The younger black man was head-butted, body-slammed and held in a choke-hold by a security guard while the older white man was calmly questioned (*City Press*, 22 May 2012⁹). As the gallery was temporarily closed for the afternoon, attention shifted outside to the arrest of a third party, George Moyo, for trying to spray paint the word 'respect' on the gallery's wall. La Grange, Mabokela and Moyo were all charged with malicious damage to property, each released on bail of R1000, and set to appear at the Hillbrow Magistrates Court for further ruling (*City Press*, 23 May 2012⁶). The arrests inside the gallery later become an issue of contention for the ANC along the lines of racism, and the vandalism outside became a reference point in the controversy in relation to the issue of respect in African or traditional culture.

In light of the case's "national importance and public interest", a full bench of judges was appointed to hear the ANC's application and was rescheduled from 22 to 24 May (*City Press*, 22 May 2012¹⁰). On the day of the hearing, a strong police force was necessarily present outside the South Gauteng High Court as hundreds of protesters gathered with the message: "We say No! To artistic freedom" (*City Press*, 24 May 2012¹¹). Inside the court, race, culture and South

⁷*City Press* 2012, 'Nzimande's call for City Press boycott 'deeply disturbing' - Haffajee', 24 May, viewed 15 December 2012, <http://www.citypress.co.za/news/nzimandes-call-for-city-press-boycott-deeply-disturbing-haffajee-20120524/>

⁸*City Press* 2012, 'Zuma art smear case postponed', 23 May, viewed 15 December 2012, <http://www.citypress.co.za/news/zuma-art-smear-case-postponed-20120523-2/>

⁹*City Press* 2012, 'ANC welcomes full bench in Zuma matter', 22 May, viewed 15 December 2012, <http://www.citypress.co.za/politics/anc-welcomes-full-bench-in-zuma-matter-20120522/>

¹⁰*City Press* 2012, 'ANC welcomes full bench in Zuma matter', 22 May, viewed 15 December 2012, <http://www.citypress.co.za/politics/anc-welcomes-full-bench-in-zuma-matter-20120522/>

¹¹*City Press* 2012, 'Joburg CBD roads closed for The Spear case', 24 May, viewed 15 December 2012, <http://www.citypress.co.za/news/joburg-cbd-roads-closed-for-the-spear-case-20120524/>

Africa's transition from apartheid to a democratic state became important issues in the arguments presented by President Zuma's advocate, Gcina Malindi, who emotionally showcased a tearful breakdown following a heated exchange with Judge Neels Claassen related to the racialization of the case (*City Press*, 24 May 2012¹²). At this point, the court recessed and the case was postponed indefinitely.

1.2.3 The Spear is down

Finally, on 28 May, *City Press* editor Ferial Haffajee (2012a) published a report announcing that the newspaper would take down the image of *The Spear* from their website, justifying this decision in the "spirit of peace-making" and "out of fear" for the personal safety of the journalists, vendors and herself. The following day, the ANC called off the *City Press* boycott. The ANC did proceed however with the court application against the Goodman Gallery on the basis that "the court must assist us (in showing) how far those people go who are in the artistic environment (to) violate those rights of human beings" (Mthembu 2012, cited in *City Press*, 28 May 2012¹³).

The following day, 29 May, the ANC mobilised a march on the Goodman Gallery. Crowds of ANC supporters arrived at Zoo Lake in Johannesburg from Limpopo, Mpumalanga and the Northern Cape by way of ANC-sanctioned transport buses. Hundreds of protesters, led by ANC secretary-general Gwede Mantashe, marched along Jan Smuts Avenue in Rosebank to the gallery, where they were greeted (again) by shielded riot police and the Johannesburg metro police. Immediately following the march, gallery and ANC representatives met for late night discussions, finally reaching a settlement that was announced at a joint press conference held on 30 May. The ANC publicly handed over a memorandum to gallery management withdrawing its application to the court with no order as to costs, while the gallery acceded that *The Spear* come down from display and be shipped to the German buyer in its present state (*City Press*, 30 May¹⁴).

¹²*City Press* 2012, 'Zuma 'Spear': Drama in court as Malindi breaks down', 24 May, viewed 15 December 2012, <http://www.citypress.co.za/news/zuma-spear-drama-in-court-as-malindi-breaks-down-20120524/>

¹³*City Press* 2012, 'The Spear: ANC wants apology from City Press', 28 May, viewed 15 December 2012, <http://www.citypress.co.za/politics/the-spear-anc-still-wants-apology-from-city-press-20120528/>

¹⁴ *City Press* 2012, 'ANC-gallery bury the hatchet', 30 May, viewed 8 August 2012, <http://www.citypress.co.za/politics/anc-gallery-bury-the-hatchet-20120530>

1.2.4 The Film and Publications Board (FPB) classification

The ANC's actions against *The Spear* were not the only avenues of enforced censorship that were enacted in response to the painting. Numerous written, telephone and online complaints by some members of the public called for *The Spear* to be classified for people under the age of 18 on the grounds of the image's potential to cause psychological harm. The Film and Publication Board¹⁵ (FPB) deployed a team of classifiers to view and classify the highly publicised work. The FPB mandate is to protect children by ascertaining age restrictions for DVDs and computer games, to provide sensitive viewers with a warning before any potentially offensive material, and to investigate incidents of child pornography (Film and Publications Board (FPB) 2012). As such, the FPB have no legal jurisdiction to classify content published or broadcast by media outlets, a responsibility that resides with the Press Ombudsman, the Independent Communications Authority of SA (ICASA) and the Broadcasting Complaints Commission (BCCSA).

However, a "threat of classification is one of the harshest penalties a newspaper can face" (Basson 2013, p. 236). *City Press* therefore sought to make representation to the Board before it classified the painting. Accordingly, an impromptu hearing was convened at the FPB head offices in Centurion on 29 May. Regardless, following a week of deliberations, the FPB presented a classification rating of 16N for Brett Murray's *The Spear of the Nation*. This rating stipulates "any persons or entities wishing to publish and exhibit images or replicas of this specific artwork will in future have to put in place mechanisms to regulate access to this piece of art by members of the public below the age of 16" (FPB 2012).

The Goodman Gallery lodged an appeal with the FPB Appeal Tribunal on 10 July on several grounds. First, the classifying committee "failed to give adequate consideration to the fact that *The Spear* is a bona fide work of artistic merit", not giving sufficient regard to the constitutionally protected expression of the artist (Koseff 2012, cited in *City Press*, 11 July 2012¹⁶). Second, it did not take into account that the image was published largely on the

¹⁵ The FPB is a government entity (under the jurisdiction of the South African Department of Home Affairs) established in 1996 to replace the Directorate of Publications, who acted as the censorship regulators under the apartheid government.

¹⁶ *City Press* 2012, 'The Spear' appeal lodged', 11 July, viewed 15 December 2012, <http://www.citypress.co.za/politics/the-spear-appeal-lodged-20120711/>

Internet, and the FPB guidelines on classification do not deal with the problems of classifying online publications. Finally, the FPB “took into account questions of sensitive adults broader issues of dignity”, but the classification was limited to questions of children (Koseff 2012, cited in *City Press*, 11 July 2012¹⁶). On 10 October, the Tribunal dismissed the 16N classification of *The Spear* on the basis that the Classification Committee had “erred” (FPB 2012, cited in *City Press*, 10 October 2012¹⁷). The Tribunal determined the classification was not legally permissible and, perhaps surprisingly, that *The Spear* had “artistic merit and that it dealt provocatively with political issues by drawing on the relationship between sex and power” (FPB 2012, cited in *City Press*, 10 October 2012¹⁷).

1.3. The Spear and the constitutional debate

The Spear raised issues central to reigniting the debate around constitutional entitlements and resulted in robust responses from both the constitutionally protected right to dignity camp and freedom of expression and freedom of the press camp. The history of many of the human rights struggles pertaining to dignity and freedom of expression indicate that they are irrefutably linked, with “a particularly powerful resonance in South Africa, given the lessons of the Black Consciousness movement, which insisted on the co-implication of these two values” (McDonald 2013, p. 139). The need to balance the two rights has been a long-standing concern for the ANC, resulting in a resolution passed at the ANC Polokwane conference entitled ‘Communications and the Battle of Ideas’ (ANC 2007).

While both of the above-mentioned rights are protected by the Bill of Rights contained in the South African Constitution (1996), neither are without limits (Naab 2012). The South African Constitution has outlined a general limitations section (s36), which sets out specific criteria for the rationalization of restrictions of rights “to the extent that the limitation is reasonable and justifiable in an open and democratic society” (Constitution 1996, cited in Currie & de Waal 2005, p. 164). This clause opens up an ethical space in which to gauge the respective weight of rights in relation to the rights of others and important social concerns such as public order,

¹⁷*City Press* 2012, ‘Appeal tribunal declassifies *The Spear*’, 10 October, viewed 15 December 2012 <http://www.citypress.co.za/news/appeal-tribunal-declassifies-the-spear-20121010/>

national security, personal wellbeing and democratic values (Marcus 1999). The kind of balancing envisioned from the limitation clause creates an inescapable arena of indeterminacy, wherein lies the analysis of lawfulness and the grounding of the controversial debate regarding human dignity and freedom of expression central to *The Spear*.

As a consequence of the story's centrality in the news media, most South Africans aligned themselves with one of the two oppositional discursive positions, underpinned by intensely held political, social and cultural attitudes and values. Outlined below are the dominant, perhaps elite, positions and arguments that discursively contributed to constituting *The Spear* a public controversy, namely the ANC and the protection of Zuma's dignity, and the *City Press* newspaper and freedom of expression and of the press.

1.3.1 Human dignity: President Zuma, the ANC and alliance members

Tellingly, the ANC invoke a particular reading of the Constitution's limitations clause in their interdict against the painting. From their perspective, *The Spear* is seen as an expression that violates Zuma's constitutional right to dignity and privacy; neglects cultural norms and values by which the majority of South Africans live; and is racist in the context of a post-colonial, post-apartheid South Africa. Their primary reason for seeking the removal of *The Spear*, as stated in the court affidavit by Zuma himself, is that:

The continued display of the portrait is a grave violation of my right to dignity as it depicts me with my private parts showing. I ... submit that the portrait has overstepped the mark and acceptable levels ... of the Constitution. (Zuma 2012, p. 3)

Human dignity is "a value that runs like a golden thread throughout the (post- colonial) South African Constitution" (Barnard-Naude & de Vos 2012, p. 177). This is established with the Constitution's (1996, cited in Currie & de Waal 2005, p. 159) interpretation clause (s39), which requires that any interpretation of the Bill of Rights "must promote the values which underlie an open and democratic society based on human dignity, equality and freedom". The Constitution's emphasis on human dignity is a consequence of and a reaction to South Africa's political history, a context that played an important role in the Constitution's construction and interpretation (Currie & de Waal 2005, p. 153). In addition to its omnipresence throughout the Constitution, the right to human dignity is also protected in a separate clause (s10). It is understood as the acknowledgement of the value and worth of all individuals as members of a society, a definition

that leaves much room for speculation and interpretation with regard to its violation, as evidenced in the ANC's claims against *The Spear*.

1.3.2 Freedom of expression: The Goodman Gallery and the City Press newspaper

The discourse articulated by the ANC representatives relating to the protection of human dignity stands in opposition to those employed by a composite group of members from the media industry, artistic community, academia and members of the broader society who advocate for *The Spear* in the name of freedom of expression, a well-established (and essential) prerequisite for functioning democracies (Friedman 2013; Masango 2007; Naab 2012). Accordingly, freedom of expression and of the press are enshrined in the Constitution (s16), both applicable to the *City Press* in the case of *The Spear*, while the former applies to Brett Murray as producer of *The Spear*. In numerous affidavits to the court, different constituencies argued for *The Spear*'s continued exhibition due to the fact that the painting serves as “a catalyst for the type of deliberation that characterises and is indeed the lifeblood of a democracy” (Unterhalter 2012, cited in *City Press*, 23 May 2012¹⁸).

The right to freedom of expression does not extend to propaganda for war, incitement of imminent violence, and certain forms of hate speech. *The Spear*, however, is argued by this grouping to amount to reasonable, fair and legitimate criticism of Zuma's highly publicized philandering. This arguably renders the reactionary harm experienced by Zuma indefensible based on the accuracy of the expression, which is said to outweigh the harm.

1.4. Contextualizing the South African media

1.4.1 Historicising the media

During South Africa's apartheid era (1948 – 1990), the national media industry was extensively constrained by the government's censor board, the Directorate of Publications who, through over thirty statutory instruments, invoked in the interest of national security, regulated media content which worked toward the “maintenance of white supremacy, politically, economically and

¹⁸*City Press* 2012, ‘*The Spear*: what will be argued in court’, 23 May, viewed 15 December 2012, <http://www.citypress.co.za/news/the-spear-what-will-be-argued-in-court-20120523/>

socially” (Bird & Garda 1996, p. 1). The restrictive legislations and regulatory bodies threatened and limited the critical acumen of the anti-apartheid press, thereby creating an atmosphere of “insecurity and near impotence” among writers, editors and publishers (McDonald 2013, p. 131). During this time, the role the media played was an uneven one as the voices of the majority, the oppressed, were seldom heard in the mainstream media and blatant dissent was rare.

Accordingly, the post-apartheid government viewed media transformation as a priority, seeking to “shift the structure of [the] media from the apartheid inheritance into an industry that can serve democracy and celebrate freedom” (Daniels 2013, p. iii). In the years following the first democratic election, the national mediascape underwent substantial liberalization and diversification as journalists and editors relished their newly achieved independence, which had been established through the constitutionally protected right to freedom of expression (Media Development and Diversity Agency (MDDA) 2009). This liberalisation, however, brought greater competition, commercialization and privatisation, leaving the media to self-regulate under conditions where market forces and capitalist values prevail. A paradox thus lies in the notion that the ANC’s hands-off approach towards the media has resulted in an economic adaptation of neo-liberalism¹⁹ within the industry, the very structure which the ANC (2010) criticize the media for maintaining. It is increasingly argued by commentators on the left that this neo-liberal approach to the economy is inadequate to the task of realising diversity (Duncan 2012).

The print media today in South Africa is “by far the largest media sub-sector (in terms of the number of titles and ownership)” (ANC 2010, p. 5), yet it remains the most unregulated and is argued to be the most contentious form of mediums (MDDA 2009). Four large media companies dominate the circulation, readership, printing and distribution of newspapers in South Africa. These include the Times Media Group (previously Avusa), Caxton, Independent Newspaper²⁰, and, the largest of the media companies, Media24 (Daniels 2013, p. 1). The *City Press*, the focus

¹⁹ The Reconstruction and Development Plan (RDP) was South Africa’s socio-economic framework implemented by the ANC in 1994 in attempt to alleviate poverty and develop a stronger national economy through contained fiscal spending, sustained or lowered taxes, reduction of government debt, and trade liberalisation. In this way, the policy took on both socialist and neo-liberal economic elements, which fostered the basis for a neo-liberal press.

²⁰ Independent Newspaper recently returned to South African ownership (Iqbal Surve) after two decades run by a Dublin-based group. The Group is tightly linked to particular forms of capital investments as the December 2013 removal of an editor was critiqued as neo-liberal censorship.

of this study, is described as a “historically black paper” that repositioned itself post-apartheid as “a multicultural, multiracial publication” (Daniels 2013, p. 32).

In focusing on developing the need to establish independent media institutions, the South Africa media are now regarded as “one of the most free and best in Africa” (Justice & Hill 2010, cited in Chartered Institute of Journalists (CIJ) 2010, p. 1). However, the broad guidelines of the Media Charter adopted in 1992 shifted in the 2000 and 2010 media policies to signal tighter state control over the media. Therefore, state involvement and ideological influence still remain important factors in the composition and diversity structuring the nation’s media, making transformation within the media an on-going challenge.

1.4.2 Contemporary media freedoms and regulation debates

The modern-day South African media debates ensue from the current government’s acknowledgement of the media as an “immense ideological, economic, social and political power” (ANC 2010, p. 8), endowing it with the potential to undermine their nationalist discourse. This threat has led the ANC to repeatedly challenge the South African media, specifically the press, accusing it of irresponsible, profit-driven, and Western-biased reporting that provides differential access to voices based on social, economic and political advantage (Friedman 2013). One of the ANC’s main problems with the media is “what it conceives as inadequate and negative representation of its views as the ruling party” (Daniels 2012, p. 22). To this, the ANC have consequently adopted the view that “some fractions of the media continue to adopt an anti-transformation, anti-development and anti-ANC stance” (ANC 2010, p. 2). In a 2010 internal discussion document on media regulation, the ANC (2010, p. 7) characterise the South African media as “a weak and passive state, [with an] overemphasis on individual rights, [and] market fundamentalism”. They argue the media forsakes balanced and ethical reporting in order to protect and promote media freedom. To this end, the ANC (2010, p. 19) argue a need to “find mechanisms to speed up the process of improving the media environment”, resulting in, for example, measures such as the Protection of Information Bill (2013) and the proposed Media Appeals Tribunal (MAT).

The Protection of Information Bill was proposed in 2008. It was passed by the National Assembly in Parliament on 25 April 2013 (Daniels 2013), and awaits the presidential signature

and promulgation at the time of this study. The Bill authorises government and state officials to classify information, activities and documents as secret or confidential in the name of national interest and security (CIJ 2010). Alternatively, the proposed MAT would serve as a media regulatory system, replacing the current independent systems, the Press Council, the Ombudsman and the Press Appeals Panel, with one that is constituted by members of parliament (two thirds of which are ANC members) who would then decide both what the media can or cannot publish and the corresponding punitive measures (CIJ 2010). The scale and depth of responses from national and international legal, media and civic interest groups to these proposed legislations leaves no doubt about the severity of their implications.

In response, the South African media frequently voice concerns of the associated waning freedom of expression, describing these latest interventions as reminiscent of apartheid-era media laws and as attempts by the party to protect their own personal interests (McDonald 2013). The media commonly reference the legacies of apartheid in order to dramatize any form of media regulation as a threat to the Constitution and democracy (Dubin 2012). Citizens often recognise if they are being misinformed or excluded from politics, and consequently many view their elected authorities and governments' ability to adequately represent them with increasing scepticism (Bennett & Entman 2001). Drawing historical parallels to apartheid-era censorship is a bold and judicious strategy on the media's behalf to summon public opinion and renew the conscience of those in power (McDonald 2013).

Through a historical account of the challenges facing the South African post-apartheid media, the dominant voices and discursive positioning gives rise to a deeply ideological debate regarding the freedom of expression and democratic deepening in contemporary South Africa that marks a "political contest between two crudely opposed ideological camps" (McDonald 2013, p. 138). This serves as the focus of this study.

1.5. The goals of the study

My research qualitatively analyses the discursive positions and strategies articulated by both the ANC and the media in consideration of how each seek to narrate and argue the controversy that unfolded in response to Brett Murray's representation of South African President Jacob Zuma,

The Spear of the Nation. These articulations illuminate the dichotomous positions that have historically dominated debates about media freedoms and the democratic function of the media, and which clearly continue to inform the current media freedoms debate significantly. The goal of the study is to elucidate the relationships and broader debates regarding freedoms, governance and the role of the press, with particular focus on media freedom, freedom of expression and democratic practices, in a post-apartheid South African democracy.

This research takes the form of a qualitative text-based analysis of the news reports covering The Spear from the weekly national newspaper, the *City Press*. As the country's third largest selling newspaper, with a readership of 1.7million (AMPS 2011), *City Press* is arguably a powerful site where social and cultural meanings are articulated as a consequence of the agenda-setting and framing roles the news media play (Fairclough 1992; Richardson 2007), with the capacity "to produce consequential and sometimes disruptive effects" (Cottle 2006, p. 424).

This investigation forms part of the larger Media Policy and Democracy (MPAD) project²¹ that contributes to the knowledge of communications and media policy-making in South Africa by seeking to promote media policies that address what citizens want from their media system (Duncan 2012). What is in question in South Africa, and in need of further investigation, is the balance of values that shape the definition of the democratic public interest (McQuail 2000). It is intended that this research be informative for both sets of stakeholders, the ANC and the media, in providing richer empirical findings relevant to any regulation debates, specifically in relation to media diversity and transformation, in order to advance the constitutional culture of openness and respect for pluralism, and to develop the quality of democracy in South Africa (Duncan 2012).

²¹The MPAD project is a joint initiative between Rhodes University and the University of South Africa (UNISA). This research contributes to one of the three main focus areas, namely *Media diversity and transformation*. (<http://www.mediapolicyanddemocracy.com>).

1.6. Explanatory notes

1.6.1 *The ‘ANC’ and ‘the media’*

Throughout this study, I use the terms ‘the ANC’ and ‘the media’ (or ‘the press’) to refer to the parties in both the constitutional debate surrounding *The Spear* and the broader South African media freedom debate. In doing so, I acknowledge that neither party is an ideological entity and that various discursive strands and nuances exist within each structure. The perspectives analysed in this study focus on the dominant discourses presented in the May 2012 *City Press* news reports. The ANC’s articulations are typically issued as press statements by party representatives and affiliates in their official capacities, while the media’s position is articulated primarily by elite figures within the mainstream English press. I draw on the ANC’s (2010) internal discussion document entitled ‘Media transformation, ownership and diversity’, which was drafted in preparation for the ANC’s National General Council (NGC) meeting on 20 – 24 September 2010 to further establish the ANC position.

1.6.2 *“National interest” and “Public interest”*

“National interest” and “public interest” are the terms of engagement regularly used in negotiations between the media and the government (Wasserman & de Beer 2005, p. 192). As these concepts underpin the debates on media regulation, they require explanation as they relate to the discourses that arise in response to *The Spear*.

‘National interest’ is the position frequently held by the ANC, established as an “aggregate of things that guarantee the survival and flourishing of a nation-state and nation” (Netshitenzhe 2002, cited in Wasserman & de Beer 2005, p. 199). It is defined by the government and politicians, whose developmental objectives in the post-apartheid era is to seek redress for historically created inequalities that still prevail in the present South African socio-political landscape (Wasserman & de Beer 2005). In contrast to the narrow political definition of national interest, the media have responded by asserting ‘public interest’, which is “meant to represent the interests of the aggregate collective of citizens – independent of state institutions” (Netshitenzhe 2002, cited in Wasserman & de Beer 2005, p. 199). Public interest operates within the discourse of human rights, as entrenched in the South African Constitution. In effect, the ANC’s proposal that the media should serve a nationalist interest positions the media and their defence of the

public interest as significant actors and the primary challengers of the dominant political ideologies in their construction of full citizenship.

1.7. The structure of the study

Against this background on The Spear saga and the contesting discourses of the right to dignity and the right to freedom of expression in the South African context, the rest of the study examines the performance of the media and the government. Chapter Two provides an outline and explanation of the broad theoretical frameworks that inform this study, including a discussion of Thompson's (1990) critical conception of ideology in comparison to Foucault's social constructionist approach to representation, which addresses discourse, power and knowledge, and the subject. I identify Mamdani's (1996) "citizen" and "subject" as a conflicting set of historically created and powerful discourses that persist in contemporary South Africa and which are relevant to this study. This is followed by a discussion of democratic theorising and the public sphere as postulated by Habermas, and the pluralist alternative theories, specifically Mouffe's (1999) theory of agnostic pluralism. The chapter concludes with a discussion of the normative theories of the press, highlighting the monitorial, collaborative and facilitative role as significant to the present analysis (Christians et al. 2009). In Chapter Three, I present an overview of the methodology and sampling procedures which this study engages, and present Fairclough's (1995) three-dimensional approach to critical discourse analysis (CDA) as the chosen method of text-based analysis. Chapter Four provides the detailed analyses of the sampled *City Press* reports; while Chapter Five concludes the study by addressing the relevant findings and their applicability to the broader South African context and media debates.

CHAPTER TWO: THEORETICAL FRAMEWORK

2.0. Introduction

This analysis of the *City Press* coverage of The Spear recognises how the media play an increasingly central role in the organization and experience of social life (Tiffen 2000). Seeking to address the central research question of how do the discourses articulated in relation to The Spear make explicit and negotiate the general media debates in South Africa requires a theoretical framework that addresses systems of representation, the making of meanings, the construction of identities, and most crucially, which considers the inherent power relations in cultural discourses. Accordingly, this study is positioned within a Cultural Studies framework which “is centrally concerned with the construction of meaning – how it is produced in and through particular expressive forms and how it is continually negotiated and deconstructed through the practices of everyday life” (Murdock 1989, cited in Golding & Murdock 2000, p. 71). The purpose of analysis in Cultural Studies is to locate, identify and analyse how the interactions between culture, meaning and power are lived and experienced as a whole, as a culture.

To examine how the texts in relation to The Spear function to produce meanings, this chapter provides the theoretical body for which to address texts as a form of cultural representation. I begin with a brief introduction to Thompson’s (1990) critical conception of ideology and the ideological modes of operation. This section is followed by a discussion of a social constructionist approach to ‘representation’ as informed by Foucault’s discursive model. Consistent with this approach, I identify Mamdani’s (1996) notions of “citizen” and “subject” as a particular pair of discursive positions relevant to the study’s contextualisation. Thereafter, as the study is concerned with the democratic role of the press in contemporary South Africa, I turn to a discussion of Habermas’ public sphere and the normative theories of the press (Christians et al. 2009).

A productive approach to address culture and representation exists in the ‘Circuit of Culture’ model which identifies four distinct, yet interdependent, “moments” in the production, circulation, and consumption of cultural products, namely production, texts, readings, and lived

cultures (Johnson 1987, p. 46). The present study undertakes textual analysis that aims to reveal how textual processes construct meaning and negotiate representations.

The importance of understanding meaning and knowledge production in textual analysis is frequently discussed in relation to one of two concepts: ideology and discourse. These terms are argued to refer to the same aspects of social life - to the notion that individuals engage in forming consciousness, understandings, and comprehensions of the relations and activities to which they are involved and belong to, how this consciousness is borne through language and other systems of signs (Purvis & Hunt 1993), and raises questions of the unequal power relations in society.

2.1. Thompson's Conception of Ideology

The discussion of ideology outlined here draws on Thompson's (1990) *critical* conception. After considering the historical strands whereby ideology was understood either as neutral or in negative terms, Thompson positions it negatively, insisting that it is always linked to relations of power and domination. To explain sustained relations of domination, symbolic forms (or texts) are described as embedded into the socially structured context creating socially stratified situations, in which individuals have varying degrees of access to varying types of resources.

Therefore, Thompson's (1990, p. 56) analysis of ideology is "primarily concerned with the ways in which symbolic forms intersect with relations of power" and he focuses on the manner in which meanings "serve to establish and sustain relations of domination". His critical conception provides a way of thinking about the relations between symbolic forms and social effects, and a way to identify the ideological work of texts through five identified, but does not limit to, ideological *modes of operation*. The modes of operation he identifies are tools of significant importance to understanding how texts are used to "sustain or subvert, to establish or undermine relations of domination" (Thompson 1990: 61). Perhaps of particular relevance to this study is the most important mode of operation in Thompson's work, identified as legitimation, which provides just and reasonable explanations for the current position in power relations; and it is achieved through the three discursive strategies of rationalization, universalization, and narrativization. Dissimulation works through euphemism and displacement to disguise relations of power. Unification and fragmentation work in opposite directions to either unite people

through standardization or symbolization of unity for ideological purposes, or to divide and rule people through means of differentiation and expurgation of the other. The final mode of ideological operation is reification that works to represent permanent states as transitory (Janks 1998).

2.2. The social constructionist approach to representation

Ideology paves the way for a constructivist approach to the production of meaning and knowledge in contemporary society. Representation is the process by which meaning is constructed in and through language, where language is understood as a system of signs that enables people to codify their experiences and subsequently exchange or communicate them meaningfully across time, space and culture (Hall 1997). Contrasted to the reflective approach to representation which attributes things in themselves with meaning, or an intentional approach which relegates meaning to the individual users of language (Hall 1997), this study employs the social constructionist approach to representation in order to explain how meaning through language is linked to culture.

Social constructionism is concerned with both the meaningful character of symbolic forms and their social contextualisation in the production, circulation and consumption of meanings (Thompson 1995). This approach to representation proposes a complex and mediated relationship between the material elements, concepts and signs through which meanings are constructed (Hall 1997). In this approach, representation is “the active work of selecting and presenting, of structuring and shaping ... of *making things mean*”, and language and symbolization is the medium through which meaning is produced (Hall 1982, p. 64, emphasis in original).

