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**RACE AGAINST DEMOCRACY: A CASE STUDY OF THE *MAIL & GUARDIAN*  
DURING THE EARLY YEARS OF THE MBEKI PRESIDENCY**

**1999-2002**

A thesis submitted in fulfilment of the  
requirements for the degree of

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BY

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## ABSTRACT

This thesis examines the 1998 complaint of racism against the *Mail & Guardian*, a leading exponent of South Africa's alternative press in the 1980s, and important contemporary producer of investigative journalism. The study is framed within a cultural studies approach, analysing the *Mail & Guardian* as constituted by a 'circuit of production': its social context, production, texts, and audiences. The thesis makes three main arguments. First, that the claim of racism cannot be understood outside of a consideration of both the changing political milieu, and subtle changes within the *Mail & Guardian* itself. Significant social changes relate to the reconfiguration of racial and class identities wrought by the 'Mbeki state'. Within the *Mail & Guardian*, the thesis argues for the importance of the power and subjectivity of the editor as a key 'factor' shaping the identity of the paper, evidenced in its production practices and textual outputs. In this regard, the thesis departs from a functionalist analysis of particular 'roles' within the newsroom, drawing instead on a post-structuralist approach to organisational studies. Based on this production and social context, the thesis examines key texts which deal with aspects of South Africa's social transformation, and which exemplify aspects of the *Mail & Guardian's* reporting which led to the complaint of racism by the Black Lawyers Association (BLA) and the Association of Black Accountants (ABASA). Their complaint was that the *Mail & Guardian's* reporting impugned the dignity of black people, and in so doing was a violation of their rights to dignity and equality which are constitutionally guaranteed. However, as freedom of the press is also guaranteed by the South African constitution, their complaint to the South African Human Rights Commission (SAHRC) resulted in public debate about these contending rights. My second argument relates to the jurisprudential approach to racism, and the related issue of affirmative action, which informed the complaint against the paper. Contrary to the 'normative', liberal approach to these issues, this thesis highlights Critical Race Theory as the jurisprudential basis for both the claimants' accusation of racism against the *Mail & Guardian*, and aspects of its implicit use in South African human rights adjudication. The thesis argues that in failing to recognise these different philosophical and political bases of legal reasoning, the media, including the *Mail &*

*Guardian*, in reporting on these matters failed in their purported role of serving the public interest. The thesis concludes by applying Fraser's critique of Habermas's notion of a single, bourgeois public sphere to journalism, thereby suggesting ways in which the critiques of some of the *Mail & Guardian's* own journalists could be employed to enlarge its approach to journalism—giving voice to constituencies seldom heard in mainstream media.

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## CHAPTER 1: Introduction

The constitution of news, like the constitution of society itself, is perhaps best described as a complex and continuous structuration (Giddens 1984), involving infrastructural, organizational, as well as discursive components. News is both a permanent social contestation; a product as well as a productive process.

(Tuchman 2002: 9)

There is no more powerful position than that of being 'just' human. The claim to power is the claim to speak for all humanity. Raced people can't do that—they can only speak for their race. But non-raced people can, for they do not represent the interests of a race. (Dyer 2000:539)

It was significant and puzzling to me that the *Mail & Guardian*, with its history of opposing apartheid in the 1980s, and of giving voice to the then banned African National Congress (ANC), was one of the two weekly newspapers that the Black Lawyers Association (BLA) and the Association of Black Accountants of South Africa (ABASA) accused of racism in 1998. How was one to make sense of this 'struggle newspaper' being thus accused four years into South Africa's new democracy—rather than newspapers that had clearly upheld the apartheid status quo? Two sets of questions flow from this. The first concerns the *Mail & Guardian* itself: had its politics changed, and if so, how and why? The second relates to the complaint of racism and the new political terrain from which it emanated. What provoked the complaint? What was the social and political significance of two black civil society organisations approaching the South African Human Rights Commission (SAHRC), rather than challenging the newspapers in a court of law? My thesis attempts to 'answer' these questions, probing debates about the identity, power, and role of the news media in South Africa's new democracy that were sparked by the SAHRC's enquiry into racism in the media. It does this by focusing on the *Mail & Guardian*, probing its internal processes of news production and its representations of South Africa's racial order. I make three arguments: first, that structuralist and post-structuralist approaches are complementary ways of understanding the constitution of journalism as a social practice—particularly in a multicultural society; second, that the power and subjectivity of the *Mail & Guardian's* editors are important factors shaping the paper's identity, evidenced in its organisational

culture, practices, and news values; and third, that in contemporary South Africa, the issues of racism and media responsibility and accountability highlighted by the SAHRC enquiry, are framed within legal discourses regulated by the country's constitution, reflecting more an American than a European approach. In making these arguments, I have imported into the field of media studies critical perspectives from organisational theory and legal theory, which is unique to South African media studies.

### *Background to the SAHRC inquiry into racism in the media*

The SAHRC inquiry into racism in the media grew out of a request in October 1998 by the BLA and ABASA that the SAHRC investigate the *Mail & Guardian* and the *Sunday Times* for "alleged violations of the fundamental rights of Black people" (SAHRC 2000a Vol.1: 1 original letter from BLA and ABASA). Instead of responding specifically to this request, the SAHRC announced in November 1998 that it would institute an enquiry into racism in the South African media *in general*. On 1 January 1999 it published its terms of reference and procedures for the investigation, noting that this would include commissioned research<sup>1</sup>, a call for submissions from all interested parties, as well as public hearings which would take place in March 2000 (see Government Gazette Vol. 405 No.19809, 2 March 1999). On 11 February 2000 the *Mail & Guardian*—one of several newspapers—was issued with a subpoena compelling its editor to attend the March public hearings. Many editors viewed the subpoenas as an assault on the freedom of the press<sup>2</sup>. The SAHRC countered such claims, pointing to its mandate in Chapter 9 of the South African Constitution to "strengthen constitutional democracy in the Republic" (South African Constitution 1996: 181.1 (b))<sup>3</sup>. In light of this it contended it was important to examine "racism in all its forms and manifestations as found in the newspapers" (SAHRC 2000b: 69).

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<sup>1</sup> A qualitative study was undertaken by researcher Claudia Braude, entitled "Cultural Bloodstains: Towards Understanding the Legacy of Apartheid and the Perpetuation of Racial Stereotypes in the Contemporary South African Media". Another, largely quantitative study was undertaken by the Media Monitoring Project (MMP), entitled "The News in Black and White: An Investigation into Racial Stereotyping in the Media". Both these studies were incorporated into and published by the SAHRC as the *Interim Report of the Inquiry into Racism in the Media* (SAHRC 1999).

<sup>2</sup> The South African National Editors' Forum called a series of meetings to discuss the subpoenas; a Corrective Action Workshop on Racism in the Media was convened on 7 December 1999.

<sup>3</sup> Chapter 9 of the South African Constitution (Act 108 of 1996) establishes a number of independent institutions—subject only to the Constitution and the law—whose function it is to strengthening democracy. Lichtenberg also makes the point that the state is constituted by an array of institutions and agencies that are not equally influenced by partisan politics, and consequently cannot all be seen as acting in support of a monolithic state (1990: 127).

There was much public and media debate, resulting in negotiations between the South African National Editors' Forum (SANEF)<sup>4</sup> and the SAHRC about the conditions under which the editors would attend the public hearings. SANEF was particularly concerned that what it perceived as press coercion impinged on the media's constitutional right to freedom of expression. Although the SAHRC conceded that it was "doubtful that the aggrieved parties would have had a case to present to the courts", referring to Chapter 9 of the South African Constitution, it maintained: "the Constitution provides a median mechanism to bring parties to a place where they could discuss and debate their respective concerns about the exercise of rights. The Commission is at its best when it serves that function" (2000b: 70).

The essence of the BLA/ABASA complaint, which subsequently became these two parties' submission to the SAHRC hearings, was that the *Mail & Guardian* and the *Sunday Times* had allegedly violated the "fundamental rights of Black people" (SAHRC 2000a Vol. 1: 1)<sup>5</sup>. They also claimed that the "previously disadvantaged persons" were "discriminated [sic] and marginalized" by the two papers (SAHRC 2000a Vol. 1: 1), and that "the racially biased reporting of the Specified Newspapers [sic] has the effect of diminishing the dignity, the culture and self-esteem of Black individuals and communities" (SAHRC 2000a Vol. 1: 3). The complainants also stated that the newspapers "are certainly not mindful of the constitutional ethics pertaining to equality and non-discrimination" (SAHRC 2000a Vol.1: 4). Their claim was that

the *Sunday Times* and the *Mail & Guardian* by projecting negative images of the African people, either blatantly or with some degree of subtlety, are indeed violating section 10 of the Constitution since the African people have paramount right to have their dignity, individually and collectively, respected and protected. (SAHRC 2000a Vol. 1: 18)

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<sup>4</sup> The South African National Editors' Forum (SANEF), an organisation of media editors, senior journalists, and tertiary media educators and trainers, was formed in October 1996. It was formed by the union of the formerly all white 'Conference of Editors', and the 'Black Editors Forum', committing itself "to a programme of action to overcome the injustices of the past and defend and promote media freedom and independence. The editors also committed themselves to address and redress inappropriate racial and gender imbalances prevalent in journalism news organisations and encouraged corrective action and a transformation of culture within the industry" (Tissong 1996: 5-6).

<sup>5</sup> This was also contained in one of the original letters the BLA/ABASA sent to SAHRC.

In support of the claim of the primacy of the right to dignity (Section 10) over other sections of the Constitution (Act 108 of 1996), they cited the Constitutional Court's ruling in the case of *S v Makwanyane and Another*<sup>6</sup>:

The rights of life and dignity are the most important of all human rights, and the source of all other personal rights in Chapter 3. By committing ourselves to a society founded on the recognition of human rights we are required to value these two rights above all others. (SAHRC 2000a Vol.1: 18)

Following this reasoning, they asserted that

the HRC in deciding whether or not to investigate the media will have to evaluate the freedom of press (sic) and other media on the one hand and on the other hand the rights to equality and dignity of the majority of the nation namely the Black people and the right to fair labour practices of the Black media workers. The evaluation must not be approached from the position of the 'reasonable' media or journalist but from the vantage point of the countless *disadvantaged* people who do not have the means and capacity to articulate the indignity and hurt they feel and suffer<sup>7</sup>. (SAHRC 2000a Vol.1: 19)

The basis of the complaint was that in South Africa the right to dignity and equality is primary, and that freedom of speech and expression must be interpreted within this context. This raised fundamental questions about media practice and its role in South Africa's new democracy.

The *Mail & Guardian* and the *Sunday Times* submitted a joint rebuttal to the SAHRC, arguing that, "the complaint should not be entertained at all" (SAHRC 2000a Vol. 1: 44). The editors of the two newspapers argued firstly, that the SAHRC did not have the power to judge the relative weighting of the different rights to freedom of the press, dignity and equality, as this was the domain of the Constitutional Court (SAHRC 2000a Vol. 1: 47-56).