This social constructionist study is concerned with representation and identities, and is informed by the work of Michel Foucault. It understands representation “as a source of the production of knowledge” which connects social practices to relations of power (Hall 1997, p. 42). Although it is a term that has, and continues to be, heavily contested (Purvis & Hunt 1993), Foucault’s work has been increasingly influential with regard to interrogating representations on account of his conceptualising of ‘discourse’ (Fairclough 1992). Hall (1997) identifies two strands of a

constructionist approach to representation, namely the semiotic and the discursive. The discursive strand recognises the significance of signs and signification as explicated in semiotics. However, in contrast to semiotics, Foucault's discursive approach is concerned with the production of knowledge (rather than meaning) through discourse (rather than language). Ideology and discourse are sometimes used interchangeably and are sometimes counter-posed, yet it is important to distinguish between the two to follow the theoretical role each plays in the analysis of social relations (Purvis & Hunt 1993). Foucault's discursive model requires an explanation of three of his major ideas: the concept of discourse, knowledge and truth; the issue of power; and the question of the discursive construction of social subjects.

2.2.1 Foucault's conceptualisation of discourse and knowledge

As noted above, Foucault's definition of discourse exceeds that of semiotics to include not just the way written and spoken words function as signs within language, but incorporates the social aspects, norms and practices in which language operates, defines and structures areas of knowledge (Hall 1997). Discourse constitutes objects, subjects, knowledge and 'truth' through a set of symbols, practices and historically given norms that propose ways of being in society. It constructs, defines and regulates discursive regimes, practices and more generally, discursive formations that enable or restrict the way subjects think, speak and act within specific discursive spaces (Foucault 1981). Defined as such, Foucault was concerned with discourse as "the rules, systems and procedures which constitute what is proposed as the 'truth' at any historical point" (Prinsloo 2009a, p. 83). He argues material things and events only take on meaning, become knowledge or are able to be communicated as 'truth' *within* discourse to the extent that "nothing which is meaningful exists outside of discourse" (Foucault 1972, cited in Hall 1997, p. 44).

Conceiving of discourse as social practice draws attention to the historically contingent conditions of possibility and transformation in which discourse operates (Fairclough 1992). Foucault "historicised" discourse, arguing that representation, knowledge and identity are 'true' "*only within a specific historical context*" (Hall 1997, p. 46). 'Truth' is relative to particular discursive formations and particular systems of knowledge and power (Fairclough 1992). Consider, for example, democracy as a discourse wherein its 'truth' validates participation among citizens, and it is enacted by democratic subjects who accept this 'truth' by, for example, voting in elections or engaging in civic action. This is in contrast to an autocratic, authoritarian

discourse, in which the ‘truth’ presumes that one leader holds all the power and the subjects defer to his authority with unquestioning respect.

2.2.2 Foucault’s conceptualisation of power

Consistent with conceiving discourse in this way, Foucault considered the institutional conditions and relations of power involved in the production of knowledge as ‘truth’. He argues that knowledge as discourse cannot exist outside the relations of power within a given society (Fairclough 1992). Power is always implicated with knowledge to the extent that “knowledge linked to power, not only assumes the authority of ‘the truth’ but has the power to make itself true” (Hall 1997, p. 49). Just as “all knowledge is located within discourse”, so too is power (Purvis & Hunt 1993, p. 492). This concept of discourse offers a way to recognize how power is deployed through certain signifying systems and social practices.

Discursive formations and social systems are linked to the exercise and relations of power though “forms of selection, exclusion and domination” (Foucault 1981, p. 48). For this reason, a significant emphasis in Foucault’s work is on the power struggle over the determination of discursive practices:

Discourse is not simply that which translates struggles of systems of domination, but is the thing for which and by which there is struggle, discourse is the power which is to be seized. (Foucault 1981, pp. 52 – 53)

In this sense, discourse, bounded “by regulations enforced through social practices of appropriation, control and policing”, produces ‘regimes of truth’ or the general politics of truth that are in constant negotiation and contestation with each other and other powerful or dominant discourses for hegemony (Strydom 2000, p. 39).

Foucault further conceptualised power in terms of a constructivist understanding, arguing that power does not linearly impose from above by particular classes or groupings on other groups or individuals. He re-conceptualised the role of power in modern societies to account for power, not just negatively as a dominating and repressive force to those who are subject to it, but also as “productive”, circulatory, and exercised in an exhaustive manner extending through all branches of society (Hall 1997, p. 50).

2.2.3 The question of the subject

Foucault describes the embodiment of power in which different discursive practices, behaviours and formations divide, categorize and inscribe the body dependent on the respective regimes of power and ‘truth’ in place (Hall 1997). In this way, the subject is also produced within discourse, constituting himself as a moral subject of his own ‘truth’ through actions (Fairclough 1992). Individuals become subjects of discourse by identifying with a positioning within a given discourse which they have been subjected to to the extent that the representations and practices that characterise the discourse are normalised (Prinsloo 2007).

Power provides a “number of models of good subjectivity and good behaviour, and ‘summons’ people to identify with and shape their behaviours and sense of self according to those standards” (Schirato & Webb 2003, p.135). According to Foucault, within a regime of modern power (for example medicine or, relevant here, journalism), particular technologies are deployed to analyse, control, regulate and define the human subject through what he terms ‘bio-power’ (Schirato & Webb 2003, p.135). ‘Bio-power’ or ‘disciplinary power’ is a politics that is concerned with how to promote and intervene in human life and social reality (May 2006), through “the regulation, surveillance and government of, first, the human species or whole populations, and secondly, the individual and the body” (Hall 1992, p. 289). The discursively constituted subject is a site where social control can regulate, shape and structure behaviours; the aim of which is to produce “a human being who can be treated as a ‘docile body’” (Dreyfus & Rabinow 1982, cited in Hall 1992, p. 289).

However, at any given time, there exists a plurality of discourses at play, which open up the possibility for contestation between and resistance to particular discourses (Foucault 1981). A multiplicity of discourse produces “a diversity of regimes of subjectification”, which constitute subjects depending on the range of discourses that each subject encounters (Prinsloo 2007, p. 81). The subject can be inscribed by varying discourses at the same time and hold numerous subject positions in various discursive spaces, which subsequently produces complex, multidimensional, and sometimes contradictory subjectivities.

2.3. The African context: ‘Citizen’ / ‘Subject’

A pair of powerful, yet conflicting, discourses that simultaneously circulate and inscribe the South African subject in various ways are the discourses of ‘citizen’ and ‘subject’ (Mamdani 1996). These discourses revolve around two clear tendencies: modernist and communitarian. As this study engages with a controversy where defences of citizenship and culture are mobilised, an understanding of these discourses is pertinent to this analysis. Mamdani’s (1996) work seeks to understand how the historical exercise of power in Africa is valuable in considering the power structures and relations in contemporary South Africa. It assists in understanding those aspects of the colonial and racial legacy, from the colonial and apartheid eras, that inhere in the present, and how specific discursive subjects are produced in relation to both.

The discourse of the ‘citizen’ is accorded analytical value and universal status as “modern”, “industrial”, “capitalist” or “development[al]” (Mamdani 1996, p. 9). The term arose from Europe’s attempts at control over the “natives” in the eighteenth and early nineteenth centuries in Africa, which sought to integrate Africans into the institutional context of the European colonies. This form of rule was direct rule, or unmediated centralized despotism, which privileges a single legal order under civil law and framed civil rights in civil society. It presumes human rights, individual freedoms, dignity and expression among them, and libertarianism. Citizenship was granted to those who conformed to European laws and maintained European social standards to the exclusion of the vast majority of the “uncivilized” natives (Mamdani 1996, p 16). In this sense, citizenship presumes access to the public sphere, as discussed in the next section, however citizenship under colonial rule was conditional on domination and integration. Accordingly, essential components of the discourse of the ‘citizen’ are citizenship and democracy.

‘Citizen’ stands in opposition to the ‘subject’, which is accompanied by the assumptions of birthright, deference to authority, culture, tradition and customs, and communitarian values. The constitution of the indigenous people as ‘subject’ was effected through indirect rule, which was not a single unifying law for all natives as for the ‘citizen’, but was ethnic and tribal specific. The African was “containerized” in terms of tribes (Mamdani 1996, p. 22), which validated the native according to tradition, culture and custom. Each tribe had “its *own* laws” (Mamdani 2001, p. 655, emphasis in original), however, a commonality among customary law was its emphasis

on corporal punishment and the use of force to coerce subjects to follow custom (Mamdani 2001). This consequently placed a primacy on ‘respect’ and deference for one’s native authority or chief. The tribal separation, alongside the fact that land was still a communal possession under indirect rule (Mamdani 1996), emphasized the significance of communitarian values, over that of spatial and individual autonomy, in the discourse of the customary.

The institutional inheritance of the bifurcated nature of the state thus proposes different sets of identities, citizenry was protected by civil rights while the customary pledged to enforce tradition and authenticity. The main features of indirect and direct rule, and the contrast between them, are evident in the South African experience, in which these two forms of power exist under a single hegemonic authority (Mamdani 1996).

2.3.1 Racial constructions

Central to this is the constitution of citizen and subject roles along racial lines. The defining exclusionary criteria for civil society under colonial rule was that of race (Mamdani 1996), while the racial division was further effected among indigenous people along ethnic and customary lines. For the ‘colonisers’, a racial discourse, to draw on Foucault’s concepts, constituted ‘truth’ with its discursive objects and subjects, in terms of inequalities between ‘citizen’ and ‘subject’ by constituting races as either superior or inferior. This ‘truth’ held that:

...black people did not possess the same ability as whites to be rational beings, capable of robust rational engagements, capable of making up their own minds of what to think, how to live and what actions to take. (de Vos 2012)

The racial discourse employed by the ‘citizen’ constituted the ‘other’ as primitive, aggressive, and “animalistic” (Sanger 2013, p. 63). This crude construction of the African was extended to sexuality, described as resolutely “promiscuous” (Epprecht 2009, p.1261); and, relevant to this discussion, the male genitalia were conceived in this racist discourse as the “primary signifiers” of the African race and civilisation (Spongberg 1997, p. 22).

For black Africans, tribal laws, traditional values and cultural customs constitute ‘truths’ and subjects in the customary or traditional discourse. An important aspect of this discourse is its unequal gender roles that entrench patriarchal privilege. This emphasis validates polygamy as a traditional practice and cultural custom and is addressed as such in the analysis to follow.

Consistent with the customary, a discourse that people have recourse to argue for a particular African identity, perspective and culture is *ubuntu*:

... understood as a social philosophy, a collective African consciousness, a way of being, a code of ethics and behaviour deeply embedded in African culture. It is the capacity in African culture to express compassion, reciprocity, dignity, harmony and humanity in the interest of building and maintaining a community with justice and mutual caring. (Nussbaum 2003, cited in Fourie, 2008, p. 62)

Ubuntuism “embodies a fundamental truth about humanity” (Schutte 2001, cited in Christians 2004, p. 242) from an African worldview and indigenous belief system. It emphasises communitarian values and deference to the community, and works discursively in tangent with the discourse of the customary.

The historical structuring of colonialism still impacts on the debates today through its legacy of the equally powerful modern (‘citizen’) and traditional (‘subject’). They exist in cultural, social and political conflict with each other within the borders of the nation and contribute to the inherited impediments in South Africa’s transformation due to the sense of different and opposing publics maneuvering in the same space (Mamdani 2001, p. 662). For instance, the discourse of the customary plays a crucial role in the development of the South African media debates with regards to rights and citizenry, necessary components of the discourse of the ‘citizen’:

...the rights of free association and free publicity, and eventually of political representation, were the rights of citizens under direct rule, not of subjects indirectly ruled by a customarily organized tribal authority. (Mamdani 1996, p. 19)

The modern and the customary are argued to be the “most important institutional legacy of colonial rule” (Mamdani 1996, p. 15), as both have to struggle for power and legitimacy to avoid incorporation or marginalization within the South African public sphere, the next theoretical strand to be address.

2.4. The Public Sphere

Significantly, the capacity of a nation’s citizens to engage in public life and, in turn, play an effective role in shaping public policy depends on the quality and nature of the communication systems within (Hellner 2009, p. 124). The ‘public sphere’, as conceptualised by Jurgen

Habermas (1989, original in 1962) in its many revisions, serves as a good starting point for discussing the democratic role of the media by considering the practices, processes and functions of democratic theories. I outline the debates surrounding the public sphere in its original form and the critiques that corresponded with the rise of modern, capitalist societies. I conclude this section by discussing alternative approaches to the public sphere in modern democracies.

2.4.1 Jurgen Habermas's Public Sphere

Habermas draws upon liberal democratic principles of political thought, and issues of public communications and culture in formulating his conception of the public sphere. To understand how he conceptualised the public sphere, it is instructive to identify that Habermas's driving motivation, in the aftermath of National Socialism and the Holocaust, was to construct a viable and legitimate democratic state for Germany (Garnham 2007). His primary concern was with the Kantian question of how to establish "solidarity among strangers" while giving due weight to the social developments characterised as 'modernity' (Garnham 2007, p. 203). Considering the Nazi regime, it is no surprise that the principles of the public sphere are modelled on the indispensable characteristics of a free, liberal society: "general accessibility, especially to information, the elimination of privilege, and the search for general norms and their rational legitimisation" (Garnham 1990, pp. 360 - 361). What evolves from this is an autonomous arena that facilitates free communication among people, a view of democracy that is logically associated with 'deliberative democracy'.

Habermas (1974) conceptualised the historical bourgeois public sphere as a discursive space in which all citizens have equal access to participate in rational-critical debate from which public opinion can be formed free from the influence of the State and the economy. While public opinion has been defined in various ways by different authors, Habermas (1974, p. 74) refers to it as "the tasks of criticism and control which a public body of citizens informally... practices vis-à-vis the ruling structure organized in the form of a state". The media facilitate this process by enabling self-expression and self-determination, promoting public rationality, and initiating self-government (Curran 1991). The democratic function of the media is to provide a means which citizens and their elected representatives communicate in their reciprocal efforts to inform and influence (Mughan & Gunther 2000). To this end, those who criticise the way in which the public sphere has developed focus their attacks on the media and the systems of communications

by questioning the capacity of current media systems to “service and support the democratic process for the benefit of the people as a whole, in accordance with the principles established to govern their operation at the birth of liberal capitalism” (McNair 2000, p. 2).

The rise of the capitalism and the bourgeoisie class in the late eighteenth and early nineteenth centuries of Western European society was concomitant with the emergence of the public sphere. The late nineteenth century, however, was characterised by industrialization and urbanization, which led to the eventual collapse of the bourgeois public sphere (Habermas 1974). The political state expanded, and coupled with the power of corporate groups, sought to organize, both in political and cultural terms, the processes of representation and conditions of everyday life. These structural changes were argued to undercut the liberal ideals of the public sphere by “encourag[ing] moral selfishness and disregard[ing] the public good...and promot[ing] ignorance and deception through profit-driven media manipulation” (Keane 1995, p. 55). While the goal of the public sphere is “to mediate between ‘society’ and the state by holding the state accountable to society via publicity” (Fraser 1990, p. 58), a market-driven media, influenced by public relations, advertising and business profit, narrows the scope of what it is possible to say publicly (Keane 1995). This results in “shallow consumerism, empty political spectacle and pre-package convenience thought” (Curran 2011, p. 194) or, in other words, a provisional “lack of *the right kind of* information” required for citizens to function politically and to perform their civic duties (McNair 2000, p. 6, emphasis in original).

To this end, the liberal-democratic aspirations of the bourgeois public sphere failed to realise their potential in the modern capitalist social organization²², by increasingly ignoring the way in which power was exercised through capitalist and patriarchal structures (Mouffe 1999); continually neglecting the role of culture, consciousness and experience, and subject agency in the development of democracy (Garnham 2007); and failing to address the media in relation to the structural transformation of modern systems of representation in liberal democracies (Keane 1995).

²² This pessimistic interpretation of the trajectory of the public sphere is owed a great deal to Adorno and Horkheimer’s (1973) conceptualising of the culture industries, and was a common position among radical progressives at the time.

2.4.2 Critiques of the public sphere

The universalistic, rationalistic and liberalistic basis of the public sphere makes Habermas' theories susceptible to a number of critiques, to the extent that some theorists (McKee 2005; Schudson 1997; Sparks 2001) argue that such a sphere has never realistically been achieved. The "constant, rapid and permanent change" accompanying modernity (Hall 1992, p. 277) is continually restructuring the bounds and limits of deliberative democracy, insomuch as:

The liberal model of the public sphere ... cannot be applied to the actual conditions of an industrially advanced mass democracy organized in the form of the social welfare state. In part, the liberal model has always included ideological components, but it is also in part true that the social preconditions, to which the ideological elements could at one time be linked, had been fundamentally transformed. (Habermas 1974, p. 77)

This leads to concerns about the structural dimensions of the public sphere that establish its necessary and significant parameters, namely, the public sphere's project of universality in which "access is guaranteed to *all* citizens" is questioned (emphasis added) (Habermas 1974, p. 73). Habermas is quick to recognise this as one of the public sphere's fundamental flaws (Dahlgren 1991; Papacharissi 2002). The difficulty with this ideal is in practice. Conceived of by the radical bourgeoisie of early modern Europe, the historical public sphere provided democratic participation for its own members, which classically consisted of literate white males with property and access to capital. This consequently excluded those who did not reflect bourgeoisie values and conditions of existence (McNair 2000). In this sense, 'access' to the public sphere was coterminous with 'citizenship', which defines a concern for the "capacity of rights-bearing citizens to associate, deliberate and form preferences in turn produc[ing] the norms that underwrite the legitimacy of democratic political authority" (Hellner 2009, p. 125).

The critique here is that since democracy can only fully be achieved "when all adult members of a political community enjoy an equal say in the decisions which govern that community" (Friedman 2013, p. 116), any a priori exclusions of the population based on class, gender and race essentially renders the public sphere undemocratic in structure and function. This is the case for the modern public sphere as the privatizing forces of capitalism produce conditions of oligopoly, which contributes to an uneven distribution of wealth and to rising costs of entry to the public sphere (Curran 1991). The apartheid era in South Africa is an example of a purposively undemocratic public sphere. Local black South Africans were positioned as

‘subjects’, and their involvement in policy-making and implementation was “limited to mainly compliance” (Masango 2007, p. 113).

The public sphere’s claims to universality challenge the media in their role as the principle institutions of the modern public sphere. Accordingly, the media are expected to be “technically, economically, culturally, and linguistically within reach of society’s members” (Dahlgren 2001, p. 36). Due to the implausibility of such a reach, not everyone is able to participate in the public sphere as citizens. Exclusions that subordinate differences in experience, identity and modes of expression to the advantage of the dominant, hegemonic groups occur to the extent that “people as a whole feel no real involvement in a process which *appears* to give them power but in reality does not” (McNair 2000, p. 11).

2.4.3 An alternative to deliberative democracy

What the deliberative democracy theory denied was the division of undecidability and ineradicability of antagonism which is constitutive of the political. A well-functioning democracy called for a vibrant clash of political positions. (Mouffe 2000, p. 49)

In attempt to reconcile a cultural politics of difference with an updated conception of the public sphere, Fraser (1992, cited in McGuigan 1996, p. 26) presents a position in which “co-existing public spheres of counterpublics form in response to their exclusion from the dominant sphere of debate”. Alternative and informal, counterpublics form in parallel discursive arenas for members of the subordinate groups, e.g. women, workers, homosexuals, and peoples of colour and different ethnicities, to produce, circulate and employ counter-discourses. The result is a multiplicity of public spheres “which are not equally powerful, articulate, or privileged, [but] which give voice to collective identities and interests” (Papacharissi 2002, p. 381). Pluralism, in this sense, is meant to “promote inclusiveness, pluralism and collective purpose” (Christians et al. 2009, p. 126) to the extent that the Habermasian ideal of access and social participation, citizenship and democratic engagement, is better achieved.

However, public and counterpublic spheres cannot emerge outside or independently of the existing industrial-commercial-political public sphere. They emerge to challenge the dominant, hegemonic public sphere, rather than simply seeking independence from it (Downey & Fenton 2003). Opposition and resistance manifest conditions for collective identities to form “around

clearly differentiated positions, as well as on the possibility of choosing between real alternatives” (Mouffe 1999, p. 756). In this sense, antagonism, manifest through plurality and resistance, is inherent to the democratic structure. Mouffe (1999, p. 745) introduces power, resistance and antagonism as the central elements in an alternative model of democracy, “agnostic pluralism”. The agnostic approach acknowledges “the real nature of democracy’s frontiers and the forms of exclusion entailed, instead of trying to disguise them under a veil of rationality and immortality” by offering a space for dissent and the constant struggle and renegotiation of social identity (Daniels 2012, p. 30). In countries like South Africa, the struggle and dissent is also visible in social movements and protest action.

The representation of vast and varied cultural realms of production is manifest through alternative, non-mainstream, radical or community media (O’Sullivan et al. 1994, cited in Downey & Fenton 2003, p. 185). This articulation in the media consequently constitutes it as “a battleground between contending forces” (Curran 1991, p. 29). Mouffe’s (1999) concept of agnostic pluralism is useful then in understanding the role of the media in South African democracy because it “advocates viewing the ‘us and them’ in a different way, not as an enemy to be destroyed but as a legitimate opponent” (Daniels 2012, p. 31).

2.5. The normative roles of the press

This study enters into the debate on democracy in South Africa through an analysis of the role played by the media. At the heart of the debates about the democratic function of the media, between the government and the national media in South Africa, are conflicting ideas, values and expectations of the press. In recognition of a range of value traditions and socio-political philosophies underlying the relationship between public communication and democracy, Christians et al. (2009, p. *xi*) “attempt to explain why a certain organization of public discourse leads to better collective decisions and eventually to an improved quality of life” with the normative theories of the press.

Normative theory critically examines the fundamental issues concerning the relation between the media, society and democracy by providing a basic framework of public communication in relation to democratic procedures (Christians et al. 2009). This framework outlines four roles of

the press, the monitorial, the collaborative, the facilitative and the radical, which can be used here to identify and categorise the standards, expectancies and assumptions that the ANC and the news media have of the press with regard to its role in a contemporary South African state. The normative roles of the press are positioned on an axis, which reflects the pull of divergent normative poles between strong versus weak institutional power, and media autonomy versus dependency.

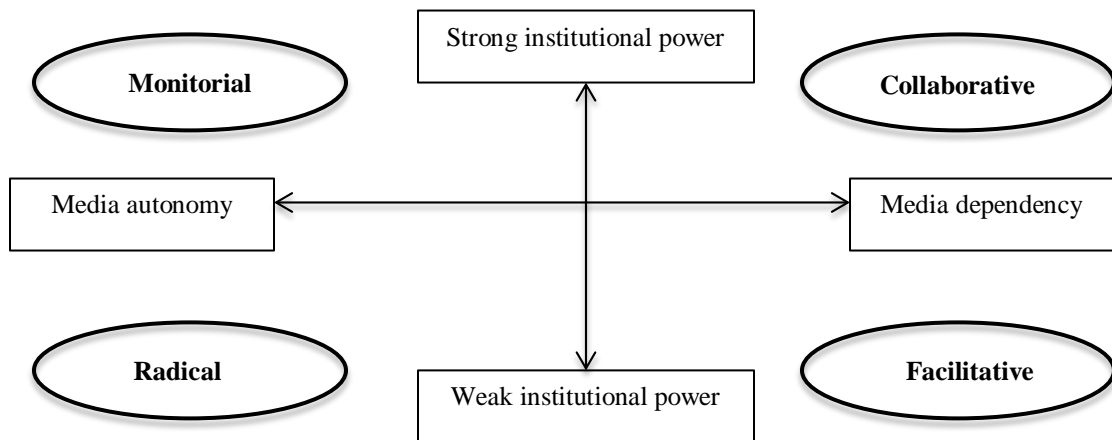


Figure 3: Four Media roles (Christians et al. 2009, p. 125)

The most identifiable role of the press is the monitorial role, which is concerned with collecting information from and circulating it to society. The collaborative role is concerned with forming a relationship between the state and the media. The facilitative role relates to the media cultivating a space for public opinion and broad debate. The radical role aims to raise popular consciousness of inequalities with the fundamental goal of “radical change in society” (Christians et al. 2009, p. 126).

These roles are not categorical assertions about the main functions of the media and the norms most appropriate for carrying them out; they are culturally bound constructs, subject to the “varying, even opposed interests and expectations on the part of those inside and outside the press” (Christians et al. 2009, p. 121). In this way, the normative roles better serve as “cognitive maps for media professionals” rather than a strict guideline (Christians et al. 2009, p. *viii*). The main criteria for choosing these four particular media roles are their relevance to the democratic

process (Christians et al. 2009). By illuminating the fundamental issues concerning the democratic relationship between the media, the government and society, this study is able to build a framework to inform the textual analysis. I present below the monitorial, the collaborative and the facilitative roles in detail and as significant to the present study.

2.5.1 The monitorial role

The monitorial role is the most widely established and recognizable normative role in that it follows through on the most “conventional ideas about what the press should be doing, as seen by the press itself, its audiences, and various sources and clients” (Christians et al. 2009, p. 125). This role came into effect with Habermas’s conceptualisation of the public sphere in a liberal democracy, in which the existence of the press was justified by its ability to serve and bring into existence “a particular form of democracy as discourse in a sphere of independent, rational, political influence” (Carey 1993, p. 4). This was achieved through the collection and dissemination of accurate and reliable information about social reality, which citizens use to make informed and rational decisions about the governance of society.

The separation of State and society endowed the public, manifest through the press, with “the right and the responsibility to denounce in the public sphere abuses of power by delegated officials and to insist on change” (Christians et al. 2009, p. 48). In this way, the press came to fulfil the role of the “watchdog” of public interest (Gleason 1994, cited in Christians et al. 2009, p. 142). It was responsible for monitoring the government, protecting civil society, and “preventing those with power from overstepping the mark” (Curran 1991, p. 91). This aspect of the monitorial role necessitates a free press detached from the State’s power and agents of economic power (Christians et al. 2009).

In addition to its watchdog function, the monitorial role involves other informational practices, including observing, reporting and publishing an agenda of public events; maintaining a reportorial presence at the main forums where political, social and economic decisions are made on the public’s behalf; providing the public with warnings of threats, risks and dangers; providing a guide to public opinion and attitudes of key groups and figures; and providing an analysis and interpretation of events and opinions in a balanced and judicious manner (Christians et al. 2009, pp. 145-46). Monitorial-type reporting attempts neutrality (balanced and unbiased)

and objectivity (verifiable facts), and maintains regard and emphasis on the quality of information in terms of “accuracy, fullness, relevance, and verifiability” (Christians et al. 2009, p. 147). Objectivity is considered “a cornerstone of the professional ideology for journalists in liberal democracies” (Lichtenberg 2000, p. 238), and its emphasis here is what makes the monitorial role the “emblem” of the American professional journalism (Schudson 1978, p. 9).

However, objectivity in journalism is criticised for being “a false and impossible ideal” (Kessler & McDonald 1989, p. 28). This view has its roots in poststructuralist and social constructionist theories which argue that reality is socially constructed and therefore, “there is no ‘true reality’ to which objective knowledge can be faithful” (Lichtenberg 2000, p. 231). Consequently, the media define, not merely reproduce, ‘reality’ (Hall 1982); and news texts are subject to the institutional relations and social constraints that guide the construction of the news and the uses of objectivity. This opens objectivity to being criticised as a “strategic ritual” enabling journalists to “defend themselves from critical onslaught” (Tuchman 1978, p. 661); and as a strategy of hegemony, no longer distinct from ideology in the media, used to reproduce the dominant paradigms in society (Hackett 1984).

As an official and accepted profession, journalism is legitimised by some concept of objectivity, which, among other news values, sets the standards of professional behaviour for routine practices within the industry. News values are the “ground rules to select, order and prioritise the collection and production of news” (Richardson 2007, p. 91), which professionals use to decide which stories are newsworthy and which are not. Accordingly, the most important news value, in liberal democracies in particular, is objective reporting (Soloski 1997, p. 138).

The monitorial role is argued to be “essential to maintaining the independent accountability of government to the public and wider society and securing the health of the public sphere” (Christians et al. 2009, p. 144). In this sense, the monitorial role exists to some degree in every democratic society. Christians et al. (2009) suggest that the monitorial role is most appropriate for or likely in liberal-pluralist democracies or deliberative democracies. This role is consistent with the South African Constitution (1996), which is liberal and rights based, and is so applicable to the South African context.

2.5.2 *The collaborative role*

In the collaborative role, the media serves as a conduit for power, rather than a check on it as in the monitorial role. The media's relationship to social, economic, cultural and political power inevitably shapes its role performance. The collaborative role of the press thus implies a relationship "between the media and the state built on mutual trust and a shared commitment to mutually agreeable means and ends" (Christians et al. 2009, p. 198).

The collaborative role is frequently advocated for by governments in "new nations, with their intense pressure toward economic and social development under conditions of scarce resources and immature political institutions" (Christians et al. 2009, p. 127). Those advocating it argue that the social conditions in new or transformational societies necessitate a partnership between the media and various sectors of society (not always formalized) to play a positive role in the processes of development and growth (Christians et al. 2009). The media's function in the collaborative role is designated 'developmental journalism', which requires the media to stand beside the other institutions in society on behalf of the nation as a whole (Christians et al. 2009).

In practice, however, collaboration between the state and the media often fails to meet this ideal. The collaborative role for the media can take many forms. The type of agreements, processes and cooperative initiatives undertaken depends on the grounds and motives for collaboration (Christians et al. 2009). In acknowledging the state's interests, the media accede "either passively or unwittingly, reluctantly or wholeheartedly – in participating in the choices journalists make and the coverage they provide" (Christians et al. 2009, p. 197). Collaboration can be achieved through compliance, in which tactics of coercion, apathy and, importantly in this study, tradition are invoked; pragmatic or instrumental acquiescence; or practical or normative acceptance (Held 1995). Collaboration through acceptance is the only type of collaboration that legitimates the merits of this role, in which:

...journalists take into account all that needs to be known about the particular arrangements and outcomes of collaboration, including an assessment of the consequences of cooperation for the larger community, and judge a collaborative role to be "correct" or "proper" they enter into a fully normative agreement to collaborate. (Christians et al. 2009, p. 200)

From this perspective, journalists can question and challenge the state, “but not to the point where they undermine a government’s basic plans for progress and prosperity” (Christians et al. 2009, p. 201). Collaboration of any kind almost invariably impinges on press freedom. In effect, “power trumps autonomy whenever journalists agree to work with the state officials on the development of policies concerning what the public can know and how it comes to know it” (Christians et al. 2009, p. 207).

2.5.3 The facilitative role

Like the monitorial role, the facilitative role is rooted in deliberative democracy. In normative terms however, the media in a facilitative role do not simply report in detached or objective ways about civil society’s activities and institutions as in the monitorial role, but “seek to promote and improve them” (Christians et al. 2009, p. 163). A facilitative press is interactive and reporting is a creative activity. The goal of the press in the facilitative role is to clarify and resolve public problems by encouraging citizens to actively engage, support and participate in civil society outside of the state and the market (Christians et al. 2009). The assumption underpinning this goal is that “public communication cultivates shared interests and common goals” through a plurality of deliberations and interactions of citizens from various social and cultural backgrounds (Christians et al. 2009, p. 158). In this manner, the facilitative role of the press is manifest in pluralist democracies.

The facilitative role is made explicit through public, civic or community journalism. Public journalism:

.... stimulate[s] citizen deliberation and build[s] public understanding of issues, and...report[s] on major public problems that advances public knowledge of possible solutions and the values served by alternative courses of actions (Lambeth, Meyer & Thorson 1998, cited in Christians et al. 2009, p. 161).

The focus on interpretive solutions, rather than facts, and citizens as a public, rather than individual consumers, is what separates public journalism from conventional journalism (Christians et al. 2009). The media facilitate a public discourse that takes into account all interpretations under deliberation. This includes facilitating the rights of national and cultural minorities to “challenge and shape the public and political culture of the society in which they live” (Deveaux 2000, cited in Christians et al. 2009, p. 173). The exchange of various cultural

beliefs and worldviews enables multicultural democratic societies to develop and flourish. Social consensus develops anew rather than “taking for granted a consensual society” (Christians et al. 2009, p. 159).

Consistent with this approach, Friedman (2013, p. 116) contends that the “inequality in power relations which excludes many citizens from exercising their right to participate” is the key obstacle to broad and deep democracy. The primary challenge for the media in a facilitative role is to help “citizens gain their own voices and collaborate in their culture’s transformation” (Christians et al. 2009, p. 176), in other words, to foster citizenship, which is manifest concretely through civic participation (Dahlgren 2007).

2.6. Conclusion

In this chapter, I have outlined three distinct, yet interrelated, theoretical strands to address the politics of representation, and the democratization and the role of the press in a contemporary South Africa. Informed by this framework, the next chapter considers the issues of research methodology, sampling and the methods used in uncovering the ‘truths’ the ANC and the media hold about one another and their role in the democratization of society.

CHAPTER THREE: RESEARCH METHODOLOGY

3.0. Introduction

The purpose of this chapter is to describe the research procedures of this study by discussing methodological considerations, sampling issues, and the research method and tools. This text-based study intends to garner a better understanding and deeper knowledge of the positions articulated by the ANC and the South African press on issues of media diversity, transformation and democracy. It confines itself to a single newspaper and a single media event, namely the *City Press* and its coverage that responds to *The Spear*, in line with the constraints of a thesis of this nature. It makes use of qualitative Critical Discourse Analysis (CDA) as a research approach and method to unravel the arguments in the coverage sampled. The ensuing research employs Fairclough's (1995) three-dimensional approach to CDA, which attributes three-dimensions to the analysis of discourse: the text, discursive practices (issues of production and consumption), and sociocultural practices (the wider context). As a research design is fashioned to answer specific research questions, I begin by re-iterating the goals of the present analysis.

3.1. Goals of this study

The study's central research question asks how the discourses articulated in response to *The Spear* make explicit and negotiate the broader conflicts in South African society, particularly in relation to media and democracy. My research qualitatively examines the discursive positions of both the South African government and the press by considering how the discourses articulated in the *City Press* coverage in response to *The Spear* seek to narrate and argue the controversy that unfolded. The aim is to expose the dichotomous discourses that underpin these responses, which simultaneously elucidates the historically dominant debates about media freedom in South Africa and clearly continue to play a significant role in current debates. Although the *City Press* is not representative of the national media in its entirety, it enables insights into the discursive contestation in a significant news title that presumes a monitorial role in South Africa.

3.2. Qualitative methodology

In terms of media research, qualitative methodology presumes an approach that is “interpretative, contextual, and constructivist” according to Richardson (2007, p. 15). When it comes to communication as “primarily a matter of signifying meanings and purposes”, then the qualitative inquiry “is interested in how signifying occurs and what it means for those who engage in it” (Lindof 1995, p. 22).

Qualitative methodology entails a collection of research methods and techniques based on a set of epistemological and philosophical principles that are underpinned by phenomenology, which is concerned with understanding people’s perspectives, lived experiences and engagements with meaning-making (Babbie & Mouton 2001). The goal in qualitative analysis is to interpret and make meaning, describe and understand “the unstated “rules” and assumptions which people draw on to make their own actions understandable to themselves and other people” (Babbie & Mouton 2001, p. 30). This study, however, does not focus on audience interpretations; the focus is rather on the constructions and interpretations of those producing the texts. Interpretations of texts are confined to “the limits of the *episteme*, the *discursive formation*, and the *regime of truth*, of a particular period and culture” within which the producer operates (Hall 1997, p. 54, emphasis in original). Texts are thus recognised as inherently “ambiguous and unstable” (Lindof 1995, p. 24). The meanings and interpretations one draws from the text depends on its relationship to other texts (intertextuality), the competencies and interests of its readers, and the social and cultural conditions in which it is produced and is primarily consumed.

Qualitative analysis contrasts with quantitative approaches, which assume that since the application of systematic, reliable and valid procedures in the natural sciences produces ‘truthful’ results, similarly ‘truthful’ results would follow if applied to subjects and constructs of inquiry in the social sciences (Deacon et al. 1999, p. 4). Quantitative inquiry is founded on positivism, which emphasises fact based on observation, and causality following from valid and reliable measurement procedures that emphasises generalizability and replicability of results (Bryman 1992). However, observable and quantifiable procedures “neither capture the underlying [social] phenomena in their full complexity nor facilitates an understanding of their contextual significance” (Bryman 1984, p. 82). For these reasons, qualitative studies reject attempts to

objectify and quantify, making it more suited to address certain questions about culture, interpretation and power. Accordingly, a qualitative approach is used for the present study, which seeks to investigate the discursive trends in the arguments articulated in both the ANC and the media's responses to *The Spear*. It sets out to explore the ways each party makes sense and gives meaning to their positions and how each defines, rationalises and justifies their arguments given the South African context.

It is important to note here that although the terms 'methodology' and 'method' are often used interchangeably, they are indicative of different levels of analysis. Methodology refers to the epistemological position of a study in terms of what type of knowledge is produced (quantitative or qualitative). Method refers to a set of tools and practices typically rooted in different methodological backgrounds that are used to collect data and answer the specific research question (Deacon et al. 1999). Qualitative research methods are understood to subsume ethnography, naturalistic inquiry, and other methods including case studies, collaborative research, phenomenological research, field studies, and interpretive interactionism (Lindof 1995).

3.3. Sampling and data collection

In qualitative research, samples tend to be seen as "*illustrative*" of broader social and cultural processes, providing structural coherence within the larger context, rather than generally "*representative*" as in quantitative analysis (Deacon et al. 1999, p. 43, emphasis in original). Due to the intensive nature of the work in qualitative analyses, samples tends to be comparatively smaller in size, focusing on specific situations and populations or event-specific and case-contextual phenomena (Deacon et al. 1999), for example, *The Spear of the Nation* as understood in the South African context. In exchange for a smaller sample size and idiographic measures ("thick description", contextual interest, and inter-subjective analysis), the research tends to lose a degree of research consistency (objectivity, validity and reliability) and generalizability (the ability of data to retain its meanings outside of its original settings) (Babbie & Mouton 2001, p. 272). The purposes of the present study, however, does not intend to generalize its findings beyond the South African context, or in relation to any social event in South Africa other than the exhibition and publication of *The Spear*. It does allow that the

sample is illustrative of tendencies that recur, and this can only be confirmed with reference to other studies.

As such, the study's sample is not inclusive of texts from the entire Spear saga, which consists of over 100 articles published by the *City Press* in print and online about The Spear. Numerous readings did however enable a purposive sampling of particular articles, which adequately represents the competing discourses and various arguments articulated by the ANC and the media. Purposive or non-random sampling is most suited for populations, or in our case aggregates of texts, that are large and not easily defined (Lune, Pumar & Koppel 2010, p. 82), such as the *City Press* online archives of articles on The Spear. Purposive sampling is used to ensure the central themes or arguments articulated in the national debates between the media and the government were adequately accounted for. The decision to focus on the *City Press* coverage is justified by the newspaper's centrality in the events that occurred, as it was the second named applicant on the ANC's affidavit for the case, which positioned Editor-in-Chief Ferial Haffajee in a pivotal role in the debate.

The sample of texts is deliberately drawn from the *City Press* online reports accessible on the news website (www.citypress.co.za). The sampling period was one month after arts writer Charl Blignaut (2012) published the review of the *Hail to the Thief II* exhibition entitled 'White Noise' on 13 May 2012. This sample is restricted to one month following the review because the articulations, opinions, values and beliefs were most critically expressed while The Spear was still physically on display at the Goodman Gallery (until 30 May 2012), after which the number of articles relating to The Spear decreased significantly. The sample of articles for this particular study consists of five reports intended to represent the media's responses to The Spear and four articles that prominently articulate the ANC's responses²³. In an attempt to present the diversity of voices within each position, the articles sampled are not restricted by newspaper genre, but include hard news stories, social commentary, opinion pieces, and one letter to the editor (see Table 1).

²³ Important to note, and as stated at the outset of this study, the sample units are not a reflection of the perspectives of the ANC or the media industry in their entirety. Rather, the analysis is working from the May 2012 coverage and the articulations from both parties, primarily consisting of official ANC representatives working within their professional capacities, or elite persons as acknowledged in the mainstream English press.

Although, this study is a textual analysis of texts published on the *City Press* newspaper online site, I include ‘I would keep up Spear now – Haffajee’ from the *News24* site in my analysis for a number of reasons. First, *News24* is the sister news website to the *City Press*, which means that most articles written and published on *City Press* online are also shared on the *News24* site (as is true of some of the other articles sampled in this analysis). Second, the article relates to editor Haffajee’s work at the *City Press* in regards to The Spear, using direct quotes to highlight aspects of the ensuing debate about freedom of expression and democratic practices. Finally, the information published here has been reproduced on a number of blog sites, newspaper websites and social media sites, and is widely-acknowledged as Haffajee’s perspective on matters relating to her decision to publish and remove the image of The Spear.

Table 1: A list of the sampled articles for the present analysis.

The media				The ANC			
Date (2012)	Title	Author	Genre	Date (2012)	Title	Author	Genre
18 May	The spear of the nation stays up	Ferial Haffajee City Press Editor-in-Chief	Column	19 May	Zuma: It hurts	City Press reporters: Adriaan Basson, Sabelo Ndlangisa, Carien du Plessis, Charl Blignaut and Charl du Plessis	Politics
28 May	The spear comes down- out of care and fear	Ferial Haffajee City Press Editor-in-Chief	Column	19 May	Speared by colonial claptrap	Siyasanga M Tyali, Ford Foundation international fellow’ & Culture, Communication and Media Studies (UKZN) writer.	Column
2 June	The painting that keeps teaching – Eusebius McKaiser	Eusebius McKaiser, Assoc at Wits Centre for Ethics	Letter to the Editor	21 May	Defend Zuma’s dignity at court – ANC	City Press reporter (unnamed)	News
2 June	How to move things along	Anton Harber, Journalist, media management and Professor at Wits	Column	24 May	Zuma plays the culture card	City Press reporter (unnamed)	News
1 Aug	I would keep up spear now- Haffajee	Ferial Haffajee City Press Editor-in-Chief	News				

These nine articles are deemed to be suitably representative of the concerns, arguments, and sentiments expressed by both the ANC and the media during The Spear saga. They were purposively chosen to reflect the range of discourses articulated at the time and as illustrative of the contesting discourses relating to the South African media freedom and democracy debate.

To analyse the discourses articulated in the above-mentioned articles, I undertake a Critical Discourse Analysis (CDA), the theoretical and methodological underpinnings thereof are outlined below.

3.4. Critical Discourse Analysis (CDA) as a research method

Today individuals working in a variety of disciplines are coming to recognise the ways in which changes in language are linked to wider social and cultural processes, and hence are coming to appreciate the importance of using language analysis as a method for studying social change. (Fairclough 1992, p. 1)

Since the “linguistic turn” in social theory, language has increasingly been accorded a more central role in the study of social constructs and phenomena (Fairclough 1992, p. 2). This turn was accompanied by a greater diversity of theories and practices, transcending disciplinary boundaries where attempts are made “to link linguistic analysis to social analysis” (Woods & Kroger 2000, cited in Richardson 2007, p. 26). This resulted in the growth of CDA as a “distinct and substantial body of work” (Billig 2003, p. 35). CDA reflects a broad analytical movement of text-based analysis that synthesizes various branches of linguistics (vocabulary, semantics and grammar), pragmatics and semiotics; with the social and political thought from the works of, among others, Gramsci, Althusser, Foucault, Habermas and Giddens (Fairclough 1992).

CDA derives from a poststructuralist theoretical background in that texts and the discourses they articulate can “have several *meaning potentials* that may contradict one another, and are open to several different interpretations” (Jorgensen & Phillips 2002, p. 75, emphasis in original). Hegemonic discourses are understood to have greater social authority and power, and are therefore more capable of fixing meaning in a way that benefits the interests of dominant groups (Jorgensen & Phillips 2002). Consequently, over time discourses become so naturalised that the people constituted as subjects of the discourses begin to treat such discursive positions as common sense. Accordingly, CDA provides a framework for investigating the ways in which texts reinforce or challenge relations of power, authority and status by identifying contesting discourses and the strategies used to establish various positions and by developing means to challenge these asymmetrical power relations (Richardson 2007). The overall goal is to harness

“the results of critical discourse analysis to the struggle for radical social change” (Deacon et al. 1999, p.153).

There are several approaches for undertaking CDA. They are marked by significant similarities and differences. The divergence between approaches results from the difference in the theoretical frames for conceptualising discourse and ideology, as well as with respect to the methods and tools employed for the empirical study of the ideological effects of language and social relations (Bloor & Bloor 2007; Jorgensen & Phillips 2002). In spite of this, the following six principles or elements are consistently named by theorists (Fairclough 1992; Jorgensen & Phillips 2002; Richardson 2007; Titscher et al. 2000) as criteria for an adequate and critical approach to discourse analysis. First, CDA is concerned with social problems. Therefore, it is not directly concerned with language, but the linguistic-discursive character assumed to be embedded in social and cultural structures and practices. Second, discursive practices and language operate ideologically to shore up unequal power relations between and within social groupings. Third, discourse constitutes and is constituted by the social world and is thus an expression of a dialectical relationship between society, culture and discourse. This leads to the fourth criteria for CDA, which is that discourses are historical and can only be understood in relation to their specific context. Fifth, CDA is systematic in the ways in which it analyses the relationship between the text and its social conditions, associated ideologies and power-relations; and, finally, the analysis is necessarily critically charged as it is concerned with power relations.

To elaborate on this last point, the term ‘critical’ signals a departure from the purely descriptive goals in non-critical approaches²⁴. Critical implies “seeking out the origins of social problems and finding ways to analyse them productively” (Bloor & Bloor 2007, p. 12); or involves a particular kind of “intervention, for example by providing resources for those who may be disadvantaged through change” (Fairclough 1992, p. 9). Adopting ‘critical’ goals enables the researcher to make evident social determinations and effects of discourse that have become common, acceptable, or natural over time (Teo 2000). Critical approaches typically focus on data, such as news reporting, which tend to “embody manipulative strategies that seem neutral or natural to most people” (Teo 2000, p.12).

²⁴ see: Sinclair & Coulthard 1975; Labov & Fanshel 1977.

3.5. Fairclough's three-dimensional approach to CDA

The most developed and accessible theory, framework and method of doing CDA is Fairclough's three-dimensional model (Janks 1998; Jorgensen & Phillips 2002; Richardson 2007). According to Fairclough (1992), textual analysis alone does not account for the relationships between texts and societal and cultural processes or structures, and is thus insufficient for understanding what discourse is and how it works. Conversely, one cannot strictly focus on the wider 'context' to explain what is said or written and how it is interpreted, "one must take a step back to ... the articulation of discursive formations... to explicate the context-text-meaning relationship" (Fairclough 1992, p. 48).

In attempt to interpret this complex relationship, Fairclough's (1995) approach to CDA necessarily emphasises two essential yet complementary focuses in the analysis of any type of discourse: the order of discourse and the communicative event. The order of discourse includes all the genres and discourses that are in practice within a particular field, for example journalism (Jorgensen & Phillips 2002). It is analysed by examining how arrangements of genres and discourses are structured, and how changes in a particular order of discourse relates to other closely associated orders of discourse (Fairclough 1995).

A communicative event is an instance of language use. Its analysis is conducted by uniting a range of different concepts that are all interconnected in a complex three-dimensional model, including: text, discursive practice, and social practice (Jorgensen & Phillips 2002, p. 68). The first level of analysis is descriptive, text-bound and works with the elements of the surface structure.

Textual analysis consists of analysing the semiotic and linguistic features of a textual discourse, including vocabulary, grammar, syntax, semantics, and textual organization (Titscher et al. 2000). Fairclough's (1995) textual analysis is based in part on Halliday's (1978) Systemic Functional Linguistics; however Media Studies offers a further range of approaches including semiotics, narrative, genre, and rhetoric. The second level of analysis, the discursive practice, involves examining and interpreting how people use language to produce (the institutional processes of language) and consume (meaning-making) texts. Fairclough's final dimension is

the sociocultural practice, which involves interpreting a text in relation to the immediate situational context, and the broader historical economic, political, social and cultural framework.

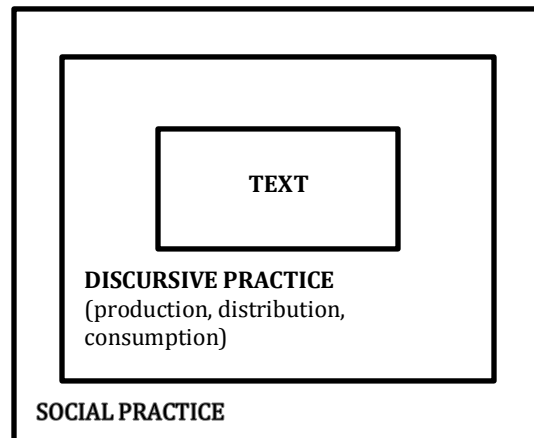


Figure 4: Three-dimensional conception of discourse (Fairclough 1992, p. 73).

The advantage of this model lies in the multitude of analytical entry points that the different dimensions of analysis provide as a means of addressing the research question. It is the interesting patterns and disjunctures that arise from the interconnections of these dimensions that are described, interpreted and explained by the CDA researcher for the final research results (Janks 1998). I discuss each level of analysis in detail below.

3.6. Textual analysis

Different lexical choices work differently to discursively signify and construct social identities, relationships, knowledge and beliefs (Janks 1998). The particular patterned selection of signifiers (lexical and visual) serves to frame the news, a process by which communication sources and news organizations define and construct issues in particular ways (Nelson, Clawson & Oxley 1997). Consistently, the purpose of textual analysis is to “cast light on how discourses are activated textually” (Jorgensen & Phillips 2002, p. 83). It includes examining the formal and linguistic features of language use, the way propositions are combined and sequenced, and the overall organization and structure of a text in order to understand and make sense of the lexical choices presented (Fairclough 1995; Richardson 2007).

The approach to textual analysis used in the present study is an “eclectic” one (Prinsloo 2009a; Dewa & Prinsloo 2012) in which, the linguistic analytical properties of texts are complemented by some of the analytical strategies from Media Studies, with specific focus on the narrative theories of Todorov and Propp, and rhetorical analysis. The linguistic analysis of texts moves from the micro-analysis of words and structuring of propositions (lexis), through sentences (transitivity and modality) and onto larger macro-scale analysis of the organization of meanings across a text as a whole (narrative and argument or rhetoric). With CDA, the unit of analysis is the text as a whole and therefore, the analysis should ideally combine a discussion of how the textual meaning is communicated through relations of presence and absence, rather than sentence-by-sentence (Richardson 2007). The following tools of analysis each provide insight into the ways language choice frame events and social relations to hegemonically construct versions of reality or social identity (Jorgensen & Phillips 2002). These include referential and predicational strategies; the use of transitivity and modality; the use of figurative language, namely, the metaphor; and narrative and rhetorical strategies.

3.6.1 Linguistic analytical tools

Referential strategies and Predication

Referential strategies refer to the ways in which, and the words with which, the actors of a text are named within a given discourse. Referential strategies function to attribute meaning to one’s role, present the association to and between groups, assign a particular social status to the addressee, and define the role relationship between the namer and the named (Richardson 2007). Accompanying referential strategies are predicational strategies, “the very basic process and result of linguistically assigning qualities to persons” (Reisigl and Wodak 2001, cited in Richardson 2007, p. 52). This form of analysis focuses on the choices of words used to represent the values and characteristics of social actors, events and phenomena that are realised through specific forms of reference, attributes, predicates, comparisons, or other figurative language (Richardson 2007).

Transitivity

Transitivity is concerned with the representation of actions as expressed through verbs. Its analysis describes the relationship between participants, the circumstantial roles they play in the processes, and the types of processes that are coded in clauses (Fairclough 1992). To do a

transitivity analysis, it is necessary to identify all the verbs and their associated process, and then identify patterns in the use of the processes (Janks 1998). Halliday's (1985) functional grammar outlines six different processes: 1. Material processes refer to the act of doing and the actions can either be concrete and physical or abstract; 2. Verbal processes are indicated by various speech acts; 3. Mental processes represent types of sensing, mainly feeling, thinking and perceiving; 4. Relational processes encode the meaning of being or having (attributive or identifying); 5. Behavioural processes indicate types of behaving (physiologically or psychologically); and 6. Existential processes refer to things that exist or happen. There is nothing intrinsically superior or inferior about any of the processes, but the way it is signified within a particular discourse and in relation to other discourses is of social, cultural, ideological, political and theoretical significance (Janks 1998).

Modality

Modality forms "the counter-part to transitivity" in sentence construction, broadly referring to the representation of the speaker's attitudes, convictions, beliefs and values (Richardson 2007, p. 59). It addresses the author's commitment to a claim by identifying his/her degree of 'affinity' to specific propositions (Hodge & Kress 1988). Modality is central to assessing power relations expressed in discourse, and the control of representations of reality is principally expressed in two forms. The first is truth modality, in which the speaker completely commits to a statement; while the second form is obligation modality, which is the expression of what ought to or should happen in future events. Both forms of modality range from objective, categorical assertions to subjective or cautionary assertions (Richardson 2007). High modality projects the views of the speaker as universal or common-sense and often implies association to some form of power. There is a range of ways of manifesting various degrees of affinity in language, including, among others, the use of modal verbs (e.g. may, could, should, must) and adverbs (e.g. probably, possibly, definitely, obviously); tenses; choice of pronouns; and intonation patterns (Fairclough 1992). In media practice there are more general aspects associated with modality as the media systematically transform interpretations of complex events into 'facts', truth and matters of knowledge. This is a point of significance for the present study as it analyses responses and opinions as presented in the *City Press* coverage.

Metaphor

Metaphors are persuasive in all sorts of language and all sorts of discourses, and are fundamental to the ways in which people make sense of the world and generate meaning beyond the confines of literature (Thompson 1990). Metaphor is a figure of speech that involves perceiving one thing in terms of another, or conveying meaning by analogy (Berger 2011). Some metaphors are so profoundly naturalised within a particular culture that people are unaware of them in their thinking or action. As such, Fairclough (1992) notes that one aspect of discursive change with significant social and cultural implications is a change in metaphORIZATION of reality.

3.6.2 Models of narrative analysis

Narrative analysis provides a means of analyzing news texts, images and programs to understand how they produce and regulate meanings (Wigston 2001). Narrative analysis exists in a number of different methodological variants. This section outlines the structuralist approaches and rules that govern the structure of the narrative (Fiske 1987). The present analysis draws on syntagmatic approaches to narrative which account for the formal, linear sequence of narrative as outlined by Todorov and Propp, and the paradigmatic work of Levi-Strauss which seeks to identify the deeper latent patterns that underpin a narrative (Prinsloo 2009b).

Todorov's narrative model

Todorov offers an explicit model of narrative analysis by providing a chronological account of causal transformation, highlighting five stages of a narrative in which a transformation occurs based on the principle that one event causes another (Prinsloo 2009b). Todorov's linear progression of narrative events is as follows: 1. Harmonious and orderly *equilibrium*; 2. *Disruption* of the equilibrium; 3. *Recognition*/awareness of the disruption; 4. *Action* to restore equilibrium; and 5. Restored, yet altered *equilibrium*. The ideological and discursive positions of a particular narrative can be identified by comparing the two states of equilibrium (stage 1 and stage 5). What the narrator considers problematic in society is signaled by the narrative's disruption (Fiske 1987), while social change or transformation is marked by the different elements in each stage of equilibrium.

Propp's character functions

While Propp identified character and narrative functions, this analysis is restricted to the character functions and their role in maintaining or challenging discourses that constitute the

status quo. He considers narrative according to the function of its characters who are defined in terms of what they do rather than any personal characteristics attributed to them (Wigston 2001). Character functions investigate not what the action is, but what the action does to move the narrative forward (Fiske 1987). To do so, Propp classifies seven characters according to their function: hero, donor, helper, princess, dispatcher, villain, and false hero. For example, the hero's 'quest' (or act of transformation) is suggestive of the ideological and discursive nature of the text by seeking an ideological equilibrium that is naturalized in society²⁵.