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<sup>6</sup> 1995 (3) SA 391 (CC) at 351 C-D

<sup>7</sup> The usual formulation of legal judgement is that it be considered from the perspective of 'the reasonable man'. But this view is challenged in Critical Legal Studies which, according to the Legal Information Institute, argues that the "logic and structure attributed to law grow out of the power relationships in society" ([http://www.law.cornell.edu/topics/critical\\_theory.html](http://www.law.cornell.edu/topics/critical_theory.html)). Because they are critical of the power relations in society, they question the viewpoint of 'the reasonable man'. The view expressed by BLA/ABASA is formulated in a way which is consistent with the legal position adopted by Critical Race Theorists, such as Charles R Lawrence, who argue that the traditional logic of arguing from the perspective of 'the reasonable man' or the status quo, is: "To engage in a debate about the first amendment and racist speech [that] risks making the first amendment an instrument of domination rather than a vehicle of liberation" (1990: 459). For a similar South African approach, see the views of Gilbert Marcus (1992, 1994) on how curbing freedom of expression was rationalised by the apartheid state as a means of maintaining White domination. See Chapter 12 of this thesis.

Secondly, they rejected the basis of the complainants' *locus standi* claim that they represented the interests of the "previously disadvantaged persons who are discriminated [sic] and marginalized" (SAHRC 2000b: 1) and with whom they had a "common concern" (SAHRC 2000a Vol. 1: 2), on the grounds that these legal arguments only pertain to cases heard by a "competent court" (SAHRC 2000a Vol. 1: 44-45)—which they said the SAHRC was not. Furthermore the newspaper publishers said that the complainants had not "attached any resolution [from their constituency] authorising them" to make the complaint (SAHRC 2000a Vol.1: 47). And finally, the two newspapers contended that the claim was "misconceived both factually and legally" (SAHRC 2000a Vol. 1: 44) as the "notion of the axiomatic supremacy of any right has been definitively rejected by the Supreme Court of Appeal in *National Media Ltd & Others v Bogoshi* (SCA, Case No. 579/96, 29 September 1998, unreported)" (SAHRC 2000a Vol. 1: 57).

The SAHRC rejected the suggestion that the complainants had no *locus standi*, asserting that:

'as a professional body representing the interests of black people' the two organizations had a legitimate interest in the matter. Regarding the challenge to the jurisdiction of the Commission, it cited the Preamble to the Act which states that the Commission shall 'be competent and obliged' to investigate any allegations of violations of human rights. In addition, Section 184 (1) of the final Constitution, 1996 obliges the Commission to 'monitor and assess the observance of human rights. (2000b: 7-8)

Furthermore, its position on the contested rights was that "all human rights are universal, indivisible, interdependent and interrelated" (SAHRC 1999:3). It noted that the media's overriding concern was the threat to press freedom, but that its own concern was broader, namely,

...to examine the nature, content and extent of the right to equality as obtains in the media. This means that the inquiry seeks to address the problem of discrimination on the basis of 'race'. (SAHRC 2000b: 74).

In March 2000 the SAHRC convened its public hearings. The media were asked to present their account of the extent to which the apartheid racial order was still evident in their company's ownership, management, and staffing, and how this potentially impacted on the news texts they produced. This information was collated by the SAHRC and included in its final report, *Faultlines: Inquiry into Racism in the Media*, which concluded with observations, findings and recommendations. In contrast to the brouhaha over the very

notion of an inquiry into the media, the findings and recommendations were benign. As agreed with the media at the beginning of the process, there were no findings against individual journalists or publications, but instead general recommendations were made to redress perceived shortcomings in the media. These focused on recruiting more black journalists; training courses to sensitise journalists to issues of race and diversity; training courses on the Bill of Rights, and on the Promotion of Equality and Prevention of Unfair Discrimination Act (2000), and their impact on existing Codes of Conduct; research into media accountability; the importance of continued public debate on media accountability; the urgent establishment of the Media Diversity Agency which could encourage the growth of media not reflected by mainstream media ownership (SAHRC 2000b: 89-94).

### *The significance of the complaint*

I viewed the complaint as signifying the unhappiness of a particular section of the public who felt poorly treated by the media, and who, as black people, legitimately spoke for 'the South African public'—challenging the media's sole prerogative to do so. The complainants, the BLA and ABASA were challenging journalism's rhetoric of race, class, and gender blindness, by articulating a specifically black perspective that in its view was ill-served by journalism's claim of serving 'the public interest'. One aspect of journalism's role in this regard is that it provides the means by which citizens "recognize themselves and their aspirations in the range of representations" which confirm and construct their personhood, and their identity as citizens (Murdock and Golding 1989: 183). In this regard the BLA and ABASA argued the *Mail & Guardian* was falling short of journalism's proclaimed commitment—notwithstanding another of its commitments to act as a watchdog against the powerful on behalf of the powerless.

This contestation highlighted the tension between journalism's universalist discourse (the public interest, serving liberal democracy) and particularist perspectives (the voice of black people, workers, feminists, gay people). This can be construed as a tension between a modernist and post-modernist perspective (or between a structuralist and a post-structuralist one)<sup>8</sup>. Both perspectives are valuable. Because of my own history and politics, I empathise

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<sup>8</sup> Another way of viewing this tension is in terms of Charles Taylor's framework of a "politics of recognition" (1992). In this view of liberal theory, 'equal recognition' is an expression of the universalist perspective that as human beings we share a common potential that is the basis of a politics of (equal) dignity—expressed as

with those who challenge the media's representations of social reality which privilege some perspectives, and their glib professional claim to be 'serving the public interest'; and their invocation of the right to freedom of expression, as a means of rebutting any critique of their practice. The struggles of black people, workers, women, the poor, and other oppressed groups have been ill-served by the South African media. I thus view the complaint of racism against the *Mail & Guardian* and the *Sunday Times*, and the subsequent SAHRC enquiry, as a means by which members of the public could voice their views about the media and probe the issue of media accountability. However, I also see the political value in a modernist perspective that focuses on broad structural frameworks of power that cut across particular interests, thus articulating a universal perspective. While the media's rhetoric about serving the public in general may be self-serving, it is nevertheless important in contributing to an egalitarian political culture in South Africa.

#### *My interest in the inquiry*

The enquiry spoke directly to my interest in the media's participation in the construction of citizenship as a social identity through its educative, informative, and even 'entertainment' roles<sup>9</sup>. This is motivated by my own personal-political concern that the lives of ordinary South Africans be radically improved, providing an adequate basis for self-fulfilment, and social well-being. Historically, this political concern has focused on the exploitation and racial oppression of black South Africans, who constitute the majority of the population. Much of the political debate has been about the role of capitalism and racism in the construction of the apartheid state, and as a corollary, whether 'the struggle' was against racism or capitalism—or both (Legassick 1972, Posel 1983, Wolpe 1988, Marx 1997, Maylam 2001b, Alexander 2002). So questions about the salience of race *and* class were uppermost in my thoughts as the ensuing public debates had a racialised sub-text:

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'difference-blindness'. But a different interpretation of this universal ideal is that 'equal recognition' means recognising difference or uniqueness. The former he describes as a "politics of equal dignity", the latter a "politics of difference" (1992: 37-42): "These two modes of politics, then, both based on the notion of equal respect, come into conflict... The reproach the first makes to the second is just that it violates the principle of non-discrimination. The reproach the second makes to the first is that it negates identity by forcing people into a homogenous mold that is untrue to them. This would be bad enough if the mold were itself neutral—nobody's mold in particular. But the complaint generally goes further. The claim is that the supposedly neutral set of difference-blind principles of the politics of equal dignity is in fact a reflection of one hegemonic culture... Consequently, the supposedly fair and difference-blind society is not only inhuman (because suppressing identities) but also, in a subtle and unconscious way, itself highly discriminatory" (1992: 43).

<sup>9</sup> See for example, Peter Dahlgren's "Introduction: Journalism as Popular Culture", in P. Dahlgren & C. Sparks *Journalism and Popular Culture* (1992).

questioning whether the 'white media' adequately served a predominantly black electorate, and whether the state (with a largely black ruling party in government) should intervene in matters relating to press independence and press freedom.

I became aware that the various publicly contested positions all related to concerns about 'representation', which took a number of different forms. There was claim, and counter-claim, indicating the very different understandings of how to judge media performance, the media's role, and the state's role in adjudicating the disputes. First, the accusation of racism by the complainants related to the *Mail & Guardian's* textual construction, or representation, of prominent black people in positions of leadership, which allegedly impugned the dignity of all black people. The editor of the *Mail & Guardian* countered this view, arguing that in uncovering the corrupt practices of state officials, regardless of their race, the media represented the interests of all South Africans. Second, the claimants argued that they spoke on behalf of, or represented, all black people. This too was contested on both legal grounds<sup>10</sup>, and politically: "The media inquiry may be carried out in the name of the masses—in reality, it will be a probe instigated by an elite with little concern for the masses of historically disadvantaged South Africans it purports to speak on behalf of", argued *Mail & Guardian* journalist, Ferial Haffajee, challenging the implied unitary identity of 'black people' (1998: 30). Third, there was disagreement amongst journalists themselves about the legitimacy of a state body investigating the media—questioning not only to whom the media were accountable, but also who represented the voice of journalism. Thami Mazwai, publisher and owner of *Enterprise*, a magazine whose sub-mast reads "where Black business lives", asserted, "we want this commission" (1998: 8). But this was queried by *Sunday Times* columnist Phylicia Oppelt: "how do you say that no unified voice exists that could with legitimacy, speak for all black journalists?... I'm sick and tired of Pityana and equally so of Qunta. I am offended that Qunta believes she speaks on behalf of all black people in her accusations of racism while she earns money by writing the SABC's submission to the same commission" (23 April 2000: 18). Each of these contestations address the issue of the voice and legitimacy of journalism as a 'universal', normative construct.

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<sup>10</sup> On the basis of the claimants 'locus standi' vis-à-vis 'all black people' (see Chapter 12).

These debates spoke directly to my academic interest in the role of the media—and of the *Mail & Guardian* in particular—in building a public sphere that could contribute to building a democratic polity. On the one hand, I am critical of South Africa’s print media, questioning the extent to which they serve the much-vaunted democratic role<sup>11</sup>. On the other, I have been a *Weekly Mail/Mail & Guardian* reader since its inception in 1985, and although my readership has fluctuated, I had thought of it as one of South Africa’s more incisive newspapers. The complaint of racism against the *Mail & Guardian* by the BLA and ABASA challenged me to think about the *Mail & Guardian*’s place and role in ‘the new South Africa’, and about what could be considered problematic about its practices. What was the potential impact of its news values and construction of social issues and identities? What kind of news media would contribute to the construction of a society that is free of oppression and exploitation, and that promotes human dignity and self-actualisation? I found these considerations echoed by Donald and Rattansi: “What would be the institutional conditions for a genuine cultural and political democracy... And what would be the role of education and cultural production in the attempt to bring those conditions about” (1992: 6)? For me, the sub-text for my thesis became: “What would be the social and institutional conditions for a genuine cultural and political democracy?... And what would be the role of *journalism* in the attempt to bring those conditions about?” In other words, the SAHRC enquiry challenged me to consider what might be found wanting in the *Mail & Guardian*’s practices, and the identification of any inadequacies could inform the kind of media practice that would better serve a genuinely democratic culture.