Levi-Strauss's binary oppositions

Levi-Strauss analyses the deeper latent structure of meaning within a narrative. This aids in identifying the underlying values and norms of a text by examining narrative content (Titscher et al. 2000), rather than the narrative sequencing of Todorov and Propp. Levi-Strauss considers the symbolic contestations within a narrative, expressed as binary opposites, for example Afro-centric versus Euro-centric or traditional versus modern. These opposites are allusive of the society's larger "unresolvable contradictions" (Fiske 1987, p. 132). Levi-Strauss conceives of narrative as serving as an anxiety-reducing mechanism that offers creative solutions to social challenges present in the culture in which a particular narrative is produced (Fiske 1987). The binary opposites of a text can reveal its ideological positioning and the discursive power at work within, through what is presented as the 'real' and what aspects of the story are privileged (Prinsloo 2009b). Binary oppositions are useful when analyzing news reports to identify the discourses that have been presented as dominant in the narratives of a society, thus providing a way to understand how they became naturalized and presented as 'truth' in a particular society or grouping within society (Prinsloo 2009b).

3.6.3. Rhetorical analysis

Rhetoric is a term for the means of persuasion, referring to the strategically selected language orientated at influencing action (Prinsloo 2009b). In essence, "all symbolic communication is inherently rhetorical because it is intended to communicate" (Burke & Booth 1984, cited in

²⁵ Not all character functions are represented in every narrative. Character functions identified in this analysis include hero; princess, described here as victim, in need of assistance which presents the hero with a challenge; and villain, who complicates or blocks the narrative's action (Wigston 2001). The struggle between hero and villain presents a metaphorical transformation representative of that between the "forces of order and those of disorder" (Fiske 1987, p. 138).

Berger 2011, p. 77). This establishes rhetoric as a dimension of mass-mediated communication that is increasingly useful in media studies as a tool for analysis. Rhetoric analysis concerns:

...how people choose *what to say* in a given situation, *how to arrange or order* their thoughts, *select the specific terminology* to employ, and decide precisely *how they are going to deliver their message*. (Medhurst & Benson 1984, cited in Berger 2011, p.76, emphasis in original)

Analysing texts as rhetorical acts seeks to identify how reality and experience are constructed and positioned. It aims at resolving differences of opinion by “participants offering arguments which they believe support their standpoint and which are aimed at exerting influence on the opinions, attitudes and even behaviour of others” (Richardson 2007, p. 156).

The social aspect of argumentation described here is accounted for by the rhetorical triangle, which consists of the argument, the arguer, and the audience as the three units of rhetorical analysis. In attempt to persuade the audience, the arguer engages in modes of persuasion that operate by targeting one point of the rhetorical triangle over the others (Richardson 2007). The modes of persuasion open to the arguer correspond to the points on the rhetorical triangle to include ethos (arguer); pathos (audience); and/or logos (argument). Ethotic argumentation relies on the personal character and quality of the arguer. The audience must consider the ethos of the speaker and align themselves with whoever appears good and virtuous or censure those with negative qualities. Ethos is particularly effective when the arguer is believed to have first-hand experience or where they are assumed to be trustworthy and credible (Prinsloo 2009b). A pathotic argument persuades the audience by invoking a particular frame of mind based on emotional appeal (pathos) in attempt to make the audience more receptive to the argument being presented (Richardson 2007). This type of argumentation stems from Aristotle (1356, cited in Richardson 2007, p. 160) who concluded “our judgements when we are pleased and friendly are not the same as when we are pained and hostile”. Finally, an audience can be persuaded through logos, the logic and structure of the argument itself, most effective when supported by evidence and reasoning (Richardson 2007). There are two essential forms of logetic argumentation, deductive and inductive. Deductive argumentation draws a conclusion following a series of statements; while inductive argumentation draws on specific cases to support a general conclusion by way of symptomatic argument (based on association or connection), comparison or analogy, or a causal relationship (Richardson 2007).

Additionally, each argument has their own rhetorical goals that focus on particular topics to achieve these goals, which include forensic, epideictic and deliberative (Berger 2011). In forensic rhetoric, the arguer uses past actions to condemn or defend someone by focusing specifically on topics of alleged justices or injustices of the past (Richardson 2007). Epideictic rhetoric focuses on the present and relies on the character or reputation of someone or something to prove or disprove that they are worthy of approval or not through the use of praise and censure (Prinsloo 2009b). Finally, deliberative rhetoric involves deliberating about the desirability or otherwise of a future course of action in which the rhetor seeks to induce or dissuade the audience based on advantageous or disadvantageous positioning (Richardson 2007). These classifications help to identify the form of the argument and are referenced throughout the present analysis.

With regard to textual analysis in general, Janks (1998) establishes that it is difficult to know what aspects of the text are going to be useful to the analysis as a whole. Therefore, she emphasizes the importance of examining all strategies in the first instance because “often the analysis of the separate elements produces patterns that are confirmed across the elements” (Janks 1998, p. 335).

3.7. Discursive practice

In his critique of CDA and the media, Molina (2009, p. 89) notes a tendency to restricting discourse analysis to the linguistic/semiotic level which may lead to “erroneous inferences and hypotheses”. Strict focus on the text would disregard elements that are closely related to the text, including the routines and practices of production, circulation and consumption of signs. Fairclough’s CDA (1995) includes an analysis of these components, labelled the discursive practice of a communicative event. It signals the intermediate instance between text and the historical-socio-cultural situation. This study is primarily concerned with the conditions of production, specifically of the *City Press*.

The nature of discursive practices can either be conventional, found in stable sociocultural processes, in which a text is relatively standard in form and meaning; or it can be creative, found

in more fluid and dynamic sociocultural practices, in which a text can take on a number of different meanings and forms (Fairclough 1995). The reports of The Spear saga in the *City Press* coverage are more creative in nature as will be identified in the following chapter, which indicates particular social conditions commonly associated with change and instability, as currently found in South Africa.

The analysis of discursive practices includes examining the discursive events in relation to the orders of discourse (Titscher et al. 2000). Orders of discourse are considered “internally heterogeneous” in constitution, “the boundaries between which are constantly open to being redrawn as orders of discourses are disarticulated and rearticulated in the course of hegemonic struggle” (Fairclough 1992, p.124). This study includes a range of news texts indicative of the order of journalistic discourse, for example, opinion columns, letters to the editor and hard news reports.

Interdiscursivity and intertextuality are suggestive of the productivity of texts, namely how texts can transform prior texts and restructure existing conventions, genres and discourses to generate new ones (Fairclough 1992). Interdiscursivity occurs when different discourses and genres are articulated in the same communicative event (Jorgensen & Phillips 2002). The analysis thereof identifies the discourse types drawn on and analyses how changes in a particular order of discourse relates to other closely associated orders of discourses. Alternatively, intertextuality examines how discourses draw on or reference other texts and how communicative events draw on earlier texts to create an inter-textual chain, “a series of texts in which each text incorporates elements from another text or other texts” (Jorgensen & Phillips 2002, p. 74). The focus here is not on the broad audience interpretation, but on the intertextual nature and struggle between contesting sets of actors who produce and receive the texts examined.

3.8. Sociocultural practice

The analysis of the ‘internal’ conceptual structure of [texts] can [*only*] become a useful tool in ideological analysis when informed by and positioned within a social theory capable of illuminating the ‘external’ connections between the ideas and social practice as a whole”. (Jones 2001, cited in Richardson 2007, p. 42)

The link between the text and different levels of social organization, including the immediate situational context, the wider institutional context, and the extensive social and cultural context is accounted for in this dimension of Fairclough's (1995) three-dimensional model, the sociocultural practice. It involves analysing the economic and political aspects of a text that point to issues of power, ideology, and the social and cultural elements of a text concerning questions of value and identity (Fairclough 1995). The overall objective of analysing the sociocultural practice is to identify the social and hegemonic relations and structures which constitute the "matrix" of a particular discursive practice and to consider the ideological and political effects of the discourse practice upon the social practice (Fairclough 1992, p. 237).

The analysis of the relationship between discursive practices and the greater sociocultural practice is of significance because it is at this juncture that discourse analysis becomes critical by "subjecting discourse to ethical and political critique [and] challenging the features that contribute to the perpetuation of structured inequalities" (Richardson 2007, p. 42).

3.9. Conclusion

The present study uses Fairclough's (1995) three-dimensional model of CDA to analyse newspaper texts surrounding *The Spear* as a means to identify the discursive positions taken up and contested in this public sphere, the arguments made, and the interests served. In doing this, the analysis probes how different sets of actors or subjects, namely the media and the ANC, constitute their 'truth' and the strategies used in this process. Central to each of these discourse processes is power, "the power of people to reproduce or transform society" (Richardson 2007, p. 45).

As noted above, CDA is "an explanatory critique" that highlights and explains the relationships between discourse and its social conditions, ideologies and power relations (Jorgensen & Phillips 2002, p. 88). This is achieved by making people aware of these relationships and how discourses function as part of social practices to reflect or construct the reinforcement of unequal power relations (Jorgensen & Phillips 2002). Furthermore, CDA is used "to promote more egalitarian and liberal discourses and thereby to further democratisation" (Jorgensen & Phillips 2002, p. 88). This makes CDA suitable for examining how the discourses articulated by the ANC and the

media responding to The Spear and illuminate the broader, ideological debates in place in South Africa about to the relationship between the media and democracy.

CHAPTER FOUR: ANALYSIS

4.0. Introduction

In order for the current standoff between the ANC government and the media to be better understood and so possibly be usefully addressed, it is necessary to identify and critique the contesting discourses articulated by each group in relation to the other. The present analysis investigates the discourses in the *City Press* newspaper coverage that respond to Brett Murray's controversial painting, *The Spear of the Nation* (2012). This news coverage draws on a range of discourses that foreshadow the broader "battle of ideas", the metaphor used to describe the current relationship between the ANC and the media (ANC 2010, p.17). This chapter presents an in-depth analysis of the nine purposively sampled articles in chronological order. This sequencing of the analysis creates an "intertextual chain" in that the series of texts are "transformationally related to each other" (Fairclough 1992, p. 130). This works to clarify the connections between and across the various discursive elements of the texts, making explicit the discourses as they are introduced and as they respond to one another, thus enabling a more coherent analysis.

In the analyses below, single quotation marks designate words, sentences or paragraphs that are directly reproduced from the *City Press* newspaper texts being analysed. This provides empirical evidence of the lexicalisation that is analysed as part of Fairclough's (1995) textual dimension. Double quotation marks denote quotations from sources external to the article at hand. In some instances, double quotations marks are used within single quotation marks, which is to reference direct quotes from external sources within the immediate article.

4.1. 'The spear of the nation stays up' (Appendix A)

I begin with the analysis of an opinion piece written by *City Press* editor, Ferial Haffajee, published on 18 May 2012, the day after ANC-spokesperson Jackson Mthembu (2012) issued a press statement announcing that the ANC was "extremely disturbed" and "outraged" by *The Spear*, and that the party had instructed their lawyers to request the "newspaper to remove the portrait from their website". As evident in the title, 'The spear of the nation stays up' presents

Haffajee's defiant response to the ANC's demands that the work be 'destroyed'. Haffajee argues that taking down the image of *The Spear* is 'an act of censorship' and serves as evidence to further support a recent political trend in South Africa, which she terms 'patriarchal conservatism'.

The article published in the Columnists (opinion) section of the online paper, yet written by the editor of the newspaper, is of particular interest for two reasons. First, Haffajee is responsible for writing editorial reports (*CityPressSays*), where her words serve to represent the ideas, values and beliefs of the *City Press* as an institutional whole. Here, however, Haffajee distances herself from the *City Press* and her role as editor by explicitly stating the ideas presented within are her 'own objection' and are a 'personal' rationalization for the on-going publication of the image on the newspaper's website. She states this decision was made despite objections from colleagues 'that ranged from [*City Press*] being a family paper, to concerns about dignity and cultural values'. Publishing this report as an opinion piece rather than as an editorial establishes the decision that 'The spear of the nation stays up' was hers and she does not 'expect all [her] colleagues to accept it'. Second, the genre of opinion piece rather than editorial enables the article to be presented as informal and personalized, alongside the opinions of other citizens. In doing so, she identifies herself as a South African citizen, making a pathetic appeal in order to be heard as a peer, not as an authority.

By constructing herself as a South African, Haffajee proposes a commonality between herself and the diverse audience of *City Press* which runs through her argument. In doing this she deploys the ideological strategy of unification, in which people are bound together in order to override differences and divisions (Thompson 1990). This tactic is evident in Haffajee's use of the pronouns 'our' and 'we': 'our Constitution'; 'our clever founders'; 'we stayed true ...'; and more obviously, 'we are Mzansi', all of which signify Haffajee's harmony with patriotic South Africans. Haffajee thereby extends an invitation to the readers "to make the same classifications and distinctions as the text does and invites them to identify with it" (Prinsloo 2009b, p. 238).

Her argument simultaneously deploys the ideological mode of fragmentation (Thompson 1990) by establishing a distinction between a 'selective' South African citizen who is 'sexually aware',

‘satirically sussed’ and ‘progressive’ in contrast to those who ‘want to destroy art’ and ‘who desire to kill ideas of which they do not approve’. With her ‘commitment to clauses of free expression’, Haffajee constructs herself as a preferred South African, inviting other South Africans (ideologically unified with her) to identify with the ‘progressive’ group. This argument is epideictic in nature as it seeks to praise the ‘morality’ and ‘good practice’ of the preferred, ‘selective’ South African citizen, which by implication extends to Haffajee as the arguer.

The construction of Haffajee as the moral protagonist is confirmed through narrative analysis. Here I draw on Propp’s character functions and Levi-Strauss use of binary oppositions that reinforce an us/them binary (see Chapter three). Haffajee is presented as the self-proclaimed Proppian hero on a quest for ‘progressive politics’ in South Africa. Haffajee defines ‘progressive politics’ as underpinned in part by ‘our Constitution [that] explicitly protects artistic expression as a subset of free expression’, which she endorses by stating imperatively: ‘I will not have my colleagues take down that image...’. As the hero, she opposes those who endorse ‘patriarchal conservatism’, ‘who want art pulled down because they do not like its message’ and ‘who desire to kill ideas of which they do not approve’. She uses the analogy of countries like ‘Afghanistan’ to illustrate the worst-case scenario the effects of ‘patriarchal conservatism’ can produce.

For Haffajee, the villain of her narrative (those who ascribes to ‘patriarchal conservatism’) is constituted in the plural as those who, in defiance of the South African Constitution, seek ‘to strip gay people of their right to love’, ‘to return women to rural servitude’, and ‘to pull a securocrat’s dragnet over the free flow of news and information’. She explicitly identifies powerful, official public figures in the ‘governing party’ in support of ‘patriarchal conservatism’, including ‘our president’, ‘Jackson Mthembu’, and a ‘party MP’. She censors those who endorse ‘patriarchal conservatism’ by enacting legislations such as ‘the Traditional Courts Bill’ and the ‘Protection of State Information Act’. Using a forensic argument, she discredits ‘Jackson Mthembu’ by referring to his history, specifically his recent arrest ‘for drunk driving at 7am on a busy highway’. Accordingly, neither he nor the ‘president’ are ‘paragon[s] of virtue’, but are rather ‘cultural chauvinists and dignity dogmatists’.

The political dichotomy Haffajee establishes is made evident by identifying the binary oppositions implicit in the text and so, the truths that are valued and devalued (Prinsloo 2009b). Here ‘freedom of expression’ is opposed to ‘censorship’ within a discourse that values democracy and democratic principles. ‘Mzansi’ with its Constitution that ‘explicitly protects artistic expression’ is contrasted to ‘Afghanistan, where they bulletted the Buddhas of Bamiyan because the art did not conform to what the rulers believed it should’. The lexical choices and referential strategies similarly contrast ‘progressive politics’ with ‘patriarchal conservatism’, and ‘progressive’ South Africans with the ‘detractors’ of the ‘Constitution’. Presenting these choices and their binary oppositions (see Table 2) makes the contesting discourses explicit.

Table 2: Binary Oppositions in relation to democracy and freedom of expression.

Democracy	Authoritarian regimes
‘Mzansi’	‘Afghanistan’
‘Constitution explicitly protects artistic freedom’	Buddhas are ‘bulletted’ ‘because the art did not conform to what the rulers believed it should’
‘founding South African DNA of questioning and truth-saying’	unquestioning deference to authority
‘progressive politics’	‘patriarchal conservatism’
seeks to promote the free flow of information and news	‘seeks to pull a securocrat’s dragnet over the free flow of information and news’/‘Protection of State Information Act’
‘commitment to clauses like free expression’	‘people who want art pulled down because they don’t like its message’
Other political groups	‘The ANC’
Constitutionally aligned	‘detractors’ of the Constitution
people who foster various ideas	‘people who desire to kill ideas of which they [the rulers] do not approve’
‘free expression’	‘act of censorship’
‘progressive’	‘push-back’

By associating herself with ‘progressive politics’, established by ‘stay[ing] true to the founding South African DNA of questioning and truth-saying’, Haffajee is positioned alongside other South Africans as democratic subjects. Conversely, those ANC representatives identified here are inscribed as undemocratic in justifying ‘censorship’ in line with ‘patriarchal conservatism’. Haffajee further laments that ‘the march away from progressive politics to patriarchal conservatism is everywhere’. This position legitimates her decision to retain *The Spear* on the *City Press* website.

Deploying an assured register (a strong truth modality as discussed in Chapter three), Haffajee presents her argument as indisputable: ‘free expression’ is part of what constitutes ‘progressive politics’. This works as Haffajee portrays herself as aware of the counter-arguments that will be made because she is experienced in these contests, having had first-hand experience with ‘the clash of free expression and dignity’ (‘we have been here before...’). Haffajee constitutes herself ethotically as a rational and reasonable leader, willing to ‘compromise’ and listen ‘to concerns’ from her colleagues, and as tolerant and respectful of the diversity that exists in a ‘traditional society’.

By considering the processes Haffajee is attributed with, a transitivity analysis confirms her ideological constitution as a ‘progressive’ and informed participant. She is predominantly constructed with cognitive processes, in which she thinks and perceives (‘I do not expect’; ‘I’ve learnt’); and feels (‘I’m tired’). The predominance of mental processes here proposes a rational subject in contrast to the material (forceful and aggressive) processes with which the ANC are predominantly constructed, including ‘destroy’, ‘to strip’, ‘to pull’, and to ‘march’. These processes convey the actions of the ANC as a ‘push-back’. An absence of mental processes is significant as it might imply they act without due consideration. Furthermore, through the use of nominalisation that obscures agency, Haffajee avoids directly accusing the ANC or particular ANC figures of ‘patriarchal conservatism’.

Overall, Haffajee’s argument works pathotically by seeking to invoke concern among readers in relation to the effects of ‘patriarchal conservatism’. She argues by analogy to point out that ‘patriarchal conservatism is everywhere’: it has happened before (when Zapiro²⁶ was attacked for his cartoon, ‘Justice being raped by the president and his gang’); is happening now (‘the push-back on quotas of women politicians’); and will happen in the future (given the implementation of the ‘Traditional Courts Bill’ and the ‘Protection of State Information Act’). Haffajee also invokes anxiety through the analogy to ‘Afghanistan’ – where artists and

²⁶ ‘Zapiro’, alter ego to Jonathon Shapiro, is internationally recognised as South Africa's most popular and leading cartoonist. His works appear online daily at the *Mail and Guardian*, and weekly on *The Sunday Times* news site. His cartoons are pointedly critical of the South African government, which have garnered damage claims for up to R7-million from President Zuma in 2008. The claims were dropped prior to the trial date set for October 2012 (Daniels 2012).

journalists are confined to a world of ‘still lifes of bowls of flowers’ and ‘home décor magazines’ – as the possible scenario of what is yet to come for South Africa should the ‘governing party’ continue to endorse ‘patriarchal conservatism’. This struggle provides Haffajee’s rationalisation and legitimation of her decision to promote ‘journalism that upsets the holy cows’ and her decision for why ‘The spear of the nation stays up’.

That night, *City Press* received the ANC court papers, and decided to lead the following day’s print edition, 19 May 2012, with what Zuma had said in the affidavit as a hard news article, ‘Zuma: It hurts’.

4.2. ‘Zuma: It hurts’ (Appendix B)

This article is a clear articulation of the official ANC position on *The Spear*, rather than a response to Haffajee’s defiant opinion piece. It presents a summary of the arguments made in the ‘affidavit served on *City Press*’ in which the ‘President speaks out about the pain he feels after seeing the controversial painting’. Significantly, this is the first time the ‘President speaks’, rather than ANC public officials speaking on his behalf, because as Basson²⁷ (2013, p. 236) points out, until this point “Zuma had not said a word on the matter or announced that he would personally try to interdict the Goodman Gallery and *City Press*”. The information from the affidavit is followed by supporting arguments ‘from his Cabinet colleagues and party’ to argue that *The Spear* and its media’s publication counters the ANC’s project of ‘nation-building’ because the ‘artwork doesn’t respect reconciliation’ (thus construing the media as hostile to their agenda). It is argued that ‘the removal of the portrait’ would ‘contribute to nation building’ and ‘build[ing] a diverse South African nation’. Below, I outline the discursive strategies that relate to how the ANC define ‘nation-building’ and which simultaneously constructs the media as the ideological other opposed to this process.

Important to note here is that *City Press* takes care to present a full account of the ANC’s claims and supporting perspectives without offering counter-criticisms or defences (despite the fact that

²⁷ Adriaan Basson is an award-winning South African journalist, co-founder of the *Mail & Guardian* Centre for Investigative Journalism (2010), and author of ‘Zuma Exposed’ (2013) and ‘Finish & Klaar’ (2010). He was senior political reporter and assistant editor at the *City Press* at the time of *The Spear* saga.

the opinions of the ANC offered here are critical and reproachful of the media). Doing so is in line with the journalistic imperative to attempt balance and fairness (Richardson 2007). This protects against a charge of biased or unethical reporting, considering that Haffajee (2012a), as a *City Press* representative, was afforded a full-length article to present her argument the previous day. Although accessed from the Politics section of the online newspaper, the print version gave almost the full front-page lead story to Zuma's affidavit and the support he has received (Basson 2013), an indication of the newsworthiness of The Spear debate. This article is considered newsworthy (Harcup and O'Neil (2001, p. 263) on three counts, namely: its "reference to elite persons"; the element of "unexpectedness" (after all, there were no complaints or protests in the first four days after the original art review was published); and the direct "meaningfulness" to the newspaper itself. The significance the *City Press* assigns to the matter is indicated by the fact that the reporting is attributed to five reporters, including: deputy editor Adriaan Basson; arts writer Charl Blignaut, who first published the review of The Spear a week earlier; Sabelo Ndlangisa, Carien du Plessis and Charl du Plessis.

The focus on elite figures is evident in the structuring of the reporting. Those speakers or events deemed significant are presented first and include 'President Jacob Zuma' and 'his daughter Gugu on behalf of the family'; followed by the supporting opinions, attitudes and evidence from his 'Justice Minister Jeff Radebe', 'Arts and Culture Minister Paul Mashatile', 'the ANC Women's League', 'government spokesperson Jimmy Manyi', and 'ANC spokesperson Jackson Mthembu'. Also expressing support for Zuma and the ANC are 'renowned poet and cultural activist Mongane Wally Serote' and 'suspended prosecutions boss Advocate Menzi Simelane'. Predicational strategies assign professional attribution and institutional titles to the various 'Cabinet colleagues and party' to indicate their official and political authority.

The affidavit presents the position of Zuma 'and the ANC', as the first and second applicants respectively, who 'want the gallery to remove the portrait from Murray's *Hail to the Thief II* exhibition and *City Press* to delete the image from its website'. The portrait stands accused of 'impugn[ing] Zuma's dignity', defamation and 'destroy[ing] his true character and stature as a man'. For the ANC, 'the symbolism the portrait uses in order to portray the ANC though its president' is 'insulting' and, although unspecified how, it 'denigrate[s] the national coat of arms'.

This position employs the ideological modes of unification and fragmentation (Thompson 1990), which constructs an us/them binary opposition to expurgate the artist, the gallery, and the media. The Spear, its exhibition and its publication are viewed as opposed to the ANC's 'nation-building' processes and transformational discourse, and thus to the ANC-defined national interest.

This discursive strategy is evident in the articulations of 'suspended prosecutions boss Advocate Menzi Simelane' and 'Government spokesperson Jimmy Manyi'. Simelane's testimony in support of Zuma and the ANC is interesting considering that Zuma 'suspended' Simelane as the head of the National Prosecuting Authority (NPA). What is notable here is that Simelane's expression of loyalty to Zuma takes the form of an overt attack on the *City Press* (albeit that it may also serve as a strategy for his reinstatement as 'prosecutions boss'). Simelane was the first person to propose a *City Press* boycott, 'Those who are offended by the depiction of the president's private parts must boycott City Press'. The 'boycott' was initiated on the grounds that 'CP (City Press) agrees' with 'the essence of Brett Murray's message' that 'Zuma has no dignity'. However, Simelane's statement is rendered less influential as he fails to provide adequate support for the allegations that the painting 'impugn[s] Zuma's dignity'. *City Press* do not respond here, arguably to avoid being seen as defensive.

Manyi's argument extends Simelane's discursive construction of *City Press* as Other, as lacking 'respect' and violating 'the president's dignity', through a discussion of the role of 'the media'. He argues that 'publicising the untasteful portrait' points to indiscretions in the national media, a symptomatic argument that underpins the government's 'call upon the media to be more circumspect in what they publish as [the government] rebuild[s] a South Africa that was ravaged by apartheid'. Manyi's 'call upon the media' to work within a 'nation-building' capacity, or in other words work in the ANC-defined national interest, is consistent with the position outlined in the ANC's 2010 (p.11) internal discussion document, which states that should the media critique public policies and their implementation, they must "do so in a manner that adds value to the national endeavour".

Below, I outline four argumentative strategies that the ANC deploy in order to define ‘nation-building’ and discursively construct The Spear, its exhibition and media publication in opposition to this process. They include conflating Zuma with the nation; making reference to the liberation struggle; invoking a discourse of *ubuntu*; and legitimating their position based on the South African Constitution.

4.2.1 ‘Nation-building’ and the conflation of Zuma with the nation

As the ‘leader of ... South African society’, Zuma can be viewed as “a part [which] claims to speak for the whole and to represent national essence” (Prinsloo 2011, p. 46). This discursive strategy features prominently in the arguments presented by ‘the president’s children’, ‘Radebe’ and the ‘ANC Women’s League’. It works by conflating Zuma with the nation in a two-step process. First, Zuma in his personal role (‘a man, a father’, although accused of being ‘a philander, a womaniser’) is conflated with his public and professional role (‘leader of the ANC’); and second, his ‘presidential’ role is conflated with ‘South African society at large’, or the nation.

Drawing on this idea, the argument works pathologically to extend the presumed ‘insult’ and ‘pain’ of the painting ‘not only to Zuma, but to all South Africans’; ‘it is an insult to the dignity of not only the president but any human being’. In this sense, the nation is united under the president, and consequently this criticism of the ruling party “translates, conflates and collapses a construction that the critic is anti-transformation and anti-democracy” (Daniels 2012, p. 18).

This strategic conflation of Zuma with the nation seeks to deflect any critique of the ruling party by construing it as unpatriotic. It becomes amply evident that the ANC would prefer the media to be deferential to the party and to reconcile any conflicting interests consistent with the ANC’s official position of what constitutes national political consensus.

4.2.2 ‘Nation-building’ defined as support for the liberation struggle

Zuma’s conduct has been critiqued as working discursively “to seize the mantle of the liberation struggle and present himself as its rightful heir” (Hart 2008, p. 691). This strategy seeks to define ‘nation-building’ as consistent with the ANC’s definition of nationalism as based on “popular understandings of freedom, justice, and liberation from apartheid racial oppression” (Hart 2008, p. 691). The argument effectively erases other liberation movements by proposing

that since the ANC led the liberation struggle, freed the country from colonial and racial oppression and were democratically elected, they are entitled to define what constitutes the national interest. Consistent with this entitlement, The Spear is rejected because it ‘doesn’t respect reconciliation’.

This strategy recurs in the arguments presented by ‘Arts and Culture Minister Paul Mashatile’ and ‘renowned poet and cultural activist Mongane Wally Serote’. Mashatile’s professional title implicitly endows him with expertise and judiciousness in assessing matters of the ‘arts’, while Serote’s ‘renowned’ social identity as ‘poet and cultural activist’ constructs him as credible arts commentator. Their inclusion serves as an ethotic legitimation of the ANC position.

Interestingly, Serote’s concern is with the aesthetic dimension of the portrait rather than with Zuma’s dignity. He considers the painting ‘trivial’, ‘not deserving of the attention it was getting’, and ‘insignifican[t] when viewed against the backdrop of the bigger challenges facing the country’, which includes the challenge of overcoming ‘a South Africa ... ravaged by apartheid’. This epideictic argument renders The Spear as ‘completely mediocre and distasteful’.

4.2.3 ‘Nation-building’ defined in terms consistent with ubuntu

Following from the previous line of reasoning, the ANC frequently defines itself as working in the national interest (Van Nieuwkerk 2004). As such, the political foundations that define the national interest derive from a discourse of *ubuntu* (see Chapter two). Accordingly, The Spear stands accused of lacking ‘respect’ for the dignity of the African way of being and is likened to the cruelty and inhumanity of the apartheid-era through forensic argumentation. This is evident in the lexicalization, whereby the family maintains that the portrait ‘lacks humanity’, and Mashatile argues that The Spear ‘dehumanize[s] fellow citizens’. This is subsequently picked up on by social and political columnist, Justice Malala (2012), who argues that The Spear brings “back that hurt, that pain, that remembrance that once, not so long ago, [black people] were subhuman in this country”.

Ubuntu is a collectivist and communitarian philosophy and therefore the protection of individual freedoms (as liberalism proposes) are secondary to the values of the community. In this instance Zuma’s dignity is presumed damaged and its restoration is presented as the interests of the

national community, but black citizens in particular. This discursive strategy thereby works in conjunction with his conflation with the nation.

4.2.4 'Nation-building' legitimated by the Constitution

'Radebe', 'Mashatile' and 'ANC spokesperson Jackson Mthembu' present a line of argument in which 'nation-building' is constructed within a discourse of human rights. The argument that 'The Spear is in breach of the president and the party's constitutional rights to dignity and privacy' works as an appeal to the South African Constitution to legitimate the argument that the painting should be 'banned'. However, the opinions expressed in this article largely omit any mention of the constitutional right to freedom of expression. Mthembu's statement is the only one to make reference, claiming that the ANC 'want to test the limits of freedom of expression', which implies that the ANC expect the appeal to work in their favour. This picks up on a dissonance between the Constitution's ascription to freedom of expression on the one hand, and the right to dignity on the other. This tension is central to the contestation between the media and the ANC addressed in this study.

Radebe explicitly draws on the right to dignity when arguing that 'a criminal court case of *crimen injuria* should be opened' against The Spear. '*Crimen injuria*' under South African common law is defined as the unlawful and intentional impairing of dignity or privacy of another person (SAPS 2013). This clause is typically invoked in situations of emotional and psychological abuse, which is presumed to be the case here given the article's over-arching pathetic argument based on 'the pain [Zuma] feels' and as established in the headline, 'Zuma: It hurts'.

In line with this, the article gives voice to Zuma and his family who call for sympathy and perhaps anger for 'the pain [Zuma] feels', 'he was "shocked, and felt personally offended and violated" when he saw a copy of...The Spear for the first time'. By articulating this 'pain', Zuma presents himself as the injured party, a role to which he is not unaccustomed²⁸. In this instance however, Zuma is constituted as a direct victim of The Spear as a transitivity analysis

²⁸ Zuma also assumes the role of the victim, by himself and his supporters, in the news coverage of his 2006 rape trial (Prinsloo 2009a); and it is a role he reprises in the coverage of the 2013 Nkandlagate scandal (<http://www.mediaanddemocracy.com/research-reports.html>).

reveals. It primarily attributes ‘the painting’ with material processes, including ‘has *divided* public opinion in the country’, ‘is in *breach*’, and ‘the portrait *uses*’ (emphasis added). Ironically, this inanimate ‘painting’ or ‘portrait’ acts, in contrast to Zuma who is attributed with mental processes of feeling ‘shocked’, ‘pain’, and ‘violated’.

The evidence in Zuma’s affidavit, which is further supported by his ‘Cabinet colleagues and party’, thus proposes a national loyalty, as well as cultural alliances, to validate a particular way of interpreting The Spear. Accordingly, ‘the painting’ is anti-ANC and anti-transformation and therefore supporting its exhibition and publication deters from the ‘bigger challenges facing the country’: the ‘nation-building’ agenda, which has been shown to be defined in the name of Zuma, the liberation struggle, *ubuntu* and the Constitution.

4.3. ‘Speared by colonial claptrap’ (Appendix C)

Published in the Columnists section of the *City Press* online, on the same day as Zuma’s affidavit (19 May 2012), was an opinion piece written by ‘Culture, Communication and Media Studies (UKZN²⁹) writer’ Siyasanga M. Tyali expressing support for Zuma and the removal of The Spear. This column has clear intertextual links to the Mthembu’s (2012) initial press statement on The Spear, similarly describing the painting as ‘distasteful’, ‘disrespectful’ and an ‘infringement’ of Zuma’s right to dignity. Tyali asserts, however, that The Spear ‘represents something else’; there being ‘more than meets the eye’. The Spear is subject here to a cultural interpretation in which it and other ‘satirical’ treatments of Zuma are accused of being racism ‘masquerading’ ‘as artistic freedom’ – a ‘veiled attack’.

This angry response to The Spear recalls the country’s colonial past and considers the painting a representation of ‘the black man [through] the eyes of early expansionists in Africa’. In a righteous tone, Tyali presents a pathetic appeal using anger, hurt and ‘sad[ness]’ to argue that The Spear is ‘prejudiced’ on two counts. First, The Spear represents an ‘open attack on [Zuma]’s genitals’ and thus perpetuates apartheid-era beliefs circulating in contemporary South

²⁹ University of Kwa-Zulu Natal, Durban, South Africa.

Africa about 'the black man's genitalia'; and second, the painting 'attacks one of the oldest ways of black life in the country: polygamy'. I analyse each argument in turn.

4.3.1 *'The black man's genitals'*

Tyali's central argument is stated at the outset: 'attacks on a black man's genitalia is an example of prejudice' because 'the black penis' is a 'historically sensitive area for a black man' as a consequence of the colonial discourse in which African 'sexual lifestyle' was pathologized. Tyali identifies this racist and colonial discourse to argue that African sexuality is under 'continuous attack', which 'continues in our society' today; rendering it impossible to discuss the portrait outside of the stain of colonial attitudes that exoticised and ascribed hypersexuality to African bodies. He claims this 'early European notion of the black man' informs *The Spear*, which is evident in the portrait's objectification of Zuma: it 'brings Zuma to the level of a 'thing', an 'abstract', a 'case study', a 'product', and something to 'be pondered over a glass of red wine while admiring its artistic nature'. Tyali also objects to the *City Press* (13 May, 2012³⁰) reference to Zuma's genitals as his 'jewels'³¹.

Through the analogy to colonialism, 'Brett Murray', 'Jonathon Shapiro', those who 'endorse Murray' and 'members of South African society who call this portrait "art"' are constituted as contemporary colonialists, implicitly constructing (and vilifying) white people as the narrative's villains. Tyali argues *The Spear* represents 'how [white people] view the black man', and it 'strategically mak[es] a mockery' by relegating 'European standards' of the African to 'penile length and size'.

4.3.2 *'An attack on this lifestyle would be an attack on the traditional lifestyle of the native'*

Consistent with the interpretation of *The Spear* as a recent form of colonial-inspired racism is the assumption that *The Spear* is an attack on 'polygamy'. Polygamy is constructed here as unquestionably acceptable by invoking culture and tradition to describe it as a 'traditionalist' practice and 'one of the oldest ways of black life in the country'. In this sense, 'an attack on this lifestyle would be an attack on the traditional lifestyle of the native'. By ignoring Zuma's sexual

³⁰*City Press* 2012, 'R136 000 for Zuma's jewels', 13 May, viewed 7 August 2012, <http://www.citypress.co.za/entertainment/news/R136-000-for-zuma-jewels-20120513>

³¹ It is not clear whether Tyali is familiar with the colloquial English expression of 'the family jewels' to refer to men's penises.

profligacy, *The Spear* is argued to attack Zuma's polygamous lifestyle, 'portraying him as some form of a stud', and therefore, it must be 'read against those other Jacob Zumas'. As such, *The Spear* is rendered an act of racism, which 'attack[s] not only on President Jacob Zuma, but ... the general populace of black men'. Tyali identifies himself 'as a young black man', unifying black Africans as 'us'; consequently creating an us/them opposition between black and white.

The argument for polygamy is structured deductively. Descriptions of Zuma as 'a man', 'a black man' works as a unification strategy with other black South Africans (Thompson 1990), separating him from his role as 'the president of South Africa', 'the most powerful man in the country', 'a public figure' or 'the "first citizen" of the country'. Tyali refers to criticisms of particular moments in Zuma's life to establish him as ordinary; for example, the infamous 'shower' statement (when Zuma admitted to showering after having sex with a woman known to have HIV as a means to prevent infection) is reduced to a 'sexual mistake'. As all men 'make mistakes, Tyali legitimates Zuma to represent one of the 'thousands' of 'men who live traditional native black lifestyles'. In effect, 'whether we think of [Zuma] as good or bad', he should have his constitutional right to dignity protected and withheld, just as any one of the 'thousands of Jacob Zuma' would deserve.

Tyali employs a pathetic strategy to garner sympathy for 'black men in society', which portrays Zuma, and the corresponding 'thousands', as victims of these 'classic colonial stereotypes'. The portrayal of Zuma as a victim, also rehearsed in other articles, becomes explicit through a transitivity analysis in which he is constructed as passive and the subject of force: 'it brings Zuma...'; [he] 'had to go through'; and [was] 'unfairly attacked'. This construction of Zuma as victim is established in the headline of the article 'Speared by colonial claptrap'. In this sense, *The Spear* is used against Zuma (he is 'speared'), rather than the context in which Murray uses it, as tool or weapon of force at his disposal (*The Spear of the Nation*). Victimization is inscribed with a discourse of deeply seeded colonial racism and is drawn on in later news reports to liken the depiction of Zuma in *The Spear* to a "21st-century Saartjie Baartman"³² (*City Press*, 9 June 2012³³).

³² Saartjie Baartman was a Khoikhoi woman from South Africa who was exhibited naked in 19th century Europe, under the name 'Hottentot Venus', for the purposes of entertainment and to demonstrate what were thought of as

Consistent with this racial binary runs the undercurrent of the customary as opposed to the modern (Mamdani 1996, see Chapter Two). Tyali uses ‘polygamy’, ‘skin colour’ and being ‘uneducated according to western standards’ as a ‘quick tally’ of Zuma’s characteristics and lifestyle that constructs him as a customary subject. Zuma’s ethos as a ‘self-confessed traditionalist’, an ‘emblematic native’, ‘who practices polygamy’ and ‘marr[ies] abundantly’ - all of which are defined as ‘big problems for the coloniser[s]’ - further establish his position within the customary. This is in contrast to the construction of the modern. The contemporary colonisers, ‘the people of South Africa with colonised minds’ explicitly named as ‘Brett Murray’, ‘Jonathon Shapiro’, ‘City Press’, and ‘the Goodman Gallery’, are constructed as the ideological *racist* other. Tyali constitutes the modern here as oppressive and destructive of ‘traditional native black lifestyles’, rather than as a contesting discursive position of progress, development and human rights (Prinsloo 2007).

In order to counter any alternative perspectives, Tyali argues that there is only one possible reading of *The Spear*: ‘I will read it as I have argued above, unless Murray and company explain and decode its meaning’. However, Murray was not afforded the chance here to ‘decode its meaning’ as Tyali constructs this pathotic argument to validate his own reading of *The Spear*. Regardless, his interpretation remains a contested one, evident in the various responses to *The Spear* submitted to the media. For example, in ‘Don’t play the race card’, author Tshepo Mahlare (2012) of Johannesburg distances himself from Tyali’s position. Mahlare identifies himself as a black man, yet fails to see how Murray’s painting is an insult to all black men, and that the “us” Tyali refers to does not include him. He rejects Tyali as “a totally myopic commentator who chose to play the race card as a substitute for logical reasoning” (Mahlare 2012).

highly unusual bodily features. The physical differences of Baartman’s body reinforced colonial racism through the construction of a binary between the abnormal African and the normal Caucasian.

³³*City Press* 2012, ‘Zuma is no Saartjie Baartman’, 9 June, viewed 13 August 2013, <http://www.citypress.co.za/columnists/zuma-is-no-saartjie-baartman-20120609>

4.4. 'Defend Zuma's dignity at court- ANC' (Appendix D)

This hard news article, written by a *City Press* staff reporter, offers views on 'the painting by Brett Murray entitled *The Spear*' from various ANC-aligned spokespeople including 'the party's spokesperson Jackson Mthembu', 'Young Communist League [YCL] general secretary Buti Manamela', 'SACP general-secretary Blade Nzimande' and 'ANC secretary-general Gwede Mantashe'. These ANC officials consider the painting 'unacceptable' on various grounds including sexuality ('*The Spear* was pornographic'), African culture and tradition ('in the community where he came from it was unacceptable...'), and racism ('the painting was racist').

Through rationalisation (Thompson 1990), their constructions defend and establish ANC-led, populist-fuelled marches on the courthouse and the gallery as 'a reaction to the painting'. Using various predicational strategies (Richardson 2007), *The Spear* is rendered 'an extreme act of provocation'. The article references two distinct 'calls' for marches. The first call was for people 'to gather in front of the court ahead of the [preliminary] hearing [of Zuma's affidavit], due to start at noon' scheduled for 22 May 2012. Mthembu made the announcement respectful in tone and framed as part of a democratic civil action (an opposing position to that of Haffajee's construction of the ANC's behaviours in '*The spear of the nation stays up*'). The second march, called for by the YCL's Buti Manamela, was for 'members and supporters to march to the gallery on Thursday [24 May] and tear down the painting'. This march however never happened as the painting was vandalised on 22 May, and no longer required 'tear[ing] down'³⁴.

These marches at the courthouse and the gallery are significant because they were mobilized by government officials and members from other socially and politically powerful ANC-aligned organizations, rather than by marginalized, alternative grassroots organizations who generally engage in protests typically against government policies or service delivery. This unusual use of marching perhaps stems from the ANC's historical position as a marginalised and oppositional movement. Here, a 'march' called by the government and aligned groupings must also be read

³⁴ Although the march called for by Manamela and referred to here never actually took place, an official march on the gallery did happen on 29 May (the day after the *City Press* removed the image from the website). This was in attempt to coerce the gallery to remove *The Spear* from display and exhibition.

in terms of the power relations in South African society in general. Not every grouping or institution has the ability to, first 'brief the media' and, second mobilize the masses.

These ANC-led marches arguably operate as a disciplinary technology in two ways (Foucault 1975). First, they serve as a political platform to rally populist support for Zuma who is consistently constructed as a victim in need of 'support' and 'defend[ing]'. Second (and the more likely), a march serves as an intimidation tactic to pressurise the gallery and the *City Press* to remove the painting. Marches however operate beyond the immediate issue at hand (The Spear) to arguably caution citizens not to criticize the ANC for they serve as a demonstration of the ANC's influence. The ANC's access to the Johannesburg metro police, who permit and manage these marches, is further indicative of the authority the ANC are able to wield, signalling to the South African citizenry that this arm of the nation's security forces is ideologically aligned with the ruling party (*City Press*, 22 May 2012³⁵). Alternatively, this alliance questions the priorities of the police, who were poised in this case, "yet seem woefully inadequate in responding to the country's notably high rate of violent crime" (Dubin 2012, p. 94).

The ANC's authoritativeness, as a consequence of their role against the apartheid regime, works ethotically to garner support. Referential strategies exist in the descriptions of groups affiliated with the ANC or demark their status and position within the ANC (Richardson 2007), for example 'the party's spokesperson...', or 'general-secretary' of the 'SACP', and 'ANC'. The authority presumed of these positions is evident in the speakers' use of imperatives. Rather than making requests or suggestions, the ANC demand certain actions from South African citizens (their intended audience), who are told 'to *go* to...', 'to *march* to...', 'to *tear* down...', and 'to *defend*...' (emphasis added). Imperative commands are evident in the headline of the article ('Defend Zuma's dignity...') and is stated explicitly in the opening sentence of the article ('the ANC has *called* upon...').

Valuable for assessing power relations expressed in discourse is attention to modality features. The ANC speakers lexical choices articulate their conviction about their position, their truth.

³⁵*City Press* 2012, 'Streets closed for Zuma court bid', 22 May, viewed 15 December 2012, <http://www.citypress.co.za/news/streets-closed-for-zuma-court-bid-20120522>

Their views on The Spear are presented as universal or common sense through an objective modality, and are projected onto all ANC members, supporters and affiliates. This is evident in statements like ‘the party viewed the painting as ...’; ‘in our view...’; ‘the NEC [National Executive Committee] approved of ...’; and is also explicit in the headline where the call to ‘Defend Zuma’s dignity at court- ANC’ is attributed to the ANC in general. By extension, in calling on ‘people’, ‘members and supporters’, the ANC’s perspective of The Spear is conflated with that of all sensible South African citizens. This works discursively to create an us/them binary of respectful and loyal citizens (those aligned with the president, the ANC and the democratic movement) against ‘irresponsible’ and disloyal citizens (those in support of The Spear, which is culturally, sexually, and racially offensive).

The ANC’s explicit condemnation of The Spear in this article discursively constructs the party’s truth, justification for a ‘march’ on the court, as a ‘display of disgust’ for the painting, ‘reflective of the anger’, and a means to ‘Defend Zuma’s dignity at court’. The arguments made by each representative are considered in more detail below.

4.4.1 ‘Young Communist League general secretary Buti Manamela’

In contrast to the announcement made by Mthembu (above), the YCL’s general secretary Buti Manamela is explicitly more adversarial and righteous: ‘he could not allow the painting to remain on exhibition’. Manamela calls for aggressive and illegal responses, ‘for its supporters to march to the gallery... and tear down the painting’. Mantashe, however, is quick to pronounce that ‘a march on the gallery wouldn’t be violence’, despite the march being constructed using aggressive material processes such as ‘go’, ‘march’, and ‘tear down’. This assertive construction accords with the underlying tone of the article that the ANC will not merely accept the legal procedures in relation to The Spear, ‘We are supportive of court proceedings, but in our view there has to be some actions’, and consequently the march is rationalised and legitimated.

4.4.2 ‘SACP general-secretary Blade Nzimande’

Nzimande’s arguments echo and reaffirm ‘Manamela’s call’ that ‘the court action was good but not enough’. However, he hedges by suggesting Manamela’s pronouncement ‘could not be taken literally’, but as ‘reflective of the anger’ in response to ‘an extreme act of provocation’. Describing The Spear as a ‘provocation’ implies that it was maliciously intended to cause ‘anger’

or harm. This serves to rationalise Manamela's 'anger' (and to potentially invoke sympathy), positioning him, the ANC and the march as a defensive manoeuvre, rather than a provocative attack.

Furthermore, Nzimande condemns the painting as 'racist'. To establish this point he presents an anecdote about 'his mother's 85th birthday party' where it was 'difficult' to discuss *The Spear* because of cultural norms and a taboo on discussing sex across generations: 'in the community ... it was unacceptable to even talk about genitals'. *The Spear* and its content matter break the generational fault line of respect in black communities. It is in breach of traditional African mores and is consequently deemed 'rude' and 'disrespectful' to the African tradition. In this sense, Nzimande generalises (Thompson 1990) about the African way of life as the automatic yardstick by which to evaluate *The Spear* as 'racist'.

Claiming *The Spear* is 'racist' is premised on an undeclared form of morality. Nzimande 'didn't know "from which world you would have to be" to like the painting'. He discursively expurgates those who like the painting, presumably white people, as the 'racist' other from a different 'world' to those who object to the painting, principally black people. Accordingly, Nzimande constructs a unity with black South Africans in opposition to *The Spear* painting. He further expurgates the artist, who he represents as 'taking the "generosity of the millions of *us*" for granted' (emphasis added). The 'us' presumably refers to black South Africans, while the artist and anyone who does not reject the painting are constructed as racist.

4.4.3 'ANC secretary-general Gwede Mantashe'

Like Nzimande, Mantashe also declares 'the painting was racist' and has 'polarized society' along racial lines. These categorical assertions (also reflecting high modality) render *The Spear* 'rude', 'crude', 'violent' and 'disrespectful'. This justifies the 'march' as 'merely a reaction to' disrespect and racism. Mantashe similarly distinguishes between white and black South Africans, proposing that 'if a black artist had "mobilized" to depict a white politician in a similar way, the outcry would have been very *different*' (emphasis added). This inductive argument presumes the same racial (black) sensitivities would exist if the roles of the artist and the subject were reversed. This is yet another example of universalization (Thompson 1990). It is however

a flawed argument as it ignores the different discursive positions and attendant attitudes for differently located subjects.

In agreement that ‘the painting was racist’, Mantashe expresses ‘the party’s national executive committee’ approval ‘of the ANC’s intended court action’. Consistent with Nzimande’s and Manamela’s attitude that legal proceedings are ‘not enough’, Mantashe states that ‘no matter what the court says, that picture is racism’. In anticipation of a potential court ruling against the ANC or the questionable legal grounding of the case, Mantashe defends the party’s reputation by arguing ‘the ANC would abide by the court’s decision, but the party was still allowed to criticise the judgment’. Ironically, the party’s right to criticise the judgement is protected by the Constitution as the right to freedom to expression, the exact clause the ANC are fighting to limit or restrict in the case of *The Spear*. This also suggests a degree of selective interpretation of the Constitution to the party’s advantage. Mantashe does this by differentiating between freedom of expression and criticism of the ANC. He reasons that ‘people who use their freedom of expression without responsibility, are irresponsible’. In this context, it is implied that the use of freedom of expression to criticise the government is ‘irresponsible’.

Mantashe judges the painting as one would evaluate a material event, not a satirical representation. His ‘crude’ deduction that the representation in *The Spear* can be likened to actual conduct is made explicit in presenting ‘the idea of going to court tomorrow and as we sit there we can all take off our trousers’. This argument by analogy seeks to establish the crudeness and vulgarity of *The Spear*. In this sense, the constitutional protection of free expression is applicable to material that is decorative, but does not extend to work that does not adhere and contribute to the ANC position. This idea is recognised, and defended, by Haffajee (2012a) (discussed above): “they draw the line at art that impugns the presidential dignity”. What is not recognized in Mantashe’s account of freedom of expression is the place of intellectual, conceptual and resistance artwork that offers social commentary and critique, which was precisely Murray’s (2012) intention in conceptualising *The Spear*:

What satire can do in a political context is that it can be seen as a political contestation as it opens political debate... There is therefore no reason for artists to be censored, however uncomfortable this might be for individuals and for society at large.

In this article, the ANC argue that the painting is ‘racist’ to legitimate the march of the ‘millions’ in protest against The Spear or in solidarity with the ANC as ‘reflective of the anger’ left by the legacy of apartheid. This argument is supported by the expedient use of African culture and tradition. The culture argument is extended in the following analysis.

4.5. ‘Zuma plays the culture card’ (Appendix E)

Attributed to a *City Press* reporter on the newspaper’s website the morning of the rescheduled court case, 24 May 2012, this hard news article presents two of the arguments ‘Zuma’s legal team’ are set to present at court in seeking to have: ‘the image of The Spear to be declared unlawful and unconstitutional’; ‘Murray, the Goodman Gallery, and City Press interdicted from displaying, exhibiting, publishing or distributing it’; and ‘the respondents to pay the costs of his application’. First, they will argue that the portrait ‘represents an injurious assault upon and an impairment of (Zuma’s) human right’ from the cultural perspective of many South Africans – a foreshadowing from the article’s headline; and second, they denounce *City Press* by claiming that the newspaper is trying to ‘create or perpetuate in the court’s mind the sufficient antipathy towards (Zuma)’.

Of all the articles in this sample, ‘Zuma plays the culture card’ most explicitly constructs the court case over ‘the controversial portrait, The Spear’ as a battle, a metaphor describing the tension between the ANC and the media in South Africa. Zuma argues here that this contestation represents an ‘obvious collision’ between African, communitarian values and Western, liberal values. Clear battle lines are established between ‘Zuma, his children and the ANC’ and ‘the Goodman Gallery, City Press and artist Brett Murray’. The lexicalization constructs a metaphorical battle in which Zuma ‘took a swipe at City Press’ and ‘will square up... against’ his opponents, while The Spear is constructed in terms of a physical attack, an ‘*injurious assault* upon and *impairment* of (Zuma’s) human dignity’ (emphasis added). In this sense, Zuma is again constituted as a victim, evidenced in ‘his heads of argument’ where he identifies himself, as ‘inferior’, ‘illegitimate’ and ‘irrelevant’ as a black South African.

The news coverage also uses a gaming metaphor to describe the contestation surrounding The Spear. This is flagged in the headline of the article, where Zuma is positioned as ‘play[ing] the

culture card'. In this sense, the 'culture card' signifies a joker or a wild card, one that cannot be trumped. It is indicative of Zuma's legal and political strategies³⁶ in which he invokes a discourse of cultural and traditional loyalty (customary) as a means to legitimate his argument. This battle or game strategy typically plays out in the legal arena; however The Spear case did not proceed beyond the preliminary hearings, therefore the metaphorical battle shifted beyond the confines of the courtroom onto the streets as ANC secretary-general Gwede Mantashe declared victory, "Mission Accomplished!" in response to Haffajee taking down the image from the website (*City Press*, 23 May 2012⁸).

4.5.1 'From an African cultural perspective'

Zuma's primary argument justifies the portrait as 'an impairment of (Zuma's) human dignity' based on 'the cultural perspective of many South Africans'. This 'African' perspective refers to 'certain cultural sensibilities', which emphasises respect for older generations and a taboo on addressing sexuality publicly. The legal papers argue The Spear is the product of Western value systems that are 'driven by a class and racist superior complex'. Zuma constructs the 'injurious' artwork as producing an 'obvious collision of two world views' with 'one regarding itself as superior and the other perpetually demanded to justify its legitimacy and the right to exist', in other words, 'the Western lenses' and 'the African cultural perspective'. In this sense, the proposed court case 'over the controversial painting' is more than strictly an attempt to prevent 'the dissemination, display and further publication of the portrait', it represents an attempt to challenge the 'Western lenses' as 'superior' and 'recognise [the] African cultural perspective as legitimate'. This interpretation is consistent with Zuma's long-standing attempts to be positioned among the heroic line of liberation struggle leaders (also evident in 'Zuma: It hurts'), and, the Western-inspired art, artists and press as the foe.

This 'collision' reflects the complex interplay between the traditional and the modern. Zuma has been criticized for his expedient recourse to the customary as he moves between his cultural and tribal affiliations and his role as leader of a modern political party (Hassim 2009), adapting to whichever identity, "subject" or "citizen" best suits his purposes (Mamdani 1996). His seamless slippage is explicit in The Spear case. Zuma relies on the cultural ethos as a tribal African to

³⁶ The 'culture card' is a reoccurring strategy for Zuma in the legal sphere, as the court evidence from the 2006 Zuma rape trial was also constituted as a "cynical play of the ethnic card" (Prinsloo 2009a, p. 92).

invoke the customary or traditional discourse as the basis for his case, yet in seeking ‘constitutional protection’ under civil law and submitting an application to the ‘South Gauteng High Court’, he invokes a discourse of the modern.

4.5.2 *Creating antipathy towards Zuma*

In contrast to his first argument, recourse to citizenship, that central element of the modern identified by Mamdani (1996) in his description of how power is organised in Africa, underpins Zuma’s second line of reasoning in which he seeks ‘constitutional protection’ (civil not customary) of his ‘right to human dignity’. The ‘court papers’ claim *City Press* is trying to ‘perpetuate in the court’s mind the sufficient antipathy towards (Zuma) ...[in order] to win the sympathy of the court against (Zuma)’. This argument is based on *City Press*’s ‘answering affidavit’ which references ‘(Zuma) in his other cases’ and his ‘public admissions to having had sex with at least two women who are not his wives’. This conduct would arguably allow that *The Spear* is reasonable rather than a libellous portrayal, and thereby be protected under the constitutional clause of ‘freedom of expression’.