A lecture by the Irish poet Seamus Heaney titled ‘The guttural muse’, focused my thinking on the problem of ‘voice’. He used the term as a metaphor to refer to the rough-hewn voice of the local speaker, in contrast to the imperial voice of the hegemonic, global one. The metaphor speaks of power: of what is accepted and acceptable; of what is sanctioned, and what not; of authority and place; of the locations of authority. It also touches on what is most human: our speaking voice—the embodiment of agency and structure. ‘The struggle’ in South Africa is about voice—about the voices not heard; about those that cannot speak; about those who speak for others—sometimes nobly, but in so doing, effectively silencing those

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<sup>11</sup> See for example Switzer’s critique of South Africa’s English-language press, in which he notes: “In the end, the image of an independent, muckraking, watchdog commercial press projected by Steyn and his peers over many decades falls far short of reality” (1995: 18).

who have not spoken. Part of the social dynamics surrounding the *Mail & Guardian* and the ensuing racism debates, were about voice: whose voices were represented, and whose not; what, and whose, cultural form did these voices take? In Heaney's terms, a line was being drawn between the guttural voice and the lingua franca. On this boundary/ border line, the guttural speaks of home, hearth, the familiar and traditional, and the other, imperial/global voice speaks of 'the universal', the modern, the place of arrival, what's now. In these terms, one could interpret the allegations of 'racism' against the *Mail & Guardian* as challenging what was perceived as 'the voice' of 'normative' journalism with its cultural power to construct the 'Other'.

During a chance meeting in 2003 with Charlotte Bauer, former arts editor of the *Mail & Guardian*, she described the paper as being "like a dysfunctional family". It was an unusual observation about a media institution, which is usually represented as a formal business organisation with hierarchies and deadlines and an impersonal, 'objective' stance. My subsequent research revealed that the newspaper's identity *was* intimately shaped by the people who came together in 1985 and gave birth to it—hence Bauer's family metaphor. Significantly, the birthing parents were both men—as were the subsequent 'heads of the household', the editors. Through my research I came to understand that its identity in 1999 was inextricably linked to its prior processes of development, and the subjectivity and power of the editors in shaping what became the *Mail & Guardian*.

In thinking about the *Mail & Guardian* as an organisation, my thoughts were further shaped several months later when I chanced upon Michael Downing's (2001) book, *Shoes outside the Door. Desire, Devotion, and Excess at San Francisco Zen Center*. The book was about the San Francisco Zen Centre. A couple of pages into the introduction, Downing writes: "More than half of the people to whom I spoke specifically suggested or stipulated that we not discuss 1983 or the events that led up to that hard year; however, no one did not speak about 1983, and most people's personal recollections were organized around that year—Before and After stories..." (xiv). The significance of 1983 was that the leadership of the then head of the Centre, Richard Baker, was 'finally' being questioned, and challenged. Downing's words, and the significant role that the head of an organisation plays in constituting the organisation's identity and practice resonated with my thoughts about the editors' influence in shaping the identity of the paper. I wondered then: 'Why is the *Mail &*

*Guardian* being accused of racism? Why now (1999)? Does it have anything to do with changing editors? Is the newspaper doing anything now (1999) that is different from what it was doing in the 1980s when it was one of the leading media voices against the apartheid state? Should it be doing anything different now (1999)? ‘Before and After stories’. ‘It’s like a dysfunctional family’. This is what I would need to probe. As I delved into the *Shoes outside the Door*, I discovered that the many stories that were told were recollections of the processes which collectively added up to what is known as the ‘San Francisco Zen Centre’—in other words, the stories were a way of probing an organisation. Or maybe cumulatively the statements added up to an overall description of ‘a dysfunctional family’. For example, one of Baker’s long-standing students recalls: “there was always this confusion: Is this Zen practice, or is this just a power trip” (qtd. in Downing 2001: 8)? This statement made me wonder about how the power and subjectivity of the head of an organisation so shapes it, that aspects of the organisation’s collective identity become fused with that of the individual who leads it.

From Downing’s book I gained an understanding of how interviews can be a pathway to insider knowledge and experience, the expression of the culture of an organisation. In addition to investigating the ‘politics’ of the *Mail & Guardian* and what the newspaper’s fall from grace was symptomatic of, I wanted to understand how the organisation worked. I was curious about the relationship between its news output, its style, and its identity as a “dysfunctional family”. What role did ‘fathers’ play in this? My hunch was that the political controversy over the *Mail & Guardian*’s representations was as much about the identity and culture of the *Mail & Guardian* and its antagonists, as it was about the politics of the times, and the role of the media in a developing democracy.

#### *Aim of the thesis*

The aim of my thesis is thus to probe the complex confluence of circumstances that shaped the *Mail & Guardian* and its news practice, focusing in particular on the ways in which the power and subjectivity of its editors influenced this practice. My central argument is that one cannot understand the amalgam that is called “news” outside of the context that produces it. Helpful in this regard is Ien Ang’s concept of “radical contextualism” (1996: 68), which she uses in relation to audience studies, but which I think can usefully be applied to

Tuchman's understanding of news as "a permanent social contestation, a product as well as a productive process" (2002: 9). Ang uses radical contextualism to refer to the multiple, related, ever-expanding 'contexts' (or 'factors') that constitute every instance of audience sense-making. But although this is epistemologically logical, it is practically impossible, and so she argues for the use of localised stories as a research means of coming to understand how these contexts are *condensed* in a particular historical moment, and expressed in the narratives of those who experience them. In addition to this, she emphasises that the hermeneutic aim of ethnographic discourse is "to provide representations that allow us to better *understand* other people's as well as our own lives" (Ang 1996: 76). But, "which stories to tell, in which form, to whom, where and when, and with what intention" are questions that inform the researcher's political project in making an intervention that offers up particular, positioned 'truths' (Ang 1996: 76-7). Ang writes:

It is within the framework of a particular *cultural politics* that we can meaningfully decide which contexts we wish to foreground as particularly relevant, and which other ones could, for the moment, within this particular political conjuncture, be left unexplored. Radical contextualism can then act as a stance governed not by a wish to build an ever more 'comprehensive theory of the audience', which would by definition be an unfinishable task, but by an intellectual commitment to make the stories we end up telling about media consumption as compelling and persuasive as possible in the context of specific problematics which arise from particular branches of cultural politics. (1996: 78)

In other words, 'radical contextualism' describes a framework for delimiting the contextual field, which is governed by the researcher's political project: "one that is drawn up by considerations of the *worldly* purposes of our scholarship" (Ang 1996: 79). The challenge facing each scholar is thus to delineate her/his "worldly purpose". Writing about the complexity of audience research in a post-colonial, global media age, she suggests that the "minimal", albeit "liberal", task of such research might be

to explicate that world, make sense of it by using our scholarly competencies to tell stories about the social and cultural implications of living in such a world. Such stories cannot be comprehensive, but they can at least make us comprehend some of the peculiarities of that world. (Ang 1996: 79)

My "worldly purpose" in this thesis is to try to understand the world that constitutes both the *Mail & Guardian*—as an organisation, a maker of news, and a participant in South Africa's contemporary political landscape—and its detractors who feel ill-served by its news practices.

Although Ang is concerned with theorising the use of ethnography in audience reception as an instance of radical contextualism, her understandings could usefully be applied to explicating media *production*, which is also a site of meaning-making that is over-determined by contextual ‘factors’. I use her insights in two ways: first, to frame my discussions about the *Mail & Guardian*’s textual practice in terms of three broad contexts—South African discourses about race and racism; the socio-political changes wrought by Mbeki’s deputy presidency and later presidency; and the influence of *Mail & Guardian* editors in shaping its identity and changing textual practices. Second, her understanding of ethnographic discourse as a means of understanding how context shapes the lived experiences of meaning-makers informs my use of interviews with *Mail & Guardian* editors, journalists, and financial managers to understand how the power and subjectivity of editors influenced the organisational production of news. Together, these two aspects of ‘radical contextualism’ allow me, as researcher, to tell a particular story about why the *Mail & Guardian* was accused of racism in 1999.

These are the general perspectives that shaped my initial thinking about the SAHRC enquiry into racism in the media. Like Ang and other critical theorists, my intention is to try to explicate the world we live in, and in particular to understand the world that constitutes both the *Mail & Guardian* and its detractors. By focusing on the *Mail & Guardian* and its representations of aspects of South Africa’s racial order, my thesis probes debates about the news media sparked by the SAHRC’s enquiry. I have titled the thesis ‘Race against democracy’ as it highlights the points of contestation within the public discourse. I first locate the *Mail & Guardian* within the South African socio-political system. Through interviews with *Mail & Guardian* staff who worked there at different moments in its history, I thread together various ‘contexts’ that shaped the newspaper’s media production. In this way I illuminate, in a South African context, Schudson’s query about “the role the media play in the midst of or in relationship to social change” (2000: 181).

This work builds on other studies that examine the organisational production of news media (Gans 1980, Tuchman 1978, Schlesinger 1978). However, my study is different from them in a number of ways. First, it is located in a post-colonial state undergoing transition from a racist authoritarian state to a liberal democratic one. This necessitates a consideration of how

discourses derived from, and social forces constructed during these historical contexts and struggles, impact on the new social, political, and media terrain. Second, this study focuses on a newspaper, the *Weekly Mail*, later known as the *Mail & Guardian*, that is different from all others in South Africa's media landscape—both in its political profile and its ownership, during the period under study, by the Scott Trust in Britain, which privileged a commitment to social democracy over a demand for profit-making. Third, this study focuses on the paper's different editorships as a way of making sense of how the internal organisation of power, knowledge, and authority constituted the paper's identity, place, and role in a social milieu. This is a perspective that is largely absent in the literature on media organisations (Schudson 2000: 185), but is most important in understanding a newspaper that is small, and in which the 'ownership' is not only understood in economic terms, but also in relation to the participation of its producers and readers.

In *Chapter 2* I outline my research design and data collection processes. Because I set out to understand why the *Mail & Guardian* was accused of racism, a case study approach was chosen as this enabled me to probe different aspects of the phenomena being studied. I locate my study broadly within a cultural studies approach which argues that in order to understand a cultural or symbolic phenomenon, we need to view it as holistically constituted by a circuit of production: context, production, texts and audiences (Johnson 1986)<sup>12</sup>. The study examines each of these aspects of the production circuit—other than 'audiences', although it does look indirectly at audience reception in its consideration of both readers' responses to the *Mail & Guardian*, the accusation of racism as itself an audience response, and the response of some *Mail & Guardian* journalists to the work produced by their colleagues.