Zuma presents this argument to pre-empt possible antagonism among citizens, arguing that ‘utterances’ pertaining to Zuma’s ‘lifestyle’ cannot be regarded as a ‘legitimate and lawful way of limiting one’s right to human dignity’ and that ‘apathy towards an individual should never drive the analysis of whether or not such individuals are worthy of constitutional protection’. The argument targets *City Press* and, by extension the media in general, due to its ability to determine the news agenda. Zuma refers to *City Press* as unintelligent, ‘silly’ and with ‘misplaced belief[s]’ in an attempt to undermine the critique of Zuma’s ‘lifestyle’ implicit in the painting, which the newspaper has posted on their website. He further defends himself by arguing for ‘a balance’ between ‘the right to dignity and the right to artistic creativity’, a defence that consequently legitimates levels of censorship.

Following the court hearing, the ‘collision between two world views’ endured as *The Spear* saga continued to unfold in a multistage, snowballing manner.

4.6. 'The Spear comes down- out of care and fear' (Appendix F)

On 28 May 2012, ten days after Haffajee's initial response to the ANC, which argued that 'tak[ing] down an article of journalism without putting up a fight is an unprincipled thing to do', she removed the image of The Spear from the *City Press* website and published 'The Spear is down – out of care and fear' in justification of doing so. Similar to her first address, editor Haffajee publishes her response here as an opinion piece in the Columnist section of the *City Press* online, rather than as an editorial. Haffajee structures her rationalisations around personal experiences and feelings, which may explain why she publishes opinion articles, which typically use the first person "I" in contrast to its almost total absence in editorial writing (Morley & Murphy 2005). The pathetic nature of the address, 'out of care and fear', might lead one to surmise that Haffajee may have been subjected to institutional pressures, internal and external to *City Press*, relating to the boycott. This analysis however is confined to the opinion column and her justification for why 'The Spear is down'.

Haffajee vindicates her actions using ethotic argumentation strategies which establish that she is willing to 'play tough tackle', evidenced by her leaving the image of The Spear on the website. However, Haffajee admits here that she 'could not have anticipated' how the image's on-going publication 'would snowball into a moment of absolute rage and pain'. 'The Spear is down' is constructed as a statement of concern and fear, rather than an apology, issued in response to expressions of 'national pain'. Basson (2013, p. 259) suggests this was Haffajee's attempt to "defuse a tense moment and emerge the bigger person as Zuma's leadership was failing, again". Her decision 'to take down the image' was an expedient one given 'the atmosphere like a tinderbox', the 'threats and invective', and the 'burning pages' of *City Press*. She argues the image of The Spear was up long enough to prove her point that 'free expression', a core value in democratic societies such as South Africa, is 'imperilled'. The actions against the *City Press* for its publication of the image have 'wrought a personal cost', inflicted 'humiliation [Haffajee] can well live without', and as such is 'simply not worth it'.

Haffajee presents two reasons, stated explicitly in the title of the article, to argue that taking 'down the image' is 'in the interest of all [South Africans] freedoms'. First, 'The Spear is down

- out of care', 'in the spirit of peace-making'; and secondly, 'the image is coming down from fear too'. I analyse each separate argument below.

4.6.1 'out of care'

Haffajee justifies taking down the image of The Spear 'out of care' for her country. She constructs South African society as 'not yet defined' and still determining 'what is acceptable and what is not'. Haffajee's care is established as she acknowledges the 'pain is still deep' in South Africa and the 'common national dignity is still paper-thin'. Through intertextual reference to 'columnist Justice Malala' (2012), it is established that a number of black South Africa citizens are experiencing 'national pain', "wounded by 46 years of formal apartheid and centuries of colonialism". Malala (2012) describes how The Spear serves as a reminder of "this pain we carry around inside of us, exacerbated and reopened by every new slur".

Recognising this 'national pain' is necessary in the post-colonial, post-apartheid South African context and Haffajee allows that she was perhaps 'naïve' in deciding that 'The spear of the nation stays up'. She refers to the 'national pain' felt in response to The Spear as 'a tough moment', 'a moment of such absolute rage and pain', 'a learning moment', and 'a moment of inflexion'. In this way, Haffajee draws on the dimension of time to make the distinction between the past, present and future, which suggests that this 'pain' will eventually dissipate. Haffajee is cited as being "deeply touched by Malala's piece" (Basson 2013, p. 258). She proposes in response to the 'national pain', 'humiliation', 'anger and rage' elicited by the painting that she and the *City Press* 'have made [their] point and must move on'. They have 'fought enough' for the democratic principle and constitutional right to freedom of expression (thus countering the rationale that insisted 'The spear of the nation stays up'). Taking down the image is presented as an aspect of the role Haffajee wishes to play 'in helping turn around' the current state of South African affairs and a move towards 'a mutual understanding across cultures and race'.

Broadly speaking, Haffajee's self-narrative serves to legitimate her decision, made explicit by Todorov's model of narrative analysis. The implicit initial state of equilibrium is assumed to be the general conditions in South Africa before The Spear was exhibited and reviewed. The South African 'anger and rage' experienced in response to 'art that has offended' constitutes the disruption in her account. In recognition, Haffajee concedes the need for 'care' and acts by

taking down the image of The Spear to restore social equilibrium. Within this narrative, Haffajee is constituted as the Proppian hero because she recognises the disruption of ‘national pain’ and acts to restore the equilibrium. She establishes her ability to recognise this ‘pain’ as a consequence of her willingness to hear or listen, that is not ‘divisive and deaf’ to advice. Haffajee insists that taking down The Spear is ‘an olive branch’ (thus serving as a Proppian magical agent), which is a metaphor for a symbol of peace. This act of restoration is coupled with an appeal from Haffajee that ‘the debate must not end’ just because the publication of The Spear on the *City Press* website did.

Haffajee frequently refers to *City Press* as ‘we’ or ‘us’, and so conflates herself with the institution of *City Press*. She states further that ‘City Press is not and has never been an object of division; neither am I’. Through unification strategies (Thompson 1990), Haffajee relies on the ethos, or the good character, of *City Press* as ‘a bridge across divides’ and ‘a forum for debate’, implicitly extending this characteristic to herself. Haffajee constitutes herself as tolerant and sensitive to the needs of the South African citizenry in regards to taking down the image: ‘it doesn’t serve City Press or South Africa to dig in [their] heels’. Her unification with the people is reiterated: ‘my own identify is that of a critical patriot’ and ‘I am a great fan of the country’. As such, Haffajee presents herself as caring for South Africans and the state of the nation, which legitimates her decision to remove the image from the newspapers’ website. Ironically, one of the ANC’s (2010) major criticisms of the South African media is that they do not act in the national interest, in contrast to the care and patriotism Haffajee expresses here.

4.6.2 ‘out of fear’

Haffajee recognises the volatile state of South African affairs by comparing South Africa, where a newspaper has become a ‘symbol of a nation’s anger and rage’ to ‘China, where [they] consign journalism to a free expression constrained by the limits of fear’. The analogies with ‘China’ here and to “Afghanistan” in her first article (Haffajee 2012a) both refer to societies characterised by oppressive, authoritarian rule and seeks to invoke concern among readers. This is the basis of Haffajee’s second line of reasoning, she ‘decided to take down the image’ ‘out of fear’. If she as the Editor-in-Chief of a national newspaper is threatened sufficiently so that she ‘take[s] down the image’, then she is fearful for all South African citizens and the democratic state of nation.

Analysing the secondary narrative of her argument identifies the attacks on *City Press* as the Todorovian disruption. Haffajee uses forensic argumentation by focusing on events from the past ten days as evidence and proof of the ‘fear’ that was (or can be) experienced. First, she describes the ‘fear’ felt at the *City Press* institution when ‘copies went up in flames’ and for the ‘vendors [who] are most at risk’. Second, and the more powerful argument, Haffajee is fearful for herself, as she describes how she had her ‘intimate body [virtually] savaged’ and had to ‘spend much of Saturday night quelling’ ... ‘the campaign of disinformation that was started by an ANC leader’. A level of gendered and sexual violence is implicit in this argument, knowingly (or not) constructing herself as vulnerable woman, fearful of ‘what he will do next’ because ‘he knows where [she] live[s]’. This pathetic mode of persuasion works to invoke empathy and concern among the audience.

When addressing the ‘fear’ she personally experienced, Haffajee is represented as a hero/victim, a construction made more evident with a transitivity analysis. Haffajee is predominantly constructed with mental processes, in which she thinks (‘decided’, ‘anticipated’, ‘known’, ‘thought’, ‘presume’ and ‘guess’) and in which she feels (‘saddens’, ‘fear’, ‘humiliation’, and ‘silly’). If Haffajee was being bullied, she identifies particular politically powerful aggressors, thereby constructing them as the Proppian villain. She presents herself in a ‘fight’ (alternatively, “a battle”) with the ‘big men of government’, more specifically ‘the SACP general-secretary Blade Nzimande, the governing party’s Gwede Mantashe and its spokesperson Jackson Mthembu’. Haffajee’s mental processes contrast with the material processes that predominantly construct the ANC who ‘call for a boycott’, are ‘seeking a high court interdict’, and ‘started a campaign of disinformation’. The contrast in processes reinforces Haffajee in the role of the victim/hero, subject to ‘threats’ that have ‘wrought a personal cost’ at the hand of the villains, the ANC who ‘forced’ the image of The Spear to come down.

In response to this force, Haffajee questions the role of the press in contemporary democratic societies. She criticises the government’s procedures as ‘not a single representative of the governing alliance sought engagement with City Press before seeking a High Court interdict’. She argues that *City Press* was unable ‘to do [its] core job’, since the newspaper was ‘prevented

from reporting' on various events, and due to the exhaustive coverage of *The Spear* 'there [were] really important stories [City Press] lost sight of'. While Haffajee does not explicitly state what she considers 'the role of the media in society' to be here, implicit is an argument for a monitorial press (see Chapter two). The ANC responses to *The Spear*, such as 'newspapers burnt in anger' and the 'call for a boycott' against *City Press*, are in conflict with the monitorial role and stand accused of posing a serious 'threat' to the operation of the media in a democratic South Africa. If the democratic role of the *City Press* national newspaper is 'imperilled', then the state of South African freedoms (in general) are being threatened. Haffajee therefore calls for 'engagement', 'debates, colloquiums, and plenaries' as possible ways to reach 'a mutual understanding' and 'conclusions decently', rather than engaging in censorship which entails taking down the image.

4.7. 'The painting that keeps teaching – Eusebius McKaiser' (Appendix G)

However, not everybody accepted Haffajee's decision to remove the image. Published in the Columnist section of the *City Press* online on 2 June 2012, a few days after Haffajee took down the image, 'The painting that keeps teaching – Eusebius McKaiser' takes the form of a letter to 'Ferial' and uses intertextual reference to Haffajee's (2012b) explanation. Eusebius McKaiser, author of the letter as stated in the headline, dismisses her justifications, 'compassion for the hurt many felt at the sight of *The Spear*' and 'fear that some might burn more [City Press] newspapers', as a 'self-preserving' excuse for appeasing 'impotent' government demands. He interprets her address, which 'reads like a Sylvia Plath poem', as a self-absorbed attempt to retain her 'respected' and 'brave' reputation in the public domain.

Using various discursive strategies, McKaiser argues that Haffajee 'did the wrong thing' and that 'democracy is worse off for the decision [she] has taken' to remove the image from the *City Press* website. He structures the argument incrementally and deductively to make the case that taking down *The Spear* is symptomatic of a larger social malaise prevailing contemporary South Africa, such as 'political bullying and disrespect for the Bill of Rights'. McKaiser establishes two clear arguments (or lessons) to explain to Haffajee why taking down the image was 'a huge disservice'. First, by invoking a discourse of democracy, he argues the decision was 'not in the

“national interest””; second, this decision was ‘condescending to black South Africans’ and is thus racist. The arguments are analysed below.

At the outset, McKaiser establishes that he is addressing Haffajee through the ‘Dear Ferial’ salutation. The first-name basis is a referential strategy that indicates a preestablished relationship between Haffajee and McKaiser. His address then plays between two letter genres, namely a personal letter and a letter to the editor, which positions the audience of his argument as both the editor in her personal capacity and the *City Press* readers. McKaiser first praises Haffajee in terms of her personal qualities, ‘your heart is in the right place’ and ‘filled with compassion’ (a further indicator of the familiarity between the two parties), only to criticise her professional ‘editorial decisions’ in the rest of the letter. Through acknowledging Haffajee’s reputation as ‘respected’ and ‘brave’ in her role as editor of the *City Press* (an epideictic argument), McKaiser establishes that his criticism of her ‘editorial decisions’ is confined to *The Spear*.

In this way, McKaiser explicitly blames Haffajee for this editorial failure and its repercussions, that ‘media freedom is the loser and [South African] democracy is worse off’. This is evidenced by the repetition of the second-person pronoun: ‘*your* decision’, ‘*your* self-censorship’, ‘*you* did the wrong thing’ (emphasis added). He attributes responsibility further by emphasising her executive decision-making role and professional accountability at the *City Press* institution: ‘*your* own newspaper’, ‘take down the image from *your* site’, ‘take seriously *your* newspaper’s’ (emphasis added). He uses Haffajee’s decision to argue symptomatically (Richardson 2007) that this decision exemplifies how South African society in general is subject to ‘political bullying’ and how citizens are being robbed ‘of an opportunity to entrench, legally, the meaning and implications of artistic freedom’. He poses the rhetorical question, ‘Next week Mantashe will be back, and then what?’, which identifies Mantashe, and implicitly the ANC, among his narrative’s villains.

Conversely, McKaiser functions as the narrative’s self-proclaimed hero. He recognises a disruption (‘political bullying’) and takes action (writing a public letter to the editor). McKaiser’s heroic construction begins in the headline of the letter, which identifies him as a

competent or insightful (albeit condescending) teacher who can draw lessons from ‘The painting that keeps teaching’. As such, McKaiser constitutes himself as professional, knowledgeable, qualified, and able to impart ‘teaching[s]’ from The Spear debacle. His ethotic, authoritative position is connoted through establishing his racial identity (as a ‘black South African’), and his academic affiliations (as ‘associate at the Wits Centre for Ethics’). His articulations contain explicit judgements expressed through a strong obligation modality, for example, ‘you must be brave’; ‘it is in the interest of Jacob Zuma’; ‘media freedom is the loser’; and ‘Zuma’s case is legally impotent’. McKaiser’s letter also contains a sustained educational metaphor in his reference to ‘bullying’/‘we bully you’ (school yard tactics); ‘merits of the work’ (academic standing); ‘its way cooler’ (perhaps school yard slang); and ‘don’t teach them maths...’ (subject matter). This discourse of education contributes to positioning McKaiser as a teacher of lessons, while Haffajee (the addressee) is constructed as the learner.

4.7.1 ‘Taking down the image was not in the “national interest”’

To make his argument, McKaiser first defines what constitutes ‘national interest’ by establishing what it is not, namely ‘an exercise simply in determining how the majority feels and endorsing those feelings willy-nilly’. He accuses Haffajee of confusing the ‘national’ with the popular in deciding to take down the image. He argues that she accepted the ‘logic’ of populist demand in ‘the interest of Jacob Zuma, his family, his supporters, some in the African National Congress who feel insulted, and members of the public who feel the same way’. The argument by comparison proposes that taking down the image in the ‘national interest’ is equivalent to withdrawing other constitutional rights that are unpopular in particular quarters, such as ‘chuck[ing] out the rights of gay people’, ‘bring[ing] back the death penalty’, and ‘allow[ing] teachers to smack kids in our schools’. This analogy draws attention to the principles of democracy and its accompanying discourse of human rights in defining ‘national interest’. Recognising how the concept of ‘national interest’ can be differently constituted (implicitly within democratic or authoritative regimes), McKaiser establishes that ‘bowing to pressure’ by removing the image and surrendering freedom of the press to ‘political bullying’ is undemocratic and effectively ‘*not* in the “national interest”’ (emphasis added).

4.7.2 *'Don't be condescending to black South Africans'*

McKaiser's second line of reasoning for why taking down the image of *The Spear* was 'the wrong thing' presumes a discourse of racism. This is in marked contrast to the responses of social actors and politicians that oppose and describe the image, rather than its removal, as racist. McKaiser argues instead that by taking down the image on the grounds that it caused pain to black South Africans, Haffajee presumes a homogeneity that is not shared by all 'black South Africans'. He justifies his argument deductively by referring to several black ANC members who 'had very different take[s] on this issue'. For example, 'Gwede Mantashe and ... Minister of Higher Education Blade Nzimande, ... called the painting an assault on the black body', 'Minister of Arts and Culture Paul Mashatile['s] ... own preference was for "dialogue" even though he, too, regarded the painting as offensive', and 'ANC intellectual heavyweight Pallo Jordon ... defended the artist's right to artistic freedom'. McKaiser uses these examples to establish that 'not all blacks think the same'.

Racist discourse is dependent on strategies of unification and fragmentation (Thompson 1990), and in this instance 'black South Africans' would be constituted homogeneously in opposition to white South Africans. McKaiser identifies as a 'black South African' through unification tactics such as 'all of *us*', 'many of *us*' (emphasis added). Here he addresses Haffajee as 'you'. He argues that in presuming all black people think and feel alike, which McKaiser suggests is the premise of Haffajee's decision to remove *The Spear*, constitutes the decision as racist. Arguably, he is patronising, 'don't take *us* seriously when we bully *you*' and 'many of *us* have *your* back covered' (emphasis added).

McKaiser develops his position on racism further through a forensic argument that recalls the attitudes and practices which underpinned the apartheid system and racial categorisations of superiority and inferiority. The notion that white people held 'lower... expectations of what black people can handle' is made explicit with reference to the idea that you 'don't teach them maths because they won't get it'. McKaiser postulates the current version of this idea is 'don't demand of them what you would demand of a cosmopolitan, progressive, educated white person – tolerance of artistic expression – because 'they' won't get it!' He argues that taking down the image 'robs [black South Africans] of an opportunity to' engage in their own interpretations of

The Spear and doesn't 'hold [black South Africans] to a high standard'. He expurgates Haffajee by aligning her with these expectations and 'engaging in 'anthropology of low expectations' in accusing her of not accounting for the differences in intellectual perspectives and interests among black South Africans.

In closing the letter, 'yours in "robust debate"', McKaiser affirms continuing discussion of democracy, rights and freedoms, alongside 'consistency and principled editorial decisions' as the solution to conquer 'political bullying'. In effect, the act of publishing the letter (another editorial decision) is Haffajee's acknowledgement or response to McKaiser, and doing so redeems her as 'brave' and democratic in her willingness to allow criticism and diversity of perspective.

4.8. 'How to move things along' (Appendix H)

Conversely, not everybody is critical of Haffajee's decision to take down the image of The Spear. Published on the same day as McKaiser's letter (2 June 2012), this article re-directs attention from Haffajee's position and the role of the press to emphasise the role of the ANC and government alliance members in the developments related to The Spear. It interrogates instead 'why did the ANC not just move on?' Presented as an opinion piece in the Columnists section, this online article is an edited version of the inaugural 'Nadine Gordimer Warrior of Freedom lecture' delivered by Anton Harber³⁷ presented at the 2012 Nobel Laureates festival³⁸. His speech contributes to the understanding of the 'national debate' regarding the protection of human dignity and the limits of freedom of expression in contemporary South Africa.

The central question Harber poses here is 'Why have we spent the past fortnight discussing a depiction of the president's appendage and the state of his dignity?' This is the same enigma that triggered this research. Harber's explanation of how The Spear 'catapulted...from being a minor news story to a national dispute' draws on understandings of how the press play a role in agenda-setting and framing and "how mere attention to an issue or problem can affect public opinion"

³⁷ Anton Harber is director of the Journalism Programme at the University of Witwatersrand in Johannesburg and co-founder, co-editor and director of the *Mail & Guardian* (1985 – 2001).

³⁸ The 2nd Annual J.M. Coetzee and Nobel Laureates festival was held on 25 - 26 May 2012 at the Karoo's Booktown Richmond in honour of South African Nobel Prize recipients.

(Nelson, Clawson & Oxley 1997, p. 567). Harber concedes that although, it was *City Press*'s review of the *Hail to the Thief II* exhibition (published 13 May 2012) that initially drew attention to the image, 'it was the ANC's call for the picture to be censored and the threat that it would take the matter to court' which thrust *The Spear* into the public consciousness as deeply controversial.

The article offers 'two possible explanations' for why 'the ANC and its allies choose to pursue this issue with such determination and fervour'. First, *The Spear* controversy served as 'a Zuma re-election strategy'. Second, and the more 'difficult' issue to address, the debate has 'touched a real raw nerve in society around issues of...dignity'. Harber's focus here is on human dignity as it played out in 'The Spear (16N) saga'. This topic was previously overlooked, or relegated as simply an excuse or a ploy by the ANC to have the image censored, when addressed by those in support of the paintings' exhibition and publication. Harber constructs a careful and chronological argument to re-problematize the debate, tracking the various understandings and articulations of human dignity as 'the debate went through three stages'. The analysis follows this structure as the debate shifts from a determination 'to maximise freedom of expression and resist compromise' to recognising the value and importance of the right to human dignity in the South African context.

4.9.1 Stage one: 'open and hearty public debate'

The first stage of debate Harber characterises as 'open and hearty public debate about race and representation, about the limits of free speech, about the role of the artist and the size of the president's penis'. Harber describes this stage as 'enjoy[able]' and 'silly'. This approach is consistent with Mouffe's (1999) position on democracy and agonistic pluralism in which debate is intrinsic to a multicultural, pluralist democratic society, a political status that South Africa supposedly adheres to (see Chapter two).

At this point, 'there was no controlling [the controversy]' anyway, to which the ANC proposed alternative measures to ensure the removal of the image 'by law' and 'by interdict', and they also 'called for marches' and 'a boycott of City Press'. Their measures signal a discrepancy between the interpretation of democracy and the practice of rights within. Harber argues that 'events took a turn for the worse'. These events amounted to acts of extreme intolerance and racist responses,

for example ‘a churchman called for the artist to be stoned to death’, ‘two men defaced the painting’, and ‘a black security guard beat... up a young black man who was offering no resistance, but allowing his besuited white counterpart to stand around and conduct interviews’.

Harber concludes that these antagonist responses allowed the ANC to use *The Spear* as a means to consolidate political power. In other words, a ‘Zuma re-election strategy’ for the ANC’s 53rd National Conference scheduled for the end of 2012, when the party would elect a political leader and name executive committee members. *The Spear* positioned Zuma ‘on the defence’ by portraying him as a victim, which served to encourage nationalist and populist support for Zuma in the upcoming election. Zuma often assumes the role of victim however Harber reminds here that he is just ‘playing the victim’ because in reality he ‘is a president, with power, authority and wealth’. Zuma’s deployment of *The Spear* as a social controversy ‘united the party behind him’, ‘mobilised his core conservative constituency’ and positioned the media as a convenient scapegoat for the multitude of complex social problems the government faced. In this way, the stage is set for the metaphorical battle between the ANC and the media, one which Harber describes both contestants as fighters, Zuma as a ‘brilliant political fighter’ and Haffajee as ‘a great fighter [who] knows when to throw a fight, and when to duck and weave’.

4.8.2 Stage two: ‘a realisation that the work evoked a deeply felt visceral anger’

Aside from serving as a ‘re-election strategy’, the ANC’s behaviours triggered Harber’s ‘stage two’ of *The Spear* debate, namely ‘a realisation that the work evoked a deeply felt visceral anger about representation and racism’. The ‘complications of [South African] attitudes to race’ stems from the country’s ‘long historical roots’ which are ‘deeply embedded in our history’.

Dispossession, disempowerment and violation of the dignity of black South Africans ‘make up the history’. Harber acknowledges ‘that history is very present’, providing evidence which likens Zuma in *The Spear* to ‘the figure of Saartjie Baartman...victim of racist dehumanisation and humiliation’. In this way, Harber stresses the significance of the sociocultural context, here post-colonial and post-apartheid South Africa, in relation to interpreting *The Spear* and for contextualising Zuma’s argument that the painting violates his dignity. Harber argues that ‘one could not brush that off’ and ‘to ignore this or dismiss it lightly is an error’.

In effect, Harber argues the legacies of apartheid are purpose enough to moderate any automatic argument (or right) for freedom of expression in South Africa. He asks whether ‘we need to give more weight to dignity, at least until there is a feeling that most immediate pain and memories of apartheid are behind us?’ The ‘immediate pain’ discussed here is the same pain Malala (2012) articulates and which Haffajee (2012b) describes as “national pain”. In acknowledgment of the ‘visceral anger’, Harber ‘withdrew [his] remark that the government was silly’ and said that ‘the ANC had done right by confronting and forcing into the open their concerns’. This transformation in decision-making is based on the same justification as Haffajee’s (2012b) from ‘The spear of the nation stays up’ to ‘The Spear is down –out of care and fear’, which is the South African ‘collective psychology’.

While maintaining regard for the historical confines of human dignity in the South African context, Harber extends his analysis thereof to argue inductively for what he considers a contemporary ‘problem’ in defining, and thus protecting, human dignity. The ‘problem’ defined by Harber here is ‘moral creep’. It occurs when ‘issues of dignity’ ‘are being meshed’ with ‘issues of disrespect’. Harber argues that dignity and respect ‘are different’, but warns of the ‘danger’ to ‘many writers, artists and journalists’ should the two become conflated. He uses two recent examples of the effects of ‘moral creep’ in South Africa, ‘when a man was convicted for spilling his drink on the president’ and when ‘a student was detained and assaulted for making a rude gesture towards [the president’s] entourage’. Crucially, he insists that ‘one needs to draw a firm distinction between dealing with the dignity of all and demanding special respect for big-men leaders’.

4.8.3 Stage three: ‘need to develop a new social consensus on these issues’

The central point of Harber’s argument about human dignity in the South African context is made in what he calls stage three of the debate, one yet to be enacted. Establishing the correlation between apartheid, racism and the value of dignity in contemporary South Africa as a ‘real raw nerve in society’ leads Harber to argue first, for ‘special attention to dignity and [to] give it a heightened value and protection’; and second, for action, ‘we need to develop a new social consensus on these issues’.

Harber uses strategies of unification (Thompson 1990), such as ‘we’ and ‘our’, to address the citizens of South Africa as a ‘collective’ that transcends race, ethnicity and class under the banner of ‘the nation’. He articulates a concern for ‘the nation’ to seek a better understanding of the right to dignity through the development of ‘a new social consensus’, rather than submitting to the consensus already agreed upon by the governing elites because he argues ‘the law is not always the best way to get consensus’. He proposes that South Africa is still ‘in the search for a consensus’ and uncertain of the ‘best way’ to ‘achieve it’. This is consistent with Haffajee’s (2012b) construction of South Africa as “a work in progress”.

In conclusion, Harber attempts a delicate balancing and reconciliatory act in which he acknowledges the importance of both sides of the battle. He offers ‘three hopes for the nation’ intended to restore a ‘balance between free expression and dignity, as required by the Constitution’. First, that ‘we take the opportunity to pursue the debate about race and representation’, but with greater understanding for the diversity of perspectives. This is a status that is a coveted public goal underpinning liberal, democratic societies. Second, Harber ‘hopes’ consensus can be achieved ‘without leaving artists and writers nervous to say what they need to say’³⁹. This hope is underpinned by values that seek to monitor power, hold it accountable, and offer it opposition - all of which are argued to be invaluable to liberal democratic functioning and consistent with the monitorial role of the press. To end on a lighter note, Harber’s third hope is that ‘Zuma visits a gallery and is photographed showing appreciation for our creative workers, both contemporary and traditional’. This would be in acknowledgement of developing a social consensus anew, rather than from unwavering support for the liberation ideals.

4.9. ‘I would keep up Spear now – Haffajee’ (Appendix I)

Reflecting on the ‘drama’, ‘controversy’ and ‘debacle’ surrounding *The Spear*, the final article I analyse articulates Haffajee’s retrospective insights into ‘Murray[’s] reworked...Russian propaganda poster of Marxist revolutionary Vladimir Lenin’. Accredited to the South African Press Agency (SAPA), this hard news article was published on the *News24* website on 1 August

³⁹ Self-censorship in South Africa remains a problem as of September 2013. A new artwork themed around the Marikana shooting depicting Zuma stepping on a dying miner’s head was taken down from exhibition at the FHB Art Fair based on the grounds that “it may offend [the fair’s] sponsors and other important people who might not like to see the president display in a certain way” (Mabulu 2013, cited in Mabandu 2013).

2012. Although this study takes the form of a textual analysis of the *City Press* online news coverage of The Spear, I have chosen to include this article, which was published outside of the sampling source and period, for a number of reasons (see Chapter Three for details). The primary reason for inclusion in this analysis is that the articulations within are widely acknowledged as her stance on matters related to The Spear controversy. This is explicitly evidenced here by the direct use of Haffajee's name in the headline and direct quotes from her throughout the text.

The article summarises the 'memorial lecture at the University of Cape Town' that Haffajee delivered earlier that day. The commemorative lecture invites distinguished speakers to address recent national and international trends, themes, and issues relating to academic and human freedoms. In light of the May 2012 Spear 'debacle', Haffajee presented the lecture which argues that 'achieving freedom [for South Africans] took many, many, decades and thousands of lives but it takes very, very little to kill it'. 'I would keep up Spear now - Haffajee' presents her argument that she 'would not take down that image today, knowing what I do now', namely how 'democratic freedom' was 'eviscerated' as the ANC sought 'to have the painting and web images of [The Spear] banned'; how the media were positioned as Zuma's political scapegoat; and how the events surrounding The Spear constituted a personal and public 'awakening'. I present each argument in turn.

4.9.1 'freedom being eviscerated'

In all three articles outlining her position on The Spear, Haffajee articulates a discourse of democracy. Here, she argues that South Africa's democratic freedoms, in particular freedom of expression and freedom of the press, are slowly dying in South Africa under the rule of the current ANC administration. This construction becomes explicit by considering the signifiers pertaining to democracy. Democracy and freedom are under siege as the metaphor of a battle suggests, whereby democracy 'has withered', is 'slipping away', 'being eviscerated', 'easily and quickly undermined', and it takes 'very little to kill it'. Haffajee effectively endows democracy with anthropomorphic qualities, for example the 'power of love' and 'lifeblood'. Although The Spear drama was a personally damaging experience for Haffajee (realising the loss of her personal and institutional 'freedom'), she recognizes that other South Africans have also experienced their 'freedom being eviscerated'.

In her argument, a democratic discourse is framed as a retrospective narrative and the analysis here draws on insights from Todorov's narrative model. South Africa as a young democratic nation constitutes the initial stage of equilibrium, which is disrupted by 'a challenge [issued] by the African National Congress' to have The Spear 'banned' and calling for 'boycott of City Press'. Doing so demonstrates the ANC's denial of the constitutionally protected rights to freedom of expression and of the press. This disruption afforded Haffajee 'a glimpse', Todorov's stage of recognition, of how South Africa is governed under the current ANC regime and the extent to which the government does not protect democracy and freedoms in post-apartheid South Africa. Haffajee describes the current ANC government (and affiliates) as 'a failed and slaving leech' sucking the 'lifeblood' out of the existing democratic structure, and as 'the men and woman who are shadows of the people who led us into this democratic era'.

The present article outlines what Haffajee confirms from this 'glimpse' and her conclusion is that she was, in part, personally responsible for 'freedom being eviscerated':

It was, I said at the time, an olive branch extended in citizenship. But also because I didn't want City Press burnt. Or myself insulted. And so, my freedom died a little, taken by my own hand. (Haffajee 2012, cited in Basson 2013, p. 264)

Haffajee never explicitly expresses regret, remorse, or guilt for taking down the image, but it is discursively established in acknowledging that acceding to the ANC's oppressive and undemocratic demands played a supporting role in undermining and demoralising the 'democratic freedom' for all South Africans. Her judgement here echoes aspects of McKaiser's (2012) response to The Spear being removed from publication.

Haffajee creates a binary opposition between an ideal vision of democracy as defined by 'Mandela' and the current ANC-led structure of democracy as defined by Zuma. The ideal democracy emphasises the 'power of love, of standing down, of reconciling to a great good' and is contrasted with the 'pictures of doom and gloom' from the current democratic structures. In this address, Haffajee acknowledges that South Africa is part of a 'democratic era', but one which has experientially regressed a long way from Mandela's vision of democracy as it does

not live up to the ideals of protecting the democratic freedoms established by those who fought for them.

4.9.2 'easy comeuppance for a media with which the governing party often had [clashes]'

The exploitative nature of the ANC's regime is further established in characterising the 'fight about [The Spear]' as the next strategic move for the ANC in seeking control of the media because the *City Press* 'almost became the focal point of a presidential campaign for [Zuma's] re-election'. In this sense, the 'controversy' surrounding The Spear exemplifies a classic case of the "politics of diversion" (Dubin 2012, p. 178). Dubin (2012, pp.178 - 79) argues that at the time of the *Hail to the Thief II* exhibition "the state of the economy was a key concern" (with reference to unemployment rates and the ratio of debt to disposable income); "education was earning a failing mark" (evidenced in the Limpopo textbook crisis, where students were without textbooks for the majority of the year); there were "deficient delivery service" (which contributed to the biggest volume of protests in 2012 since 1994); and "charges of corruption, cronyism and nepotism became commonplace" (including the removal of the chief of police twice in succession and a court ruling that the 2009 corruption charges against Zuma were reviewable).

In this climate, and in spite of these challenges, the ANC managed to mobilise concerns of racism, culturalism and elitism to build collective solidarities among the majority of South African citizens to counter the critique The Spear offered. The *City Press* newspaper was positioned as the ideological other, as the ANC criticized the media for being too critical of the governing party, which is why Haffajee states: 'I have no doubt that the fight about [The Spear] was an easy comeuppance for a media with which the governing party often had [clashed], because it disliked the mirror we hold up to society'. Implicit is the idea that the 'mirror' reflects the 'pictures of doom and gloom', of 'freedom slipping away'. This view of the South African state is one the ANC do not wish to take account for and deflect criticism by attacking the journalistic practices and ethics of the news media.

4.9.3 'awakening'

Haffajee argues that experiencing 'freedom slipping away', whether personal or public, tends to encourage 'the "awakening" of civil society and its ability to fight for worthy causes and win'.

For Haffajee, The Spear 'debacle' rendered her 'a changed person'. First, she claims 'I am less a child of [former president Nelson] Mandela than I used to be'. Mandela's ethos as an international icon of freedom, democracy, and equality and as the father of South African freedoms endows 'a child' of his with expectations that their rights to be irrevocably protected and defended. Using the metaphor of 'a child', Haffajee is represented as innocent, unknowing and naïve under Mandela's democratic regime (a position she admits to in 'The Spear is down'). However, in recognition of the democratic discrepancies between Mandela's ANC and the present ANC, Haffajee has 'changed' into 'more [of] a freedom of expression fundamentalist'. This would ensure that the original understanding of freedom of expression and of the press is upheld and maintain even in the face of 'fear' evoked by impending court hearings and personal threats and insult. Haffajee ends with an activist kind of zeal, for she expresses 'the greatest confidence' in South African society, citing the 'Social Justice Coalition, the Right2Know campaign, Section27 and Equal Education' as 'prime examples' of the awakened civil society's 'ability to fight for worthy causes'.

According to 'a freedom of expression fundamentalist', The Spear would not have been taken off the website in the first place. She articulates a democratic discourse that is more activist and less conciliatory in spirit from her initial positioning. As a 'changed person', Haffajee 'would not take down that image today'.

4.10. Conclusion

This chapter provides a detailed analysis of nine articles responding to The Spear. These articles have been purposively sampled to represent the discourses that contribute to the greater ideological debates taking place in South Africa about media freedoms and regulations in relation to democratic operations and practices. Chapter Five considers the implications of the discursive articulations, contestations and responses utilised by both the ANC and the media in the battle for their position.

CHAPTER FIVE: CONCLUSION

And *The Spear* has taken its place in history. Did it hit the mark and bring the president to book for his failures and misdeeds, or did it unintentionally confirm Zuma's status as a target of disgruntled constituents and a victim of political intrigue, thereby boosting his popularity in the minds of some? Like so much contemporary art, which is capable of spawning multiple interpretations, both consequences are likely true. (Dubin 2013, p. 187)

5.0. Introduction

This research has focused on the constitutional contestation in response to the exhibition of Brett Murray's *The Spear of the Nation* from May 2012 and its subsequent reproduction and circulation in the news media. The goal has been to investigate how the contesting discourses of the ruling political party, the ANC, and the news media have been articulated and negotiated by examining the *City Press* coverage. The concern here pertains to the role of the press (and by extension to the news media more generally), and to democratic freedoms and practices in contemporary South Africa. This study contributes to the larger MPDP, which seeks to inform policy-making using empirical evidence specifically in relation to media diversity and transformation from these findings and others.

In Chapter One, I present a chronology of the events that contributed to the construction of *The Spear* as a social and political controversy and I highlight the dominant positions articulated by both the ANC and the media in the debate surrounding the painting. I also contextualise the national media in contemporary South African society in relation to the broader debates about media freedoms and regulations. Chapter Two outlines the theoretical frameworks and concepts that inform this research. First, informed by a social constructionist approach to representation and Foucauldian insights, it establishes the interconnections between discourse, power and knowledge, and the subject. Within this framing, it considers the powerful discourses that Mamdani (1996) identifies in terms of how power is organised in Africa, identifying "citizen" and "subject" as powerful discursive positions that remain in tension in contemporary South Africa. Then, it considers theory relating to the news media and its role in democracy. I consider Habermasian theories of the public sphere, using Mouffe's (1999) theory of agnostic pluralism both as a critique and alternative, arguably more relevant to the South African context. Chapter Two concludes with a discussion of the normative theories of the press, highlighting the

monitorial, the collaborative and the facilitative roles as significant to the present analysis (Christians et al. 1999).

The third chapter provides an overview of the methodological considerations, sampling procedures and research method employed in the present analysis. I undertake a qualitative CDA that is underpinned by Fairclough's (1995) three-dimensional approach. The analytic approach draws on strategies that emerge from within critical linguistics, media studies and rhetorical analysis. The focus of the analysis is confined to nine purposively sampled *City Press* online newspaper texts published between 13 May 2012 and 13 June 2012, with the exception of the final article analysed, 'I would keep The Spear up now – Haffajee' (*News24*, 1 August 2012), which is well-documented and widely acknowledged as Haffajee's retrospective position regarding issues involving The Spear. In Chapter Four, I present the analysis of each of the *City Press* newspaper texts, five of which represent the media perspective and four of which represent the ANC perspective. These articles are presented in chronological order, which serves to create an intertextual chain of discursive events to demonstrate how the discourses respond to one another. It becomes possible then to identify the discursive resources, the ideological modes of operation and rhetorical strategies employed by both the ANC and the media to validate their positions and simultaneously undermine those of the other party.

This final chapter considers and further interprets the findings from the analysis. I identify the emergent discourses articulated by the ANC and its supporters to justify The Spear as a violation of Zuma's right to dignity and privacy on one hand, and by the press and supporters of the publication of the artwork who view its removal as an act that violates freedom of expression and of the press on the other. The two clearly defined and opposing positions are located within distinctive social and political positions, demonstrating that power, legitimacy, and resources are at stake for each one in this "battle of ideas" (ANC 2010, p. 7), alternatively conceptualised as the "fight for democracy" (Daniels 2012). Each side articulates socially powerful discourses (discussed below) to construct their own regimes of truth and to validate and justify the organisation of social life they endorse. In this way, these two sides arguably represent the broader South African media freedoms debate by elucidating their understandings of the role of the press and the operations of democracy in contemporary South African society.

5.1. Zuma and the ANC

Politicians in the ruling party in South Africa have previously reacted at explicitly critical media depictions of themselves with predictable anger. They have filed lawsuits against the media that would stand little likelihood of success under democratic dispensations. This is arguably an attempt to define and construct their own political interests as the national interest, and to unify society according to the ANC's ideological position. Attacking *The Spear*, its continued exhibition and the media's publication of it can be viewed as part of this endeavour:

Cosatu's Sdumo Dlamini claimed that *The Spear* is about people who are opposed to the ANC majority rule, as if it was illegitimate to be critical of or opposed to the governing party of the day ... (de Vos 2012).

Dlamini's statement typifies the metaphorical 'shoot the messenger' approach the ANC deploy (Dubin 2013), condensing their defensive forces into one expressed target, the media. Using this strategy the ANC constitute the media as other: as anti-democratic, anti-transformational, racist, and acting outside of *ubuntu* by privileging, among others⁴⁰, discourses of 'nation-building', the 'customary', and by inference, racism.

A discourse of 'nation-building' ('Zuma: It hurts') is invoked by the ANC in attempt to recuperate their conduct as in the service of national interest. The ANC's focus on rebuilding recurs in the reiteration of 'nation-building' and is part of the ANC's attempts to define the 'truth' and achieve hegemony. In effect it seeks to disallow political pluralism by constructing any form of criticism against the ruling party expressed in and through the media as anti-transformational and anti-democratic. Limiting the democratic public sphere signals the ANC's preferred political practice as "democratic centralism" (Glaser 1998, cited in Hassim 2009, p. 456), which runs counter to Habermas's notion of deliberative democracy in the first instance and Mouffe's (1999) broader concept of democracy based on agnostic pluralism in the second (see Chapter Two).

⁴⁰While nationalism, culture, and racism are the dominant discourses employed by the ANC in the news coverage of *The Spear*, it also draws on discourses of class ('Zuma plays the culture card'); patriarchy ('Zuma: It hurts'); and sexuality ('Speared by colonial claptrap') to further establish their argument that *The Spear* and the media's publication thereof is a violation of Zuma's (and their) constitutional right to dignity.

Additionally, a discourse of the customary (Mamdani's 'subject') selectively and expediently picks up on issues of culture, tradition and race in order to ensure loyalty to the government based on cultural affiliations and racial distinctions. Dubin (2013, p. 51) argues, "culture possesses a power and agency". Accordingly, the ANC representatives here invoke culture and tradition in an attempt to unify the people with the party under the national banner of 'African'. This works in Foucault's (1975) terms as a disciplinary technique, a process:

... by which a ruling elite seeks to tame and domesticate its population by establishing official distinctions between the accepted and the unaccepted... it is the process by which it coerces its subjects into internalising and reproducing truths not of their own making. (Mbembe 2008)

This tactic of unification (Thompson 1990) results in what Zuma describes as an 'obvious collision of two world views' ('Zuma plays the culture card'), creating an us/them binary between African and non-African (or Western), and implicitly black and white. The ANC critique the mainstream media's ideological outlook as subscribing to cultural imperialism, standardisation and homogenisation of media content. This is argued to have resulted in a hierarchy of culture that has been imposed over the decades to the exclusion or marginalisation of African worldviews and culture (Nyamnjoh 2005). Using this tactic, people and institutions are accused of racism and correspondingly lacking *ubuntu* when they resist the ANC's master narrative.

The implications of such accusations against the media is highly significant in terms of their democratic functioning in the South African state, for it becomes considered a serious breach of racial, cultural and national solidarity to speak out publicly about questionable behaviours of fellow (black) South Africans. As Dubin (2012, p. 73, emphasis in original) argues, "To do so signifies breaking ranks and raises serious questions regarding *your* authenticity, trustworthiness, and sense of *ubuntu*. It is a transgression that is 'un-African'". Breaking rank effectively would include exposing political corruption in the government and casting the ANC in a negative light. The journalist, the *City Press* in this instance and, by extension the press are defined as anti-black, anti-African, anti-*ubuntu* and opposed to democratic and social transformation. Ironically then and through sleight of hand, 'anti-democratic' thus becomes a criticism directed at those who hold politicians accountable.

Mobilising these discourses indicates how the ANC here are seeking a consensus in order to consolidate democracy from an Afro-centrist position. The ANC's spokespeople in this saga argue that this consensus could be achieved if given a more sympathetic and loyal press directed at the ANC's hegemonic project of 'nation-building'. The ANC's rationalisation that the press should serve the national interest is based on the view that the "media should contribute to the transformation of the country" (ANC 2010, p. 8). This position is explicitly articulated in government spokesperson Jimmy Manyi's response to *The Spear* when he calls "upon the media to be more circumspect in what they publish as we [the government] rebuild a South Africa that was ravaged by apartheid" ('Zuma: It hurts'). Following the logic that since South Africa is a "transitional" country, the media, they argued, should give "the new government a chance and not be so hard on the new leaders" (Daniels 2012, p. 212).

Consistent with the ANC's desire to ensure an 'African cultural perspective' to inform news coverage and practice (see 'Zuma plays the culture card') is their implicit expectation that the national press engage in a "collaborative role" (Christians et al. 2009, p. 196). Their articulated validation of developmental media enables the ANC to mask non-participatory or non-inclusive values and ideological alignment as "development journalism" (Daniels 2012, p. 12), "happy news" (Zuma 2013, cited in *eNCA* 2013), or "patriotic journalism" (Leshilo 2007, cited in Dubin 2012, p. 133). The consequence of this would be "uncritical acceptance of [the] prevailing arrangement ... [that] conserve[s] the status quo by leaving it unquestioned" (Christians et al. 2009, p. 199). Acceptance of this definition would result in the foreclosure of public spaces and plurality of voices. Their intention as such is made clear when declaring that the ANC (2010, p. 19) "must dominate the battle of ideas and [ensure] that our voice is consistently heard and that it is above the rests".

5.2. The South African media

The ANC's desire for more consensus, collaboration and compliance is at odds with the desire for a free press on the part of South African news media broadly, but specifically the *City Press* in this study. A free press is considered a necessary form of protection for the autonomy of civil society and a defence against despotism as it enables debate and the accompanying unrestricted

flow of ideas and information (Scammell & Semetko 2000, p. *xiii*). The media privilege a discourse of democracy to argue that any attempts to abridge freedom of expression or of the press are interpreted as “freedom being eviscerated” and an assault on democracy (according to Haffajee 2012, cited in ‘I would keep up Spear now- Haffajee’). The media legitimate this discourse with reference to the South African Constitution, which is liberal, rights based, and “widely acclaimed as state of the art and highly progressive” (Hellner 2009, p. 129).

The classic liberal model of democracy (Western in origin) continues to dominate most global thinking about the modern media in contemporary societies. The South African press tends to be informed by such liberal principles and discursively engage a discourse of liberal democracy to justify its duties to democracy as flowing from the principles that underpin liberalism. These duties include being accountable to society by acting as a watchdog against the state; providing accurate and sufficient information that encourages free debate among individuals and groups; and publishing materials that adequately portrays the full range of social experiences and public opinion (Curran 1991; Friedman 2013). These media practices are deemed fundamental to realising and maintaining the goals of an open and democratic society. This “monitorial” role is broadly legitimated as the media’s primary practice within a democratic dispensation and stands in contrast to the collaborative role discussed above (Christians et al. 2009, p. 125).

From this liberal discursive position, the media ideologically other the ANC by positioning the party’s behaviours external to democratic functioning. It is argued that the ANC’s electoral dominance and the very tight political control it exerts “reproduce[s] the modes of debate from an earlier, authoritarian era, preserving internal party-political spaces as the primary avenues for debate in preference to public deliberation” (Hassim 2009, p. 462). The *City Press* in this instance (as the focus of the study) highlights the ANC’s responses to *The Spear* as ‘political bullying’ (McKaiser 2012, cited in ‘The painting that keeps on teaching – Eusebius McKaiser’), undemocratic in practice, and accuses the government of targeting the media as a means of political self-preservation.

In this way, *The Spear* controversy is arguably a classic case of the politics of diversion, as it provided a convenient focus for the government to deflect the public’s growing concern and

attention away from the presidency's failing leadership. In a run-up to the ANC's national conference scheduled in Mangaung in late 2012 where President Zuma hoped to be re-nominated to lead the party and secure a second term in office, attacking the media's publication of *The Spear* served as 'an easy comeuppance for a media with which the governing party often had [clashed]' (Haffajee 2012, cited in 'I would keep up *Spear* now - Haffajee').

The media's assumed role as constituted within the discourse of the modern emphasises press freedom and the media watchdog function, and stands in opposition to the ANC's preferred loyal, collaborative press dedicated to the national interest as defined by the governing party. The goal in liberal democracies is to elevate the primacy dedicated to individual human rights and liberties, including, with due relevance to the media, the right to freedom of the press. The media argue, "freedom of expression is not a luxury of the privileged but a concern for all, and should have no colour requirement" (Leshilo 2007, cited in Dubin 2012, p. 133). However, the West's conception of liberalism and human rights, arguably "individualistic, utilitarian and liberal", are in contrast to the communitarian position endorsed by *ubuntu* (Musa 2011, p. 9). This makes it possible for an argument by African, and other non-Western, "conservative [traditional in this sense], communitarian minds and cultures" (Musa 2011, p. 9), that human rights are not inherent but foreign. This produces a Western/Africa binary, which is implicitly also a reflection of the "citizen" and "subject" opposition (Mamdani 1996).

In recognition of this divisiveness, Nyamnjoh (2005, p. 20) argues that the media should be sensitive to this and to cover the "ongoing efforts to negotiate conviviality between competing traditions, influences and expectations". This would enable greater plurality of expression represented in the media, not simply two elite positions as predominantly articulated in the *City Press* responses to *The Spear*, and not less expression as sought by the ANC through national consensus. In this sense, Mouffe's (1999) democratic theories of agnostic pluralism, in which antagonism is an integral part of the political space, is better suited to represent the diversity of culture expression, racial and ethnic divisions, and the kind of voices that exists in South Africa. The media is one such forum that enables pluralism, and ideally its role should be to "contribute to the creation of these agnostic public spaces in which there is possibility for dissensus to be expressed or alternatives to be put forward" (Mouffe 2006, cited in Daniels 2012, p. 206).

The can be achieved by a press in a facilitative role, which recognises a plurality of expression, its representation in the media and ensuing social conflicts as essential components of democratic societies (Christians et al. 2009). A facilitative approach acknowledges the cultural complexity of social reality, in which meanings are open to interpretation, and institutional norms are open to challenge and debate (Christians et al. 2009). Therefore, rather than “taking for granted a consensual society, the presumption of unresolved disagreement appreciates the inevitably multidimensional character of community” (Christians et al. 2009, p. 159), from which a “new social consensus” can emerge (Harber 2012, cited in ‘How to move things along?’). Accordingly, a facilitative press would enable the democratic functioning of agnostic pluralism in society. This position necessitates freedom of expression and of the press, in spite of the criticism of being a Western, individualistic concept inappropriately suited for African, communitarian societies.

The challenge here is “build[ing] a discursive bridge between the best values of traditionalist African politics and the modern values of liberal democracy” (Hassim 2009, p.456). In this sense, “free speech would not only exist for its own good, but should result in the betterment of material conditions because freedom should serve the interest of the community” (Wasserman & de Beer 2005, p. 204). Media freedom in this sense is not understood as an isolated concept, but as a social responsibility for communities and the individuals within them (Christians et al. 2009). In effect, national interest, “the flourishing of a nation-state and nation” (Netshitenzhe 2002, cited in Wasserman & de Beer 2005, p. 199) would be served by addressing the public interest, consistent with a discourse of human rights, as embodied in the South African Constitution.

5.3. Conclusion

Some people, including Murray, are disappointed that the court case did not continue: it could have resulted in a clearer sense of vindication for him, although he acknowledges that if the case had progressed to the Constitutional Court, he probably would have been forced to leave the country because of the sustained public pressure that might generate. (Dubin 2013, p. 186)

The Spear and the underlying conflicts between the ANC and the media elucidated from the debate remain undefined, unstable and ostensibly volatile (as articulated by Murray above), particularly with reference to freedom of expression and of the press in relationship to democratic practices. On the one hand, the ANC introduce a discourse of nationalism, which is framed within a discourse of the customary, whereby deference to the party is expected on a nation-wide scale, and the good of the community is defined (by the politicians) as the national interest. According to this framework, the ANC tellingly express specific expectations for the media to engage in a collaborative role that “supports, promotes, deepens, consolidates and strengthens democracy, nation building, social cohesion and good governance” (ANC 2010, p.10). On the other hand, the media are positioned in opposition, operating within the discourse of the modern. The media legitimate this discourse according to the associated values of liberal democracy, individual human rights and constitutional protection. Accordingly, as the monitorial role is most “appropriate to liberal and individualistic democracy” (Christians et al. 2009, p. 148), it is the role which largely defines the practice of the South African media⁴¹.

This analysis of The Spear saga indicates how remarkably difficult it is to build a common public sphere in South Africa based on a national consensus of what constitutes appropriate and adequate democratic engagement between the ANC and the media. Alternatively, acceptance of a multiplicity of public spheres facilitated by the press in an agnostic pluralist democracy might arguably be more appropriate within the South African context. This form of news media would require greater tolerance of diversity and criticism from the ANC and greater representation of diversity and voice within the existing media structure. It depends on “striking a balance between the aggregate logic of political society and the deliberative logic of civil society” (Hellner 2009, p. 124), and to find “a bridge across divides” between the ANC and the media (Haffajee 2012, cited in ‘The Spear is down – out of care and fear’).

The controversy generated in response to The Spear, like other notable events that bring citizens together and push them apart, demonstrates that such a balance “not yet defined” in South Africa (Haffajee 2012, cited in ‘The Spear is down – out of care and fear’). It represents a moment

⁴¹ The South African media also dedicate much space to education supplements, which is a focus in the facilitative role. This demonstrates how newspapers are not confined to one role, and can simultaneously exercise a various degree of practices from all roles.

when the roles and definition of culture, rights and freedoms, among other issues that contribute to the undercurrent of South African social and political life, were zealously debated, venerated, and reviled. The Spear saga, which contrasts with the Canadian media's lack of attention to the Emperor Haute Couture (2011), explicitly points to the deeper cultural, social, political and historical discord in contemporary South African society, which is not as easily masked. Critical and divisive social issues may at times be dormant, however they easily come to the surface, prompted by sometimes unexpected triggers – such as The Spear of the Nation – which has become a significant moment in South Africa's democratic journey.

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Columnists

The spear of the nation stays up

18 May 2012 8:52

Did we think the image of President Jacob Zuma by Brett Murray was particularly beautiful to persuade us to publish it? No.

Would it be something I would hang at home? No.

There is a copy stuck on my office window, along with two others from Murray's explosively angry exhibition of satirical graphic art.

Murray, now facing a demand from the governing ANC that he destroy the work, designed some of the anti-apartheid movement's most iconic resistance art.

The copies sit on the window to display a moment of compromise at City Press.

A group wanted the image of an "exposed" president to lead our arts section, called 7, but too many people in our office objected on grounds that ranged from us being a family paper, to concerns about dignity and cultural values.

We put the image inside and ran a funny version on page 1, its indignity covered by a price tag.

The work was sold to a German buyer soon after the show opened for more than R130 000 and it will probably leave for good anyway, so why go to court to get it destroyed?

Why would you want to destroy art in the first place?

Our Constitution explicitly protects artistic expression as a subset of free expression, to which its detractors will respond as they have all week: they draw the line at art that impugns presidential dignity.

But I've learnt that the commitment to clauses like free expression (be it in art or journalism) is never going to be tested by still lifes of bowls of flowers or by home decor magazines.

It is always going to be tested by art that pushes boundaries and journalism that upsets holy

cows, which is why our clever founders enshrined the right in our Constitution.

They knew our artists and journalists would, if we stayed true to the founding South African DNA of questioning and truth-saying, need protection.

In the past week – and in the one to come – we will hear again this clash of free expression and dignity.

Inevitably, race will be drawn into it: only a black president would be depicted like this, the race brigade will drone.

Inevitably, sexuality will be drawn into it: it is the stereotype of the black man and the uncontrollable appetite, they will wail.

We have been here before when Zapiro did his series on Justice being raped by the president and his gang.

Making good headway in the investigation into the meltdown in the police service – Mdluligate – this debate is not a distraction we at City Press have courted.

City Press covered an art exhibition, an interesting and remarkable exhibition that marks a renaissance in protest art, which we are tracking.

To ask us now, as the ANC has done, to take down an image from our website is to ask us to participate in an act of censorship. As journalists worth our salt, we can't. Besides, the horse has bolted. We published on Sunday.

My own objection is personal and I state it so, for I do not expect all my colleagues to accept it. Ours is a sexually aware, satirically sussed and progressive country.

At the same time, we are a traditional society with a president who is most well known for his many marriages.

Our identity is not as simple as the cultural chauvinists and dignity dogmatists like to make out. Ours is, by design, a live and let live world.

I'm tired of the people who desire to kill ideas of which they do not approve. Besides, our morality and good practice is selective.

The man driving this latest nail into the ANC's commitment to free expression is Jackson Mthembu, who was recently arrested for drunk driving at 7am on a busy highway.