Each aspect of the circuit uses a different methodological approach; each underpinned by a different epistemology: knowledge of the world as 'objective', or 'subjective'. For some, these are either/or perspectives, or immutable paradigms. Following Best and Kellner (1991) I argue that both approaches are valid—and necessary in my research design. For example, Chapters 5, 6 and 7 are largely based on ethnographic-type interviews with editors and

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<sup>12</sup> This circuit is elaborated on by Du Gay et al., and described as a circuit of culture "through which any analysis of a cultural text or artefact must pass if it is to be adequately studied" (1997: 3). Their circuit identifies the following moments: production, consumption, regulation, representation, and identity.

journalists in order to access their understanding of newsroom power dynamics and processes that shape news production. This qualitative approach to research is rooted in a subjective or ‘interpretivist’ view of knowledge. However, both quantitative and qualitative textual approaches are used in Chapters 8, 9, 10 and 11 to analyse the *Mail & Guardian*’s news values and news selection in the key period between 1998/9—when it was accused of racism and reported to the SAHRC—and 2002. Chapter 8 uses a quantitative content analysis; Chapter 9 a qualitative narrative analysis; and Chapters 10 and 11 draw on Van Dijk’s (1988, 1998) approach to critical discourse analysis. In different ways these textual approaches probe the paper’s representation of social issues that might have been regarded by some as ‘racist’.

A cultural studies approach to the media enjoins critics to examine ‘the circuit of culture’ that results in particular media texts. This thesis takes up that challenge, showing how each moment on the circuit shapes every other moment. The circuit of production thus provides a structuring framework for the thesis as a whole: Chapter 3 focuses on the context; Chapters 5, 6 and 7 on production; Chapters 8 to 11 on texts; and Chapter 12 on ‘regulation’—an examination of the tension between the right to freedom of expression on the one hand, and dignity and equality on the other, as raised by the complaint of racism.

*Chapter 3* discusses three key contexts that inform this study: an historiography of South Africa’s racial order, South Africa’s ‘alternative press’ of the 1980s of which the *Weekly Mail* (later *Mail & Guardian*) was a significant member, and President Mbeki’s South Africa.

*Chapter 4* reviews key theoretical perspectives used to account for news production: Marxist and neo-Marxist social theory is used to analyse the media’s structural and ideological role; and functionalist and social interactionist understandings show how organisational structures and routine practices shape news output. To these I add a post-modern approach to organizational theory, arguing that the power and subjectivity of the editor shape production in particular ways which has not been theorized in media studies literature—beyond seeing the editorship as a sociological role.

Drawing on the theory outlined in Chapter 4, *Chapters 5, 6 and 7* focus on the changing identity of the *Mail & Guardian* as a factor that helps explain its editorial approach from its inception in 1985 until 2002. Each chapter focuses on a particular editorship as a means of periodising the institutional workings of the *Mail & Guardian*. Each draws on the understandings of the editors themselves and those of selected journalists to show how the power and subjectivity of the editor shaped the paper's journalistic responses to both broad social and cultural influences (such as the changing political conditions and the paper's increased financial dependency on its major share-holder, the UK *Guardian*), as well as the internal organisational power and knowledge structures that shaped the paper's news practices. *Chapter 5* examines the *Mail & Guardian* under the co-editorship of Anton Harber and Irwin Manoim (1985-1995), and later Harber himself (1995-1997), as this period (1985-1997) established the basis of the newspaper's identity and practices. *Chapter 6* examines the *Mail & Guardian* under Phillip van Niekerk's editorship (mid 1997- December 2000), and *Chapter 7* focuses on Howard Barrell's tenure (January 2001-September 2002). These latter two editorships coincide with the 'Mbeki state' and the accusation of racism against the paper, and are thus probed to illuminate how these external circumstances impacted on the inner workings of the paper and thus on its journalism.

The thesis then considers the next 'moment' in the circuit of production: the *Mail & Guardian's* texts. *Chapter 8* offers an overview of the kinds of texts that appear in the *Mail & Guardian*, using quantitative content analysis. *Chapters 9, 10, and 11* complement this with qualitative analyses of selected texts that deal with different aspects of South Africa's racial order. *Chapter 9* uses Hayden White's approach to narrative to examine the investigative series in which the CEO of the Strategic Energy Fund, Don Mkhwanazi, flouted state hiring procedures, thereby personally benefitting from the employment of Liberian businessman, Emanuel Shaw II. As investigative journalism is an important element of the *Mail & Guardian's* identity, this series by Mungo Soggot illustrates how a journalist's perspective is encoded into this most 'objective' of journalistic genres, and how investigative journalism is a means through which a society's moral order can be publicly reviewed. In contrast to this, *Chapters 10 and 11* draw largely on the approach to critical discourse analysis used by Van Dijk (1988, 1998). *Chapter 10* examines the representation—in three news pieces and one editorial—of the appointment of black men to senior positions in public

organisations. And *Chapter 11* focuses on two news stories and two editorials that deal with the selection of black judges president and a deputy judge president that were singled out by some *Mail & Guardian* journalists as discomforting to them, because of the political position understood to have been taken in them. As the aim of these chapters is to examine the *Mail & Guardian's* representation of social issues that might have given rise to the complaint of racism, I selected for close scrutiny news stories and editorials that reflected some of the elements of the BLA/ABASA complaint, or those that *Mail & Guardian* journalists themselves found problematic.

*Chapter 12* focuses on the ensuing media debate about the threat to press freedom posed by the SAHRC's inquiry. It examines the human rights framework that constitutes the legal context that shapes the expectations of both news producers, and their readers. In addition to the assumed liberal approach to a rights-based perspective on the law, I offer its critique from the perspective of Critical Legal Studies and Critical Race Theory. Critical Race Theory is especially important as aspects of it are implicit in the South African approach to human rights adjudication, and it informs the approach of BLA and ABASA to the debates about freedom of expression (section 16), and the rights to dignity (section 10) and equality (section 9) which underpin its critique of the *Mail & Guardian's* journalism. I argue that the historical and political cleavages along lines of race, ethnicity, class, and gender shape the differing understandings of what the relationship between these rights should be, and thus how differing constituencies experience the *Mail & Guardian* and its role in the new democracy. That these different positions were not clarified at the time, explains—in part—why different parties spoke past one another.

It is a truism within critical media studies that the media are constituted by their political and economic milieu, and that journalistic claims of 'independent and objective' reporting are ideals, at best. *Chapter 13* draws together the different factors that shaped the *Mail & Guardian's* journalism under Van Niekerk's and Barrell's editorships, offering an analysis of its practice during the first four years of the Mbeki presidency. The chapter probes the strictures that exist in a newspaper that prides itself on its independence and outspokenness. By applying Nancy Fraser's (1990) critique of Habermas's (1989) notion of a single, bourgeois public sphere I point to the limitations of the watchdog approach to journalism

identified by some *Mail & Guardian* journalists. I also point to ways in which the paper could broaden its approach, thereby opening up debates and giving voice to perspectives that are out of the mainstream. The chapter thus points to reasons why the *Mail & Guardian* was accused of racism in 1999/2000, and provides an understanding of its changing, and potential, role in South Africa's new democracy.

### *Coda*

This thesis has taken me on a journey to places seemingly far from media studies—in particular, critical and postmodern approaches to organisation theory, and into the fields of Critical Legal Studies and Critical Race Theory. The postmodern approach evidenced in some of this theorising is epistemologically at odds with my generally held critical theory perspective. From this perspective, postmodern theorising lends itself to a political pluralism, and even indifference—of which I am mindful and critical. But despite these caveats, I have nevertheless used those approaches that I believe have something to say about how power works. I have thus eschewed the paradigmatic purity of Western philosophy, which is premised on an ‘*either this, or that,*’ way of viewing the world. For me it is but one philosophical construct that is not always helpful for understanding news as a “permanent social contestation; a product as well as a productive process” (Tuchman 2002: 9). My preferred way of thinking is to be inclusive: ‘*both and*’, not, ‘*either or*’. My journeying to distant academic fields was thus exciting, and sometimes dangerous. But I believe I have found approaches that have helped me understand some of the social tensions provoked by the *Mail & Guardian*'s journalism—which are not unique to it—and thus can be used as pointers in producing journalism that is socially constructive.

## CHAPTER 2: Methodology

Quantitative research can establish regularities in social life while qualitative evidence can allow the processes which link the variables to be revealed. (Bryman 1988: 142)

The 1999/2000 SAHRC enquiry into racism in the South African media was a catalyst for my study. I was puzzled that the *Mail & Guardian* had been singled out by the complainants. This became the focus of my research. I interpreted the complaint as indicative of a conflict of interest, or a contesting of values, by the complainants—who conceived of themselves as representing black South Africans—and the *Mail & Guardian*, who sees its role as representing ‘the public interest’. This clash between particular identity claims on the one hand, and the ‘public interest’ or the ‘public good’ on the other, is at the heart of this thesis.

I read the complaint, regardless of its framing as one of racism, as two civil society organisations (BLA and ABASA) challenging the power and *bona fides* of the *Mail & Guardian*. The aim of my research is to make sense of this challenge, and in so doing, not only to examine the *Mail & Guardian's* journalism, but also indirectly to probe what kind of journalism might be appropriate for a still-divided society in a process of social and political transition.

This research necessitates understanding the political dynamics of the time, and the place of the complainants within the re-configured political landscape. It also necessitates understanding the *Mail & Guardian* as a dynamic institution responding to social and political changes and trying to establish its own place in the new political milieu. My approach is not only historical and contextual, but also undertaken from ‘within’ the organisation—using interviews with participants to make sense of their perspectives. Furthermore, by examining the textual output of the *Mail & Guardian*, I hope to gain another perspective on how it interpreted South African reality. And finally, as critique provokes reflection, my study reflects on the kind of journalism that would be most helpful in supporting the constitutional goal of constructing an open, critical, and

participatory democracy<sup>1</sup>. Understanding the complaint of racism against the *Mail & Guardian* thus requires an investigation of both the paper's internal processes and the broader social framework that enables one to make a political judgment about its practice. The research is designed to accomplish both objectives, and is broadly conceived within what Deacon *et al.* describe as a 'critical realist' perspective, which locates subjective actions and understandings within a broader structural, social framework (1999: 10).

### **Research approaches**

Both qualitative and quantitative research approaches are used in this study. Quantitative research was, until the 1970s, seen as *the scientific* approach in the social sciences (Denzin and Lincoln 1994: 8). This approach is characterised by a positivist epistemology according to which one can only gain knowledge of the world through sense experience—typically, that which is amenable to observation. The data 'collected' by an objective or 'distanced' researcher is quantifiable and measurable, and provides the basis for establishing verifiable 'laws' in the field of knowledge under investigation. The bases for judging the knowledge produced are validity and reliability—two important criteria for measurement or quantification in science. Validity relates to the accuracy of the measurement in reflecting the concept measured—the 'fit' between the mental construct and the operational definition used to measure it. Reliability refers to the fit between the "operational definition and the actual measurement" that is made (Babbie 1979: 49; Denzin and Lincoln 1994: 100)<sup>2</sup>. This data provides the basis for theory building (an inductive process), allowing for new hypotheses, and further inferences (deductive processes). The process of research is replicable, and the aim of scientific research is to ascertain general 'laws' of the natural and physical world—in other words to be able to make generalisations beyond the particular research at hand (Bryman 1988: 11-20; Babbie 1979: 49; Babbie and Mouton 2001: 20-28). Large-scale surveys are typical forms of such research, and although my research is largely qualitative, I use quantitative textual analysis as a means of 'surveying' the paper as a whole (see below). The focus, therefore, of quantitative research is to gain knowledge of a field, which is

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<sup>1</sup> The Preamble to the Constitution notes that it was adopted to: "Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights; Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law..." (1996: 1).

<sup>2</sup> See also Bailey, K. (1978: 57); Wimmer, R and Dominick, J (1991: 54- 57).

deemed to be independent of the researcher, and in which knowledge (of it) is equated only with what is observable. The processes of inductive theory building, deductive reasoning for further inquiry, and replicating the production of knowledge (observable data) 'ensure' that the researcher's part in the process can be regarded as no more than tool or cipher—ensuring 'value neutrality', the essence of 'objectivity' (Bryman 1988: 16).

A different view of what counts as 'knowledge' distinguishes qualitative from quantitative research. At the centre of a qualitative approach is human agency: our actions in the world constitute it. It is not independent of us, rather we are part of it: we make it what it is (Christians and Carey 1989: 358-9; Deacon *et al.* 1999: 6-12; Giddens 1976: 161). In this sense, researchers too are not independent of the knowledge that is produced, but critical to its production. Because human activity and experience are the focus of qualitative research, and because our linguistic and interpretive abilities distinguish us from inanimate objects, this aspect of the human and social world is central to qualitative research (Bryman 1988: 52). This understanding of the world and our place in it is different from the positivist epistemology that informs quantitative research. The social world is regarded as fundamentally different from the natural one, requiring approaches that can capture this qualitative difference—hence the turn, in social science research, to phenomenology, *verstehen*, hermeneutics, symbolic interactionism, and naturalism in the 1970s (Bryman 1988: 50; Denzin and Lincoln 1994: 8-11). All of these proceed from the perspective of the social participant, rejecting claims to objectivity. This entails understanding both the social 'language' and context of those being studied (Bryman 1988:50). In Denzin and Lincoln's words,

Qualitative research is multi-method in focus, involving an interpretive, naturalistic approach to its subject matter. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or interpret phenomena in terms of the meanings people bring to them. (1994: 2)

Rather than attempting to make general, law-like claims which characterise nomothetic, quantitative research, qualitative research is ideographic: concerned with in-depth studies of particular cases, and favouring participant observation and interviews as ways of gathering data (Bryman 1988: 100).

Because qualitative research aims at getting as clear and holistic a picture as possible, different methods are used, forming what Denzin and Lincoln call a ‘bricolage’: “a pieced together, close-knit set of practices that provide solutions to a problem in a concrete situation” (1994: 2). My research question was broad: an attempt to understand a particular audience response to one newspaper’s construction of South African reality at a significant moment in our history. My quest was to gain an historical and political understanding of both the production and reception moments congealed in the complaint of racism. The kind of knowledge I sought was best captured in a qualitative approach: to gain an understanding of the structures and constraints that shape newsroom practices through interviewing the journalists, financial managers and editors who worked there. This provided a context for making sense of the texts they produced, which I later examined in order to probe the ways in which the journalists interpreted the world they reported on.

My conceptual or theoretical ‘frame’ is ‘cultural studies’. Its inter-disciplinary approach draws on modernist and postmodernist perspectives (Dahlgren 1997)—both of which are useful in understanding the particularity of cultural production and politics within a more broadly conceived social sphere. Consequently, argue Grossberg, Nelson, and Treichler, cultural studies has “no distinct methodology...to call its own” (1992: 2). Instead, “[I]ts methodology, ambiguous from the beginning, could best be seen as *bricolage*. Its choice of practice, that is, is pragmatic, strategic and self-reflexive” (Grossberg *et al.* 1992: 2). The qualitative researcher is thus a ‘bricoleur’: a “Jack of all trades or a kind of professional do-it-yourself person” (Levi-Strauss 1966: 17, qtd. Denzin and Lincoln 1994: 2):

The *bricoleur* understands that research is an interactive process shaped by his or her personal history, biography, gender, social class, race, and ethnicity, and those of the people in the setting. (Denzin and Lincoln 1994: 3)

This description aptly describes my own self-awareness as a ‘raced’, gendered, ‘classed’ South African subject. Although the apartheid state classified me as ‘Coloured’, I grew up in a ‘middle-class’<sup>3</sup> family that espoused a socialist ideology and was critical of race

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<sup>3</sup> My parents were teachers, so we were brought up with ‘middle class’ values, valuing education and putting a premium on books and knowledge, rather than other material goods—but we were not rich. My parents were forcibly removed twice from their home—once in my childhood—under the auspices of the

essentialism, pointing to, and challenging, the social construction race. The essentialist construct, 'Coloured identity', is thus not meaningful to me, although I do identify myself as 'feminist' and Marxist. I also identify with anti-colonial struggles, so my self-identity would be a varying composite of black, Marxist, socialist, feminist. I bring this positioning and history to my research— indeed it informs all my interactions. Some interviewees regarded me suspiciously, others as an 'ally'<sup>4</sup>. Positioned as I am, I have to find out, make assessments, take a position, come to conclusions. In Denzin and Lincoln's words: "The *bricoleur* knows that science is power, for all research findings have political implications..." (1994: 3). They continue:

The *bricoleur* also knows that researchers all tell stories about the worlds they have studied. Thus the narratives, or stories, scientists tell are accounts couched and framed within specific storytelling traditions, often defined as paradigms (e.g. positivism, postpositivism, constructivism). (Denzin and Lincoln 1994: 3)

However, it is these paradigmatic choices that mark the contestation over the validity of the research. For some, combining different approaches and perspectives is a mere question of 'methods' or research techniques, and is thus acceptable; for others, different paradigms are marked by differences in epistemology and ontology and thus, by definition, the methods associated with them, cannot be combined (Bryman 1988: 85-88). But Bryman's view is that "while these are highly stimulating suggestions, they need to be subjected to considerable investigation before they can be considered axioms of research in the social sciences" (1988: 89-90). In the absence of such axiomatic certainty, this contestation remains a tension confronting my research. However, despite Bryman's observations, he nevertheless supports those who adopt what he calls the "technical" position in the debate, which argues that in addressing the complexity of the social world, one chooses methods in relation to the research problems posed, rather than maintaining an epistemologically purist position (1988: 173).

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Group Areas Act (1950) which allocated urban areas to racial groups (see Maylam 2001a: 158, 182). I also consider myself a feminist.

<sup>4</sup> The nature of the interaction between me and the interviewees was informed by our prior knowledge of each other (although some were strangers, others were acquaintances, and one a friend), and by my knowledge of the situation. As Davies writes: "At the most general level, interviewers must have some basic knowledge of the structure of social relationships and the complex of underlying cultural meanings in the society in which they are working" (2002: 108).

*Theory (ontology), method (epistemology-research questions), analysis (methodology)*

The subjectivity of the researcher is one of five aspects that Denzin and Lincoln identify in their analysis of the research process (1994: 11-15). The others include: the researcher's framework or perspective; strategies of inquiry; methods of collecting and analysing empirical material; and "the art of interpretation" (1994: 14-15). Of these, the researcher's perspective or interpretive paradigm is critical. Denzin and Lincoln identify four major interpretive paradigms that structure qualitative research: "positivist and postpositivist<sup>5</sup>, constructivist-interpretive, critical (Marxist, emancipatory), and feminist-poststructural" (1994: 13). Each implies a particular set of assumptions, view of reality (ontology), and how it should be studied (epistemology) (1994: 13). Guba and Lincoln offer a different, "tentative" classification: positivism, postpositivism, critical theory (which incorporates "neo-Marxism, feminism, materialism and participatory inquiry")—but which they argue can be divided into three sub-strands: "poststructuralism, postmodernism and blending of these two"—and constructivism (1994: 109). Best and Kellner, however, see critical theory and postmodernism as two distinct paradigms, in which the former is associated with historical materialism, a realist ontology, and universalist claims, whereas postmodernism is associated with relativism and knowledge of the particular (1991: 215-246). Here we see a critical difference between the views of Guba and Lincoln on the one hand, and Best and Kellner on the other. Furthermore, Deacon *et al.* (1999)—in *Researching Communications. A Practical Guide to Methods in Media and Cultural Analysis*—offer just three perspectives: positivism, interpretivism, and critical realism<sup>6</sup>. They argue that while on the one hand interpretivism and critical realism share the view that "the social world is reproduced and transformed in daily life" (Bhaskar 1989: 4, qtd. Deacon *et al.* 1999: 10), they differ in that critical realism insists that "everyday action cannot be properly understood without taking account of the broader social and cultural formations that envelop and shape it by providing the 'means, media, rules and resources for everything we do' (Bhaskar 1989: 4)" (Deacon *et al.* 1999: 10). On the other hand, Deacon *et al.* point out that critical realism and positivism share a realist epistemology:

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<sup>5</sup> Guba and Lincoln note that positivism refers to the "received view" that dominated the physical and social sciences for 400 years, whereas "postpositivism represents efforts of the past few decades to respond in a limited way (...while remaining within essentially the same set of beliefs) to the most problematic criticisms of positivism" (1994: 108-109).

<sup>6</sup> Barrie Gunter also has these three, and adds a fourth, 'postmodern research' (2000: 3-9).

Both critical realism and positivism reject the philosophical idealism underpinning the interpretive argument that social reality only exists in the ways people choose to imagine it, and both pursue a realist philosophical position that accepts that there are social and cultural structures that shape people's options for action but exist independently of their awareness of them. (1999: 10)

But a major difference between the two perspectives is the positivist assumption that social structures are static, whereas critical realism sees them as dynamic, having "traceable historical careers" (Deacon *et al.* 1999: 10). In this context, postmodern theorising is seen as a response to the changing social structures that characterise contemporary 'first world' societies (Deacon *et al.* 1999: 10)<sup>7</sup>. Although, according to Gunter, "Postmodernism shares with critical social science the goal of demystifying the social world" (2000:8), he points to a critical difference: "It...holds that research can never do more than describe, with all descriptions equally valid. In postmodernism a researcher's description is neither superior nor inferior to anyone else's" (2000: 8-9). This points to a key difference between a critical perspective and a postmodern one: the former does insist that it can make 'superior' judgments, and on this basis has a political agenda geared not only to critique, but also to social change; whereas the postmodern critique leads only to an awareness of difference—where all differences are equally valid—which has been critiqued by Best and Kellner as being akin to the politics of liberal pluralism (1991: 269).