He is no paragon of virtue and neither is our president, who has done more to impugn his own dignity than any artist ever could.

But mostly, I will not have my colleagues take down that image because the march away from progressive politics to patriarchal conservatism is everywhere.

It is there in the Traditional Courts Bill, which seeks to return rural women to servitude; it is there in a governing party MP, who seeks to strip gay people of their right to love; it is there in the draft Protection of State Information Act, which seeks to pull a securocrat's dragnet over the free flow of news and information.

It is there in the march of polygamy; there in the push-back on quotas for women politicians and there in the people who want art pulled down because they do not like its message.

We are Mzansi after all, not Afghanistan, where they bulletted the Buddhas of Bamiyan because the art did not conform to what the rulers believed it should be.

APPENDIX B

Politics

Zuma: It hurts

19 May 2012 18:53

President speaks out about the pain he feels after seeing controversial portrait

President Jacob Zuma says he was “shocked, and felt personally -offended and violated” when he saw a copy of artist Brett Murray’s painting *The Spear* for the first time.

The painting, which has divided public opinion in the country, -depicts him as “a philanderer, a womaniser and one with no -respect”, says Zuma.

That’s why he and the ANC are taking City Press and the Goodman Gallery, which is displaying the work, to court on Tuesday.

They want the gallery to remove the portrait from Murray’s *Hail to the Thief II* exhibition and City Press to delete the image from its website.

A continued display of the -artwork, which shows Zuma’s -genitals hanging out, will impugn Zuma’s dignity “in the eyes of all who see it”, the president states in an **affidavit** served on City Press on Friday night as part of court -papers.

Yesterday the president’s children came to his defence, -saying the portrait was “vulgar and lacks humanity”.

“It seeks to take away our -father’s dignity, and destroy his true character and stature as a man, a father, and a leader of the ANC and South African society at large,” said the statement, written by his daughter Gugu on behalf of the family (full statement on page 7).

Advocates for Zuma and the ANC will argue on Tuesday in the South Gauteng High Court that *The Spear* is in breach of the president and the party’s constitutional rights to dignity and privacy.

The Goodman Gallery – whose owner received death threats over the weekend – and City

Press are defending the action.

Zuma says the ANC takes exception “to the symbolism the portrait uses in order to portray the ANC through its president” as responsible for “abuses of power, corruption and political dumbness” – the theme of the exhibition.

Zuma says he realises that the image has been displayed to “millions within and outside the country”, and that despite its removal, “it will continue to exist in the minds of those people who have seen it or had access to it”.

But the removal of the portrait from the gallery and City Press’s website “will ensure the harm caused ... is limited to those who have seen it or had access to it”.

Zuma received support from his Cabinet colleagues and party -yesterday. Justice Minister Jeff Radebe said he wanted the portrait “banned”. “If that thing is called art, it is an insult to the dignity not only of the president but any human being. The dignity of the president has been violated.”

Radebe said a criminal case of *crimen injuria* should be opened.

Arts and Culture Minister Paul Mashatile said while government believed in the right of artists to freedom of expression, it should not dehumanise fellow citizens.

Mashatile’s advisers viewed the exhibition and reported that it was insulting to Zuma and other leaders. They also said it denigrated the national coat of arms.

“If an artwork doesn’t respect reconciliation, it doesn’t contribute to nation building. We can’t have a situation where we are -insulting each other every day,” said Mashatile.

Renowned poet and cultural -activist Mongane Wally Serote said the painting was trivial and distasteful, and not deserving of the attention it was getting.

He said Murray’s painting faded into insignificance when viewed against the backdrop of the bigger challenges facing the country.

“We are making something -trivial important. We are blowing it out of proportion. Whatever -inspired that art was completely mediocre and distasteful.

“We have a country where there are very important things that must be addressed. For example, we should be asking how we inspire people to build a diverse South -African nation,” Serote said.

The spokesperson for the ANC Women's League, Troy Martens, -yesterday said the painting was an insult not only to Zuma but to all South Africans "who have been subjected to their president portrayed in this sexual manner ... The painting is extremely insensitive and an expression of pure prejudice."

Suspended prosecutions boss Advocate Menzi Simelane yesterday declined to elaborate on his messages posted on Twitter.

On Friday night he said: "Those who are offended by the depiction of the president's private parts must boycott City Press."

In another tweet, he said: "The essence of Brett Murray's message is that the person of President Zuma has no dignity and CP (City Press) agrees. This must be rejected with contempt."

Government spokesperson Jimmy Manyi said the painting undermined the president's "stature" to uphold the Constitution.

"The government calls upon the Goodman Gallery to take down the offensive artwork and further calls upon the media to stop publicising the untasteful portrait. We also call upon the media to be more circumspect in what they publish as we -rebuild a South Africa that was -ravaged by apartheid."

ANC spokesperson Jackson Mthembu said the ANC was forced to act because if something similar came up later, the courts would ask why the party did not act.

"We want to test the limits of freedom of -expression," he said. □

✚ *Reporting by Adriaan Basson, Sabelo Ndlangisa, Carien du Plessis, Charl Blignaut and Charl du Plessis*

Columnists

Speared by colonial claptrap

19 May 2012 9:13

Attacks on a black man's genitalia is an example of prejudice

The Spear may be distasteful, vulgar, disrespectful or even an infringement of someone else's right to privacy, but most important is that to me this portrait represents something else.

This piece of "art" is a veiled attack not only on President Jacob Zuma, but on the general populace of black men – there is nothing satirical or humorous about it.

What is further unfortunate and disturbing is that it reeks of classic colonial stereotypes and a typical obsession with the black penis.

The consistent attacks on Zuma's personal lifestyle represent the early European notion of the black man.

It brings Zuma to the level of a "thing" that is abstract and should be pondered over a glass of red wine while admiring its artistic nature – I'm sorry, is that its penile length and size?

Let's do a quick tally of Zuma in respect of the typical colonial stages that an emblematic native had to go through to attain second-class status according to European standards.

Well first, Zuma is a black man (the skin colour was just one of the big problems for the coloniser), a self-confessed traditionalist who practises polygamy (another big problem) and "uneducated" according to western standards.

Unfortunately, he is also the president of South Africa, one of the colonial system's successful projects.

Now, given the obsession with his personal lifestyle – no, no, let me rephrase that – given the obsession with his sexual lifestyle, there is more to it than meets the eye.

Let's look at few "satirical" treatments of Zuma: the shower (representing a sexual mistake made by Zuma), polygamy (continuously portraying him as some form of stud) and now The Spear (an open attack on his genitalia).

It is difficult for the people of South Africa with their colonised minds to attack one of the oldest ways of black life in the country: polygamy.

An attack on this lifestyle would be an attack on the traditional lifestyle of the native.

However, by strategically making a mockery of the most powerful man in the country and his sexuality, the obsession with the black man's genitalia (or "jewels", for City Press) continues in our society.

So when all is said and done, should I as a young black man be worried about the likes of Brett Murray and Jonathan Shapiro?

Decoded, do their veiled attacks – masquerading as artistic freedom – on Zuma reveal a continuous attack on a black man's sexuality?

Personally, I am not the biggest fan of polygamy, but I am the biggest fan of mutual respect.

By becoming the "first citizen" of the country, Zuma became a public figure. But this does not mean he should be unfairly attacked in public. Especially not in such a historically sensitive area for a black man.

How should I, as a young black man, read The Spear?

I will read it as I have argued above, unless Murray and company explain and decode its meaning. They should do so not only for Zuma but for black men in society.

Do Zapiro and Murray look at the black man with the eyes of the early expansionists in Africa? Is Zuma their case study that represents how they view the black man?

It is sad to see that City Press, a newspaper with historically black roots, has chosen to endorse Murray's obsession with "us".

It is also sad that the work was endorsed by the Goodman Gallery. And it is also sad that there are members of South African society who call this portrait "art".

Whatever we think of him as a man, and not as the president, whether we think he is good or bad, the fact is, he is a product of our society and he can't be cast aside while people pretend he's not there.

There are thousands of Jacob Zumas out there: men who make mistakes, men who marry abundantly – and who do not marry victims – and men who live traditional native black lifestyles.

Should “The Spear” be read against those other Jacob Zumas as well? If so, what does it say about them and how they are seen by other sections of the society?

» Tyali is a Ford Foundation international fellow, MSocSci candidate and Culture, Communication and Media Studies (UKZN) writer.

APPENDIX D

News

Defend Zuma's dignity at court – ANC

21 May 2012 15:13

The ANC has called on members and supporters to go to the South Gauteng High Court in Johannesburg tomorrow to show its support for President Jacob Zuma.

The ANC has launched a court application for an urgent interdict to force the Goodman Gallery in Johannesburg to take down a painting depicting Zuma with his genitals hanging out of his trousers, and City Press to remove the image from its website.

The party's spokesperson, Jackson Mthembu, said in a statement people should gather in front of the court ahead of the hearing, due to start at noon, to "defend the dignity, reputation and integrity" of Zuma.

Mthembu said the party viewed the painting as "distasteful, vulgar, indecent and disrespectful".

This followed calls by the Young Communist League for its supporters to march to the gallery on Thursday and tear down the painting by Brett Murray entitled The Spear.

Young Communist League general secretary Buti Manamela made the call over the weekend and is set to brief the media tomorrow about the details of the action.

He said he could not allow the painting to remain on exhibition, Eyewitness News reported today.

"We are supportive of court proceedings, but in our view there has to be some actions. There has to be some display of disgust."

But SACP general-secretary Blade Nzimande said Manamela's call could not be taken literally "although the statement is reflective of the anger".

He said the painting was “an extreme act of provocation”.

Nzimande said he was at his mother’s 85th birthday party on Sunday and it was difficult to discuss the issue because in the community where he came from it was unacceptable to even talk about genitals.

He said he didn’t know “from which world you would have to be” to like the painting, and, implying the painting was racist, said the artist was taking the “generosity of the millions of us” for granted.

Nzimande said the court action was good but “not enough”.

ANC secretary-general Gwede Mantashe earlier today told journalists at a briefing on the party’s national executive committee (NEC) meeting the painting was racist. “It’s rude, it’s crude, it’s violent, it’s disrespectful”.

He said a march on the gallery wouldn’t be violence, but it was merely a reaction on the painting.

He said if black artists were “mobilised” to depict a white politician in a similar way, the outcry would have been very different.

He said the NEC approved of the ANC’s intended court action, but “no matter what the court says, that picture is racism. We have not outgrown racism in 18 years.”

Mantashe said the ANC would abide by the court’s decision, but the party was still allowed to criticise the judgement.

He said the painting had “polarised society” along racial lines, something that was evident on radio talk shows.

“People who use their freedom of expression without responsibility, are irresponsible,” he said.

“I said how about the idea of going to court tomorrow and as we sit there we can take off our trousers. We can walk around with our genitals hanging out, it’s crude,” he said.

Meanwhile the Film and Publication Board visited the gallery to determine if The Spear was pornographic.

APPENDIX E

News

Zuma plays the culture card

24 May 2012 6:49

President Jacob Zuma's lawyers are set to argue in court today that Brett Murray's portrait of him has infringed his right to dignity, from an African cultural perspective.

Zuma, his children and the ANC will square up in the South Gauteng High Court in Johannesburg against the Goodman Gallery, City Press, and artist Brett Murray over the controversial portrait, *The Spear*, in which the president is depicted with his genitals exposed.

The case is set to be heard by a full bench and the ANC has called upon its members to come to court to show their solidarity.

Zuma wants the image of *The Spear* to be declared unlawful and unconstitutional and wants Murray, the Goodman Gallery, and City Press interdicted from displaying, exhibiting, publishing or distributing it.

He also wants the court to order the respondents to pay the costs of his application.

In his heads of argument filed yesterday, Zuma says a balance needs to be achieved between the right to dignity and the right to artistic creativity.

His lawyers will also argue that the portrait, from the cultural perspective of many South Africans, "represents an injurious assault upon and an impairment of (Zuma's) human dignity".

"The fact that the majority of these with such cultural sensibilities are African and regarded as species of an inferior culture and status is irrelevant in the objective analysis of whether or not an unlawful infringement occurred," the court papers say.

Zuma's papers speak of the "obvious collision of two world views, one regarding itself as superior and the other perpetually demanded to justify its legitimacy and the right to exist," the papers say.

"We will argue that this state of affairs is driven by a class and racist superiority complex and

the viewing of certain cultural sensibilities as inherently inferior and illegitimate.”

An open and democratic society, Zuma’s lawyers argue, “is also the one that seeks to recognise African cultural perspectives as (as) legitimate as the Western lenses which have inspired the suggestions that this case be dismissed”.

Zuma’s legal team will also argue that “antipathy towards an individual should never drive the analysis of whether or not such individuals are worthy of constitutional protection”.

The legal team took a swipe at City Press’s references in its answering affidavits to Zuma’s public admissions to having had sex with at least two women who are not his wives.

“The answering affidavit is replete with silly references to the utterances of (Zuma) in his other cases as if to suggest that such utterances of lifestyle are a legitimate and lawful way of limiting one’s right to human dignity,” the court papers say.

“These references are simply motivated by a misplaced belief that they will create or perpetuate in the court’s mind the sufficient antipathy towards (Zuma), for (City Press) to win the sympathy of the court against (Zuma).”

Zuma says that he doesn’t at all seek to curtail the right to free artistic expression.

But “it is the dissemination, display and further publication of the portrait that [Zuma] seeks to prevent”.

APPENDIX F

FERIAL HAFFAJEE

The Spear is down – out of care and fear

2012-05-28 09:39



The Spear is down. Out of care and as an olive branch to play a small role in helping turn around a tough moment, I have decided to take down the image. □□

When we published an art review, which featured The Spear as one image, I could not have anticipated that it would snowball into a moment of such absolute rage and pain. Have I been naïve in this? Perhaps. □□

City Press is not and has never been an object of division; neither am I. I prefer to understand City Press as a bridge across divides, a forum for debate. □□

We have just turned 30 years old and have exciting plans for City Press, which I do not want imperiled by us being forced into the role of opposition that discomforts me. My own identity is that of critical patriot, I am a great fan of my country, and that is how I want to edit. Besides, there are really important stories we lost sight of like the continued investigation into Lieutenant-General Richard Mdluli, unemployment and the infrastructure budget. □□

That we are now a symbol of a nation's anger and rage is never the role of media in society. We are robust and independent, yes, but divisive and deaf, no. □□

There is a long history of art that has offended in South Africa, some of it the best we have ever made. I hope we are not crafting a society where we consign artists to still life's and the deep symbolism of repressed artists like China's Ai Weiwei in China. A society where we consign journalism to a free expression constrained by the limits of fear. □□

This week society began the path of setting its mores on how we treat presidents in art and journalism; what is acceptable and what is not. I hope v
conclusions decently in debates, colloquiums and plenaries rather than setting them in blood or angry red paint or in orange flames snaking up from burning pages.

The other lesson in all of this is that our common national dignity is still paper-thin; that our mutual understanding across cultures and races is still a work in progress and that pain is still deep. We have not yet defined a Mzansi way of maintaining a leader's dignity while exercising a robust free speech or reached an understanding that a leader embodies the nation, no matter what we may think of him or her. Neither does it seem our leaders know that dignity and respect are earned qualities too.

We take down the image in the spirit of peacemaking – it is an olive branch. But the debate must not end here and we should all turn this into a learning moment, in the interest of all our freedoms.

Fear

Of course, the image is coming down from fear too. I'd be silly not to admit that. The atmosphere is like a tinderbox: City Press copies went up in flames on Saturday; I don't want any more newspapers burnt in anger.

My colleague has been removed from a huge trade union congress and prevented from reporting – I don't want the lingering image (which in any event is viral) to stop us being able to do our core job. Our vendors are most at risk.

It was quite shocking to watch three big men of government, the SACP general-secretary Blade Nzimande; the governing party's Gwede Mantashe and its spokesperson Jackson Mthembu call City Press all manner of names and to call for a boycott. That they have failed is neither here nor there; that they did mark a moment of inflexion in our society.

It saddens me that not one of them nor a single representative of the governing alliance sought engagement with City Press before seeking a High Court interdict. For any editor to respond to a threat to take down an article of journalism without putting up a fight is an unprincipled thing to do, so we've fought as much as we could. It doesn't serve City Press or South Africa to dig in our heels and put our fingers in our ears.

The threats and invective against the writer of the review and a couple of us in the middle of the debate have been painful and have wrought a personal cost.

In this the national pain which columnist Justice Malala spoke about is ours too. I have had my intimate body savaged by social media personalities who wanted me, I guess, to feel their own and the president's humiliation.

I have. An ANC leader from my area on Twitter started a campaign of such disinformation I had to spend much of Saturday night quelling it. He knows where I live. What will he do next? The tweet that broke this camel's back was one by Patrice Motsepe (**see correction below**), the businessman and soccer baron whom I have known since university and with whom I thought I had a congenial relationship. □□

He said I probably don't want the painting to come down as I need it for the long lonely nights. I presume he meant its phallus. He knows I am single. It must have taken great anger to get a man I know to be of elegance and wit to get to such a point. □□

I play tough tackle and expect to get intellectually whipped when I do. But this humiliation I can well live without. It's simply not worth it and I guess we have made our point and must move on. » **It has been brought to our attention that the Patrice Motsepe account on Twitter is a fake account. Motsepe's lawyers are looking into the matter.** □□ - *Ferial Haffajee is editor of **City Press***

APPENDIX G

Columnists

The painting that keeps teaching – Eusebius McKaiser

2 June 2012 12:08

Dear Ferial,

You are obviously one of the country's most respected editors.

Your heart is in the right place, and it is little wonder that, filled with compassion for the hurt many felt at the sight of The Spear, and fear that some might burn more of your newspapers, hunt you down or kill your vendors, you decided it was best to take down the image from your site.

You did the wrong thing. Political bullying and disrespect for the Bill of Rights won on Monday morning.

Media freedom is the loser, and our democracy is worse off for the decision you have taken.

Your accompanying article explains the relentless pressure you have felt.

It reads like a Sylvia Plath poem and seems like a pretty good, self-preserving reason for bowing to pressure.

Taking down the image was not in the "national interest".

It is in the interest of Jacob Zuma, his family, his supporters, some in the African National Congress who feel insulted, and members of the public who feel the same.

But deciding it was in the national interest is not an exercise simply in determining how the majority feels and endorsing those feelings willy-nilly.

By that logic, it is "in the national interest" to chuck out the rights of gay people, to bring back the death penalty and to allow teachers to smack kids in our schools.

I think your decision to take down the image undermines your own front page story in last week's City Press.

You ran an accurate, and very important, cover story that told us that not all blacks think the same and that not all ANC or alliance politicians think the same.

For example, Minister of Arts and Culture Paul Mashatile had a very different take on this issue to Gwede Mantashe and to that of Minister of Higher Education Blade Nzimande, who called the painting an assault on the black body. (Let's leave aside the missing fact that Zuma's body is his, not every black man's.)

Mashatile's tone was more measured. He showed no anger and he said that there was no ANC "debate" on whether to boycott your paper.

His own preference was for "dialogue" even though he, too, regarded the painting as offensive.

Similarly, brilliant old timer and ANC intellectual heavyweight Pallo Jordan also defended the artist's right to artistic freedom while explaining it is important for artists to be sensitive.

And, in an interview in your own newspaper one of our best writers, Zakes Mda, was scathingly brilliant about Zuma's inability to live with being offended.

Here's my point. By climbing down on this issue you do all of us, including black South Africans, a huge disservice.

I am – cough – offended (to use the word of the week) that you have such low expectations of angry readers and angry politicians.

I am offended that you did not take seriously your newspaper's own recognition that not all blacks think the same, and many of us have your back covered, including many ANC politicians.

The right to dignity does not include the right not to be offended. This is why Zuma's case is legally impotent.

Your decision robs us of an opportunity to entrench, legally, the meaning and implications of artistic freedom.

The aesthetic merits of the work are beside the point. Bad art, like bad politicians, is allowed to exist.

I think your self-censorship feeds into a white supremacist history of lowering expectations of

what black people can handle.

The modern version of “don’t teach them maths because they won’t get it” seems to be “don’t demand of them what you would demand of a cosmopolitan, progressive, educated white person – tolerance of artistic freedom – because ‘they’ won’t get it!”.

And, yes, I know you “did not intend” to say this. But you’re engaging in an “anthropology of low expectations”.

Don’t be condescending to black South Africans – hold us to a high standard and don’t take us seriously when we bully you. We’re trying our luck, and in this case you caved.

Next week Mantashe will be back, and then what?

You must be “brave” Ferial, as many say you are, and let go of the prospects of being liked by everyone.

Rather be respected for consistency and principled editorial decisions; it’s way cooler. Seriously, dude.

Yours in “robust debate”.

» McKaiser is an associate at the Wits Centre for Ethics and can be followed on Twitter @eusebius. This is a shortened version of his original open letter to the newspaper’s editor in response to The Spear’s virtual death.

Columnists

How to move things along

2 June 2012 10:51

My three hopes for our nation as The Spear (16N) saga evolves

Why have we spent the past fortnight discussing a depiction of the president's appendage and the state of his dignity?

Was it the artist's intention: is he setting our agenda?

That seems unlikely, much as I would like to think that an artist can shape our national debate in this way.

Is it because City Press took the image out of the gallery and put it on page 2 of a major national newspaper?

It got the ball rolling, but it was the ANC's call for the picture to be censored and the threat that it would take the matter to court that catapulted it from being a minor news story to a national dispute.

For me, personally, the debate went through three stages.

Initially, I said rather glibly that the ANC was being "silly": it might object to the work, but it should express that and move on.

It certainly should not be asking the courts to ban the work.

At this stage, I rather enjoyed the debate.

Jackson Mthembu told us the ANC was shocked and appalled, and this contrasted with the president's silence on a number of other pressing social issues.

Jacob Zuma told us he had been portrayed as "a philanderer, a womaniser and one with no respect", and that seemed fairly accurate and hardly a reason to ban the work.

The SACP youth organised a march on the gallery. Zuma's daughters got together to issue a

statement, and I thought they probably had to hire a stadium to be able to gather in one place.

And the sole ANC person to speak out strongly for freedom to criticise, debate and disagree was Julius Malema. But he is no longer an ANC person.

I enjoyed all this precisely because it was open and hearty public debate about race and representation, about the limits of free speech, about the role of the artist and the size of the president's penis.

Stage two was a realisation that the work evoked a deeply felt visceral anger about representation and racism, and in particular the issues of dignity and respect, which had long historical roots.

One could not brush that off, particularly when the figure of Saartjie Baartman was evoked, that archetypal victim of racist dehumanisation and humiliation.

There is a difference, of course: Zuma is a president, with power, authority and wealth, and the point about Baartman was that she was a powerless victim of other people's perverse interest.

Nevertheless, this and numerous similar humiliations involving nakedness, make up the history and that history is very present.

I withdrew my remark that the ANC's action was "silly", acknowledged deep feelings on the issue, and said that the ANC had done right by confronting and forcing into the open their concerns.

Let's have the debate, I argued, but let's not threaten artists or galleries, or try to have the work banned.

But events took a turn for the worse. A churchman called for the artist to be stoned. Then two men defaced the painting, and one of them was brutalised by a security guard.

The complications of our attitudes to race were on show on national television, as one had to raise one's eyebrows at a black security guard beating up a young black man who was offering no resistance, but allowing his besuited white counterpart to stand around and conduct interviews.

So back to my initial question: why did the ANC and its allies choose to pursue this issue with such determination and fervour?

They proceeded to court, they called for marches, they called for a boycott of City Press.

But even if the image was removed from the paper's website, it was now so widely available on other sites that there was no controlling it.

So why did the ANC not just move on?

There are two possible explanations, and I suspect both are part of the answer.

The first is that we were watching a Zuma re-election strategy: he is good at playing the victim, he has united the party behind him, or at least made it hard for anyone not to support him on this issue, and he has mobilised his core conservative constituency.

For all his shortcomings, he is a brilliant political fighter, particularly good when on the defence. And that is what we are seeing at play here.

The second aspect is that we have touched a real raw nerve in society around issues of male sexuality, humiliation and dignity – and these are deeply embedded in our history, our collective psychology, which is evident in the high incidence of rape and gender-based violence we see.

To ignore this or dismiss it lightly is an error.

Do we need to give greater weight to dignity, at least until there is a feeling that the most immediate pain and memories of apartheid are behind us?

This is a difficult question, especially for someone like myself whose instinct is to maximise freedom of expression and resist compromise on it.

If we accept that we need to give special attention to dignity and give it a heightened value and protection, we should also ask about the best way to achieve it.

Is it by law? Or by interdict? Is it by attacking artists? By threatening to stone those who don't comply.

Is it by boycotting newspapers? Is it through social pressure? Through moral leadership?

We need to develop a new social consensus on these issues, but keep in mind that the law is not always the best way to get consensus.

There is a problem here of what I would call moral creep. Some protagonists have moved from issues of dignity to issues of disrespect. These two issues are being meshed together. I think they are different.

There is a long history of presidential respect laws in Africa, laws that criminalise disrespect for high offices, and many writers, artists and journalists have fallen foul of such laws.

We were in danger of it recently when a man was convicted for spilling his drink on the president, or a student was detained and assaulted for making a rude gesture towards his entourage.

I don't believe we want to or can, under our Constitution, go near that. So one needs to draw a firm distinction between dealing with the dignity of all and demanding special respect for big-men leaders.

I admire Ferial Haffajee's decision to remove the picture from the City Press website. A great fighter knows when to throw a fight, and when to duck and weave.

Emerging from this, I have three hopes.

The first is that we take the opportunity to pursue the debate about race and representation in the search for a consensus on the right balance between free expression and dignity, as required by the Constitution.

The second is that we can do this without leaving artists and writers nervous to say what they need to say, and free to mock and disrespect and stir things up.

The third is that Zuma visits a gallery and is photographed showing appreciation for our creative workers, both contemporary and traditional.

Wouldn't that move things along?

» This is an edited version of the Nadine Gordimer Warrior for Freedom Lecture delivered at the Booktown Richmond festival last weekend in the Karoo.

APPENDIX I



I would keep up Spear now - Haffajee

2012-08-01 20:23

[Print this article](#)



The Spear (File, City Press)

Cape Town - City Press editor Ferial Haffajee would not remove Brett Murray's controversial painting *The Spear* from her newspaper's website if given the chance now, she said on Wednesday.

"I would not take down that image today, knowing what I do now," she said at the TB Davie memorial lecture at the University of Cape Town.

"That power of love, of standing down, of reconciling to a great good has withered in my eyes and it's been made to wither by a failed and slaving leech, by men and women who are shadows of the people who led us into this democratic era."

Haffajee said the upshot was that she was a changed person.

"I'm less a child of [former president Nelson] Mandela than I used to be and more a freedom of expression fundamentalist."

She said the debacle had allowed her, for the first time, to feel the fear of freedom slipping away and to get a glimpse into what the "histrionics" were raving about when they painted pictures of doom and gloom.

Although she recognised that fundamentalism was not really helpful, she had come to understand that the "lifeblood" of democratic freedom was easily and quickly undermined.

"Independently, I feel my freedom being eviscerated... Achieving freedom took many, many decades and took thousands of lives but it takes very, very little to kill it."

Haffajee announced at the end of May that she would take down an image of the painting. The decision followed more than a week of controversy over the painting, which depicted President Jacob Zuma with his genitals exposed.

Murray reworked a Russian propaganda poster of Marxist revolutionary Vladimir Lenin for his exhibition *Hail to the Thief II* at the Goodman Gallery in Johannesburg.

When Haffajee initially refused to remove the image, Higher Education Minister Blade Nzimande and ANC secretary general Gwede Mantashe called for a boycott of City Press.

Two people were arrested for defacing the painting and a third for spray-painting part of the word "respect" on the gallery's outside wall.

A senior counsel broke down in court during a challenge by the African National Congress, Zuma and Zuma's children, to have the painting and web images of it banned.

Haffajee said: "We almost became the focal point of a presidential campaign for re-election.

"I have no doubt that the fight about this was an easy comeuppance for a media with which the governing party often had [clashed], because it disliked the mirror we hold up to society."

The editor said despite the drama, she was confident that South Africa had nothing to worry about in terms of freedom.

She said she had the greatest confidence in the "awakening" of civil society and its ability to fight for worthy causes and win.

The Social Justice Coalition, the Right2Know campaign, Section27 and Equal Education were prime examples.

- SAPA