My study draws on both critical realist and interpretivist traditions, associated with modernist and postmodernist perspectives. I use Foucault's (1972, 1982) understanding of subjectivity and power to make sense of the power relations in the newsroom, and Hayden White's (1978, 1981a, 1981b) discussion of narrative to critique the presumed objectivity of news reports—both of which point (in Best and Kellner's typology) to a relativist ontology based on the place of language in our apprehension of the 'real'. I argue that Foucault offers useful insights into how micro-power works in an organisational setting, and that his discursive understanding of subjectivity and power can

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<sup>7</sup> One of the key debates is whether the social structures have changed fundamentally, in which case the 'post' in postmodernism refers to a period after modernity; or, whether contemporary society is merely a 'heightened' form of modern social structures (see Jameson 1984; Kellner 1988).

complement Giddens' understanding of the relationship between structure and agency<sup>8</sup>. Similarly, although narrative analysis is discursively focused, it does not preclude a contextual or critical realist perspective that enables one to make political judgements about textual practice. Although Best and Kellner caution against what they call "mere eclecticism and liberal pluralism" (1991: 269), they do advocate combining social theories that offer a critical understanding of political, economic and social conditions, with postmodern theorising (1991: 264-272; see also Kincheloe & McLaren 1994: 142).

The critical theory/critical realism approach enables a macro-view of South African society—its capitalist, neo-liberal economic foundations that have produced class inequalities and have shaped the country's history of racism and sexism. Ongoing social tensions are thus shaped by this context, as is the *Mail & Guardian* as both an economic entity and an institution that produces symbolic goods. To complement this view, a Foucauldian approach to power/knowledge is used to illuminate the power dynamic within the newsroom and its impact on the kinds of text the paper produces. In addition to this, a constructivist understanding of news production is used. The overall design of the research is a case study, triangulating these different approaches to provide a more nuanced understanding of the *Mail & Guardian's* textual politics in the period under consideration.

### *Triangulation*

At its simplest level, triangulation refers to the combination of quantitative and qualitative research methods in a single study in order to provide a comprehensive account of the phenomenon being studied (Wimmer and Dominick 1987: 51). Fortner and Christians suggest that the goal of triangulation "is to build up a fully rounded analysis of some phenomenon by combining all lines of attack, each probe only revealing certain dimensions of the symbolic reality" (1989: 380). Triangulation is thus seen as a way of ensuring the validity of the study, and thus its potential generalisability.

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<sup>8</sup> Barker argues that Giddens' approach preserves the agency of subjectivity, and that Giddens is critical of Foucault because his subject is "the 'effect' of historically specific discourses"—in other words minimising or negating agency (2000: 179-181).

Denzin (1970) offers a comprehensive view of triangulation, noting four types: triangulation of data, the investigator, the theory and the method (qtd. Jankowski and Wester 1991: 62-63; also Janesick 1994: 214-215). My study evidences data triangulation as it uses different kinds of sources (interviews, media texts, secondary material, and documents) all geared to illuminating the question the research is designed to 'answer'. Multiple methods are also used in this study: semi-structured interviews, quantitative and qualitative analysis of media texts, and qualitative interpretation of documents and secondary sources. Theory triangulation is also used—in so far as different theoretical approaches are used on different data sets, but all with the aim of illuminating the case being researched. This is the area where there is most dissension. My own position is to proceed with such theoretical triangulation as a means of making sense of why the *Mail & Guardian* was accused of racism in 1999/2000. Because I am committed to a critical realist perspective of the world, this necessitates understanding the *Mail & Guardian* from the perspective of those who work there, evaluating the texts they produce, and understanding the complaint itself from the perspective of the complainants—but also locating these understandings within a broader socio-political perspective. A case study provides the framework for implementing this approach.

### **Case Study**

Yin argues that 'how' and 'why' questions are "more explanatory and likely to lead to the use of case studies, histories, and experiments as the preferred research strategies" (1994: 6). My question, "why was the *Mail & Guardian* accused of racism...at this time in South Africa's transition?" thus pushes in the direction of both a case study and an historical approach. Yin also notes that what defines a case study is its scope, and the way in which it marshals different methods to a focal point. Noting its particular value for investigating a contemporary phenomenon, he writes:

...you would use the case study method because you deliberately wanted to cover contextual conditions—believing that they might be highly pertinent to your phenomenon of study. (Yin 1994: 13)

He also claims that a case study approach:

- copes with the technically distinctive situation in which there will be many more variables of interest than data points, and as one result

- relies on multiple sources of evidence, with data needing to converge in a triangulation fashion
- benefits from the prior development of theoretical propositions to guide data collection and analysis. (1994: 13)

Yin sees “the role of theory development, prior to the conduct of any data collection” as one of the key differences between a case study as a research strategy, and related methods such as ethnography and grounded theory (1994: 27)<sup>9</sup>.

In his discussion of case study research, Stake, quoting Smith (1978), describes a case as a “bounded system” (1994: 236). He notes, “the boundedness and the behavior patterns of the system are key factors in understanding the case” (Stake 1994:237). My *Mail and Guardian* case study can be understood in terms of two categories identified by Stake: an intrinsic case study, and an instrumental one (1994: 237). An “intrinsic case study...is undertaken because one wants better understanding of this particular case” (Stake 1994: 237). The *Mail and Guardian's* history make the charges of racism against it, and its role in a newly democratic state, of particular interest. However, I am also concerned with locating my enquiry within a broader theoretical discussion of the role of the media in democracies. This purpose is often served by what Stake calls ‘instrumental’ case studies, which are used when “a particular case is examined to provide insight into an issue or refinement of theory” (1994: 237). While each of these kinds of case study has a particular focus, they are not mutually exclusive: “Because we simultaneously have several interests, often changing, there is no line distinguishing intrinsic case study from instrumental; rather, a zone of combined purpose separates them” (Stake 1994: 237).

Yin suggests five areas that should constitute a case study research design—which can be described as “an action plan for getting from here to there, where here may be defined as the initial set of questions to be answered, and there is some set of conclusions (answers) about the questions” (1994: 19). The five considerations that help to plot the course from ‘here’ to ‘there’ are the research question(s); the study’s propositions; the unit of

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<sup>9</sup> Stake takes a different view on the role of theory: “Damage occurs when the commitment to generalize or create theory runs so strong that the researcher’s attention is drawn away from features important for understanding the case itself” (1994: 238).

analysis; the linking of data to propositions; and criteria for interpreting findings (Yin 1994: 20).

Two main propositions emerge from my research question: first, that the *Mail & Guardian* does not have a unitary identity, but has changed over time, and that these 'identity' changes can be attributed in large measure to the different editorships—and that this impacts on what and how it reports. And second, that Thabo Mbeki's deputy-presidency and later presidency privileged social and economic policies (Growth, Employment and Redistribution (GEAR), Black Economic Empowerment (BEE), affirmative action, the African Renaissance) leading to the reconfiguration of race-class relationships that not only impacted on the *Mail & Guardian's* relationship with the ruling party, but also challenged the politics of its journalism (what it reported—its 'news values'—and how it reported—its 'perspective'). These propositions help to set limits to 'the case' in which the unit of analysis is the '*Mail & Guardian*'. Specifying these propositions is a useful way of identifying the data that are required to meet Yin's fourth concern, namely "linking data to propositions" (1994: 25). Once gathered, the data must be analysed, and Yin's fourth and fifth concerns relate to this process. He suggests two ways of approaching this process: either "relying on theoretical propositions" (Yin 1994: 103), or "developing a case description" (Yin 1994: 104). The former is useful when the case is designed to answer theoretical questions, the latter when the case is more descriptive in nature. Within these two strategies, he identifies four dominant modes of analysis—pattern-matching, explanation-building, time-series analysis, and program logic analysis—and two 'lesser modes of analysis', namely analysing embedded units, making repeated observations, and secondary analysis across cases (Yin 1994: 102-123). Most useful to my study is his notion of explanation-building and analysing embedded units. "Explanation-building", he notes, "has occurred in narrative form. Because such narratives cannot be precise, the better case studies are ones in which the explanations have reflected some theoretically significant proposition" (Yin 1994: 110-111)<sup>10</sup>. He

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<sup>10</sup> While Stake (1978), and Fortner and Christians (1989), share Yin's (1994) concern that case studies in particular, and qualitative research in general should be rigorous, and probe what generalisability means in this context, the former three writers locate their concerns very powerfully from within an emic perspective. Stake, for example distinguishes between explanation and understanding, noting that the former refers to propositional knowledge, while the latter to tacit (experiential) knowledge (1978: 6). In this context he writes, "When explanation, propositional knowledge, and law are the aims of an inquiry,

notes that the embedded unit “is a lesser unit than the case itself” (Yin 1994: 119). In my study, the *Mail & Guardian’s* texts, and its newsroom dynamics are the “embedded units”. He notes that any analytic techniques could be used that “would reflect the propositions to be examined for the embedded unit” (Yin 1994: 119). The overall purpose is that “these propositions would be related to but different from the propositions for the larger case”, but he cautions that “the larger case is the major interest of the study” (Yin 1994: 120).

Stake’s approach to case study research is similar to Yin’s, but his emphasis is more on the single case as a particular phenomenon, and the kind of knowledge it can yield (1994: 238, 244; 1978). He sees the ‘embedded units’ constituting the case as particularly important. Four elements identified by Stake as typical in a study of the particular that are useful to my study include:

1. the nature of the case;
2. its historical background;
3. other contexts, including economic, political, legal and aesthetic;
4. those informants through whom the case can be known

(Stake 1994: 238).

As the purpose of my study is to understand the *Mail Guardian’s* (changing) practice in relation to the changing political dynamics of the time<sup>11</sup>, it is appropriate to focus on a number of elements that could elucidate this relationship. Stake’s four elements map the terrain to be covered, and they fit well with the Cultural Studies notion of “the circuit of production” (Johnson 1986/7: 46), and John Thompson’s “depth hermeneutics” (1988)—both of which are approaches to understanding the complexity of media production. Johnson’s (1986/7: 47) “circuit of production” consists of production, text, readings, and lived cultures, and is elaborated by Du Gay *et al.* (1997) as production, consumption, regulation, representation, and identity. Each of these moments on the circuit enable a particular point of focus, but as this study attempts an integrated understanding of the

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the case study will often be at a disadvantage. When the aims are understanding, extension of experience, and increase in conviction in that which is known, the disadvantage disappears” (1978: 6). He concludes: “Its [case study] best use appears to me to be for adding to existing experience and humanistic understanding” (1978: 7).

<sup>11</sup> These are two propositions that emerge from my research question

'*Mail & Guardian*'—as social institution, economic enterprise, and producer of symbolic texts—it examines a number of moments in the circuit.

In what follows, I combine elements of both Johnson's circuit of production with Du Gay *et al*'s. circuit of culture to structure my account of a case study, while using Stake's different elements that need to be elaborated.

### *Moment 1: Lived culture (Context)*

The circuit of production's 'lived culture' is explored in terms of Stake's (1994) second element, the historical background, which informs both an understanding of the *Mail & Guardian*'s practices, and different people's responses to it. Chapter 3 deals with this element, based largely on secondary sources, as it frames the understandings that emerge from other moments of the circuit. 'Context' or 'history' is one of the distinguishing features of qualitative research. As qualitative research is primarily concerned with how human beings interpret their world, understanding the context of both the object of interpretation and the interpreter's world is a *sine qua non* of this approach (Christians and Carey 1989: 362-366). Significant aspects of contextualisation are the different kinds of social texts, both contemporary and 'historical', that help locate the research problem. My being steeped in some aspects of South African culture facilitates the interpretive process. As Christians and Carey write,

The significance that a detail receives from the whole must emerge first from the event itself. Thus the interpretive process is not mysterious flashes of lightning as much as intimate submersion into actual traditions, beliefs, languages, and practices. (1989: 363)

One of the strengths of the case study method is that it entails a range of connected contexts. The challenge of this research approach is to indicate the relevant linkages that not only build the 'whole', but are a condition of providing a meaningful account of the object of research. Chapter 3 offers three contexts that are pertinent to this study: an account of social understandings of race and class; Thabo Mbeki's role in post-1994 politics; and the history of the *Mail & Guardian*. These three areas provide the broader context for making sense of the particular focus of this thesis. I also draw on examples of more localised and contemporary debates which appear in the *Mail & Guardian* that give

a sense of the 'Zeitgeist' which informs the social contestation that is the focus of this thesis.

### *Moment 2 & 3: Production and Identity (Stake: the nature of the case)*

Chapters 5, 6, and 7 examine the *Mail & Guardian* under three different editorships. Working with 'production' and 'identity', I focus on the *Mail & Guardian* as a site of production, but try to understand this more as a 'cultural system', rather than a purely 'productive/economic' one. In other words, the concept of 'identity' foregrounds my view of how the *Mail & Guardian* can be understood as a social entity that is constituted in relation to both internal and external elements, and thus changes over time (Barker 2000). Stake's (1994) elements 1 (the nature of the case), 2 (its historical background) and 4 (informants through whom the case can be known) are thus interpreted as a means of capturing the changing identity of the *Mail & Guardian* under different editorial regimes. The economic context (element 3) is incorporated into this moment, as the economic constraints that shape and help constitute the paper's 'boundedness', also shape its identity. The data needed for this was drawn from interviews with the editors, journalists, and the financial managers of the paper. As very little has been written about the *Mail & Guardian*<sup>12</sup>, a history of the first ten years written by one of its founding editors, Irwin Manoim (1996), is used as a key source for this period.

### *Semi-structured interviews*

Steinar Kvale says simply: "If you want to know how people understand their world and their life, why not talk with them" (1996: 1)? When one does this, he believes, an interview is "literally an *inter view*, an inter change of views between two persons conversing about a theme of mutual interest" (1996: 2). The challenge the interview presents is to conceive it as a research mechanism shaped by the role of the interviewer. Kvale uses the metaphors of 'miner' and 'traveller' to explore this role (1996: 3). The miner metaphor conceptualises knowledge as found or 'given', whereas the traveller metaphor implies that knowledge is constructed through the interchanges that take place on the journey and in the retelling of the tale on the traveller's return (1996: 3-5). Each

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<sup>12</sup> Besides this, other published studies include Merrett and Saunders (2000), Tomaselli and Louw (1991), Jackson (1993).

proposes a different ‘theory of knowledge’: the former implies a positivist view<sup>13</sup> which is more broadly accepted in the social sciences, and is consistent with how journalists view the world; the latter is associated with an interpretivist approach to knowledge, concerned more with “meaningful relations to be interpreted” (Kvale 1996: 10). In part, I adopt this latter perspective precisely because the situation I am trying to understand is one made by people in times of social change, and it is their responses to the changing situation that constitutes the object of my research. As Morley notes:

The interview method...is to be defended...not simply for the access it gives the researcher to the respondents’ conscious opinions and statements, but also for the access...to the linguistic terms and categories (the logical scaffolding...) through which respondents construct their words and their own understanding of their activities. (1992: 181)

An approach to understanding this situation is ‘talking to the people involved’—conversing with them: “The research interview is based on the conversations of daily life and is a professional conversation” (Kvale 1996: 5). Kvale suggests that this particular “professional conversation” typically does not take place between equals<sup>14</sup>, but is driven by the interviewer who has a specific purpose in mind, and who thus shapes the conversation to try to reach the goal, which is “*to obtain descriptions of the life world of the interviewee with respect to interpreting the meaning of described phenomena*” (1996: 5-6, original emphasis). My goal in interviewing the editors, journalists and financial managers of the *Mail & Guardian* was to understand the concept ‘the *Mail & Guardian*’, in two overlapping, but distinct periods: the editorships of Phillip van Niekerk (1997-2000), and Howard Barrell (2001-2002)<sup>15</sup>. Although I used the interviews to gain a subjective understanding of the *Mail & Guardian*, the framing of my study within a critical realist perspective necessitated rejecting “both the purely representational and the totally constructed models of the interview process” (Davies 2002: 98). Instead, I used

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<sup>13</sup> See Charlotte A. Davies’ critique of this approach (2002: 96). Holstein and Gubrium concur: “Both parties to the interview are necessarily and unavoidably *active*. Each is involved in meaning-making work. Meaning is not merely elicited by apt questioning nor simply transported through respondent replies; it is actively and communicatively assembled in the interview encounter” (1995: 4; qtd. Davies 2002: 98).

<sup>14</sup> Although Kvale is correct in describing the relationship between interviewer and interviewee as ‘unequal’ because the interviewer is ‘in control’ of the interview, and has a particular research agenda, I suggest later that I none-the-less regarded my relationship with my interviewees as ‘equal’ because of our similar social ‘status’ (journalists and academic), and because it was a political position that I consciously adopted.

<sup>15</sup> These two editorships coincide with the period under study.

the understandings gained through the interview process to develop a situated understanding of the *Mail & Guardian* in relation to its social context (Davies 2002: 98).

Interviewing these participants in the *Mail & Guardian* revealed a problem anticipated by Kvale: that of contradictory, and subjective views. Speaking of his own research experience he writes:

With such contradictory information obtained from these three actors in the classroom scene, one might be tempted to discard the qualitative interview as a research method—the knowledge obtained is not objective, but subjective in the sense that it depends too much on the subjects interviewed. (1996: 6)

But he goes on to argue in a rather different vein: “it is in fact a strength of the interview conversation to capture the multitude of subjects’ views of a theme and to picture a manifold and controversial human world” (Kvale 1996: 6). But this position necessitates examining how such knowledge can be evaluated (regarded as ‘objective’), or regarded as ‘valid’ and ‘reliable’—concepts to which I now turn.

#### *Objectivity, generalisability, reliability and validity in qualitative research*

Kvale addresses the problem of objectivity in qualitative research in three ways: “as freedom from bias, as intersubjective knowledge, and as reflecting the nature of the object” (1996: 64). He associates the first term, ‘freedom from bias’, with the processes of the research method, which enable the knowledge obtained from the interviews to be regarded as reliable, and thus free of personal prejudice (bias) (Kvale 1996: 64).

The second conception of objectivity as ‘intersubjective knowledge’ refers to the status of the knowledge as agreed upon—either by the number of people who can testify to the knowledge gained (arithmetic intersubjectivity), or through a process of dialogue and critique (dialogical intersubjectivity) (Kvale 1996: 64-65). And finally, he argues that the conversation interview is uniquely able to be objective if objectivity is regarded as “reflecting the nature of the object”:

With the object of the interview understood as existing in a linguistically constituted and interpersonally negotiated social world, the qualitative research interview as a linguistic, interpersonal, and interpreting method becomes a more objective method in the social sciences than the methods of the natural sciences, which were developed for the non-human domain...The interview is sensitive to

and reflects the nature of the object investigated, in the interview conversation the object speaks. (Kvale 1996: 65-66)

This concern with 'objectivity' is really a concern about the 'truthfulness', 'reliability', and 'credibility' of the knowledge gained through interviews. Kvale refers to the "trinity of generalizability, reliability, and validity" as the hallmarks of scientific investigation. They produce the stamp of what is acceptable knowledge, based on a "modernist correspondence theory of truth" (1996: 229, 231)<sup>16</sup>. But he also points to Lincoln and Guba's (1985) preference for the terms "trustworthiness, credibility, dependability, and confirmability" (Kvale 1996: 231; Babbie & Mouton 2001: 276-278<sup>17</sup>) as equally valid, though different expressions of what can be understood as acceptable knowledge. His own position is to recuperate the terms "in forms relevant to interview research", because

The understanding of verification starts in the lived world and daily language where issues of reliable observations, of generalization from one case to another, of valid arguments, are part of everyday social interaction<sup>18</sup>. (Kvale 1996: 231)

In this spirit, he discusses different forms of generalisability; who makes the generalisations (the researcher or the reader); and the targets of the generalization—which refers to whether one is studying 'what is', 'what may be' as an alternative to 'what is', and finally 'what could be' as a pointer to future possibilities. The basic understanding of generalisability in this context is thus not a hard and fast set of criteria, but rather its meaning in relation to the context and the purpose for making the generalisation (Kvale 1996: 231-235).

The second item in Kvale's trilogy is 'reliability'—simply the "consistency of research findings", which he argues should pertain to the entire process of interviewing,

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<sup>16</sup> Fortner and Christians are also concerned with the "problem of verifying results" in humanistic research. To this end they are also concerned with internal and external validity. External validity forces researchers to question whether their selected cases are representative, offering representative knowledge—which is potentially generalisable—rather than anecdotal knowledge, which is not. Similarly, internal validity requires researchers to be satisfied that the "observations reflect genuine features of the situation under study, and not aberrations or hurried opinion that merely represent observer opinion" (1989: 378).

<sup>17</sup> Babbie and Mouton (2001: 276) suggest the following equivalent notions of objectivity in quantitative and qualitative research: Internal validity: Credibility

External validity: Transferability

Reliability : Dependability

Objectivity : Confirmability

<sup>18</sup> Stake shares this view, arguing that the value of case studies is that "they may be epistemologically in harmony with the reader's experience and thus to that person a natural basis for generalization" (1978: 5).

transcribing and analysing interviews (1996: 235). And finally, the term ‘validity’ is discussed as pertaining to ‘truthfulness’, ‘soundness’, ‘convincing’. In positivist quantitative research, validity is used to refer to whether “you are measuring what you think you are measuring” (Kerlinger 1979: 138, qtd. Kvale 1996: 238; Bryman 1988: 28; Wimmer, R & Dominick, J 1991: 54- 57). But, Kvale argues that if validity is interpreted more broadly as “the extent to which our observations indeed reflect the phenomena or variables of interest to us” (Pervin 1984: 48, qtd. Kvale 1996: 238), then qualitative research can produce “valid scientific knowledge” (1996: 238). In particular, when knowledge is viewed as a social construction of reality, as opposed to a mirror of reality, then “[T]ruth is constituted through dialogue; valid knowledge claims emerge as conflicting interpretations and action possibilities are discussed and negotiated among members of the community” (Kvale 1996: 239). In this scenario, Kvale argues that the validity of knowledge claims are judged in terms of “the quality of the craftsmanship in research”; how contesting claims are argued in dialogue; and on the basis of their practicality (1996: 241-251).

#### *My use of interviews<sup>19</sup>*

Kvale identifies seven stages that constitute the interview as a method of research: “ (1) thematizing, with a conceptualisation of the research topic and formulation of the research questions; through (2) designing the study so it addresses the research questions, treating both knowledge construction and moral implications; to (3) the interviewing itself; (4) transcribing; (5) analysing; (6) verification: and (7) reporting” (1996: 13). I will discuss my own research process using this as a guiding framework.

From preliminary discussions with *Mail & Guardian* journalists, it became clear that the editor played a key role in shaping both ‘the paper’ as an organisation, and its content. This guided me, not only in organising my study chronologically in terms of the different editorships, but also in terms of seeing the editors as key players in the internal fabric of the organisation which had an outward or apparent ‘unitary’ or ‘coherent’ identity. Because the study is partly historical, I used interviews to explore journalists’ memories and perceptions of how the paper functioned as a news-producing organisation under the

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<sup>19</sup> See Appendix 1 for interview schedule for journalists, and Appendix 2 for interview schedule for editors.

different editors. In this instance, in conditions in which record-keeping and archiving are rudimentary because of quotidian political and work pressures, people provide an institutional memory. Unlike Daniel Chomsky's (1999) study, for example, that uses the archival correspondence between the publishers, editors and journalists at the *New York Times* to show how managerial control is effected, this study uses interviews with the journalists and editors for this purpose. While Chomsky's study "highlights the importance of ownership and reinforces the expectations of the propaganda model" (1999: 596), this study points to the complex ways in which editors exert their influence, despite the absence of the usual ideological pressures of capitalist ownership.

My approach is also different from Gans'. In his interactions with his subjects, he kept his opinions to himself (1980: 76-77), reflecting the traditional concern that the interviewer should not 'influence' the interviewee (Davies 2002: 101). In contrast, I engaged in a dialogue with my subjects. Once we had dealt with the practical and ethical preliminaries of the interview, my three 'opening' questions to the interviewees were: (1) why had they become journalists? (2) Why had they chosen the *Mail & Guardian* as a place to work? And (3), how did one's political views impact on one's journalism? In response to the second question, all the journalists stated that they had chosen the *Mail & Guardian* because of its political profile, which they identified with—acknowledging their own political views and values. Our subsequent conversation about their journalistic practice and values was an engaged discussion between social 'equals'<sup>20</sup>. My openness and willingness to enter into a spirited dialogue with the interviewees enriched the encounter. I sometimes simply listened, or asked 'open' follow-up<sup>21</sup> questions, but sometimes my questions were challenging. This depended on the kind of rapport developed between the interviewee and me. My experience of the interviews confirms arguments about the value of the interviewer's self-disclosures. Davies summarises these positions:

Another approach to the question of self-disclosure is Oakley's (1981) argument that both for ethical reasons and for the efficacy of the interview, an interviewer

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<sup>20</sup> There was no sense of a 'distortion' in the social engagement because of differential power relations. See Davies for a discussion of the possible impact of power relations in an interview situation (2002: 99-100).

<sup>21</sup> In the literature, follow-up questions are often referred to as "probing", "which is used to get a fuller response; it may be verbal or non-verbal" (Fielding 1993: 40).

must be prepared to share their own knowledge; she suggests that the interviewing process can only develop effectively 'when the interviewer is prepared to invest his or her personal identity in the relationship (1981: 41). Others suggest that personal experience should be called upon not just to develop empathy or fulfil ethical expectations, but also to challenge and contrast, as another means of developing understanding. (2002: 101-102)

Because I was interested in the relationship between the *Mail & Guardian* and the changing social and political milieu, my use of interviews was shaped by a critical realist perspective. In other words I used the interviews not only to gain the staff's subjective view of their experiences on the paper, but also to build knowledge about the paper in relation to its social context. As Davies notes:

Thus both interviewer and interviewee begin with some necessarily incomplete knowledge about another level of reality—the social—and through an analysis of the character of their interaction including, but not limited to, the content of the verbal interaction, they may develop this knowledge. A researcher may further increase and deepen such understanding through interactions with a range of interviewees focusing on a given area of interest. (2002: 98)

I interviewed the three editors of the paper up until my period of study. I also interviewed ten journalists who had mostly worked on hard news, investigative pieces, or had been involved in the sub-editing process. All of them were regarded as 'senior' journalists, and had been at the paper during one or more of the three editorships. As the focus of my research was on understanding the complaint of racism against the paper, six of the nine journalists were black, of whom two were women. Two of the journalists were investigative journalists, and one had also worked on the subs desk in a senior position. I also interviewed two financial managers, and a senior Southern African journalist Joe Hanlon. I also tried to secure an interview with Christine Qunta, the lawyer involved in the BLA's complaint, but she was evasive. The sample was thus a purposive<sup>22</sup> one, and the selection also reflects a 'snowballing'<sup>23</sup> procedure in that I asked journalists whom they regarded as significant members of the newsroom, whom I then interviewed.

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<sup>22</sup> Babbie describes a purposive sample thus: "You select a sample of observations that you believe will yield the most comprehensive understanding of your subject of study, based on the intuitive feel for the subject that comes from extended observation and reflection" (1979: 215; see also Arber 1993: 71-72).

<sup>23</sup> See Babbie (1979: 214); Arber (1993: 73-74). Although 'significant members' is not a usual criterion for selection for case studies, my rationale was to find participants who had themselves 'invested' in the organisation.

The interviews were all done in Johannesburg, at a place chosen by the interviewee. Some of the interviews took place in the *Mail & Guardian's* boardroom, others at the homes of the journalists, or in a quiet coffee bar, or, for those who were no longer at the *Mail & Guardian*, at the journalist's new place of work. The interviews varied in length, depending on the time commitment of the journalist, but as I had requested a minimum of 90 minutes of their time, none was shorter, most were two hours or longer, and at least two lasted about five hours. It is this pre-arrangement and the use of an interview guide that Davies sees as the distinctive characteristic of a semi-structured interview (2002: 94-95). For the most part, the journalists 'enjoyed' the interview, as it gave them an opportunity to reflect on their own experiences at the paper and its place in South African society. Only one interview stands out as being 'difficult': while doing this interview I was aware of a tension between the journalist and me, and I had the sense that he was 'resisting' the process. While other journalists spoke easily and interpreted my questions fully, giving elaborate responses, this particular journalist was more restrained. The issue of the racism hearings was 'touchy', and he seemed wary of me, and my position vis-à-vis the paper. One of the editors was also cautious as he had seen me at the hearings<sup>24</sup>, but once he felt assured that I was not hostile to the paper, we had an engaging conversation about the paper and its discursive practices.

The interviews were recorded, except at times when the journalist asked for particular issues to be discussed off the record. As they are all well-known and well-respected journalists, they had no objection to their names being used, but when sensitive issues were discussed I agreed to withhold their names as the journalistic community is small and I have no wish to provoke unnecessary conflict. Although the interview was dialogical and open-ended, I nevertheless had an interview guide<sup>25</sup> for the journalists that focused on six areas: 1) personal questions; (2) newsroom dynamics and organisation and their impact on the *Mail & Guardian's* journalism; (3) the *Mail & Guardian* and its socio-political context; (4) government-*Mail & Guardian* relations; (5) political impacts on *Mail & Guardian* journalism; (6) economic impacts on *Mail & Guardian* journalism.

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<sup>24</sup> I offered an academic perspective in a paper titled "Theoretical considerations in the study of racism in the media".

<sup>25</sup> See Kvale (1996:129-135); Fielding (1993: 136).

I had a different guide for the three editors which focused on three areas: (1) the politics of the paper; (2) how ownership/management impacted on the *Mail & Guardian's* journalism; and (3) internal newsroom dynamics. However, as these were interview guides, not detailed prepared questions, the ensuing dialogue emerged from my probing questions. In these circumstances, Fielding notes,

the interviewer has to keep all the probe subtopics in mind as the respondent talks, mentally ticking off the ones the respondent mentions and remembering to ask about the ones the respondent does not mention. (1993: 144)

I simply made scribbled notes to myself—as unobtrusively as possible—as the interviewee spoke, and followed up on the various ‘trails’. At the end, I checked that all the areas had been covered. All the interviews were taped and transcribed.

#### *Data analysis*

The page references relating to the interviewees refer to the transcribed documents—each interview yielded 20-40 pages of single-spaced transcription. The interviews were analysed into themes and were used to describe the different editorial regimes. Kvale discusses five aspects of analysing interview transcripts: condensation, categorization, narrative, interpretation, and ad hoc methods (1996: 193-204). My approach was similar to his notion of ‘condensation’, which he breaks down into the following five steps: (1) reading the whole interview to get a sense of the whole; (2) breaking the text down into ‘natural’ meaning units; (3) describing each natural unit in terms of the dominant theme; (4) relating themes to purpose of study; (5) tying together the “essential, nonredundant themes” into a descriptive statement (1996: 194). Having done this with every interview, I then constructed a ‘narrative’ of the themes identified so that I tell the story of the *Mail & Guardian* during the period under study through the memories, experiences, and words of the journalists who had worked there. This ‘story’ is reported in Chapters 5, 6 and 7.

#### *Moment 4: Texts (Stake's aesthetic)*

Understanding the complaint of racism against the *Mail & Guardian* also necessitates an understanding of the kinds of texts that it produced that provoked the accusation. In this regard both quantitative textual analysis (Chapter 8), and qualitative textual analysis (Chapters 9, 10, and 11) are undertaken. The aim of the quantitative analysis is to give a broad impression of the ‘*Mail & Guardian*’ under the two editorships that constituted the

period of study. I conceive of this quantitative content analysis as providing two ‘survey-like’ snapshots of the paper. The first snapshot is an analysis of the news section. Bearing in mind the complaints about the paper’s focus on government corruption and scandal during the time-period under consideration, I constructed a ‘frame’ to illuminate the *Mail & Guardian’s* conception of news. My frame combines actors and events they were involved in. I selected events/actions that could clarify the claims about the paper’s emphasis on government corruption and scandal. All news stories between 1998 and 2001 (inclusive) were classified into one of the following twenty categories:

1. Government performance: Information.
2. Government performance: Critique.
3. Alliance: internal politics.
4. Alliance: their conflicts with ANC.
5. Mbeki.
6. Other parties.
7. Ordinary people/social situations.
8. Apartheid ‘old guard’.
9. Transformation: positive/information.
10. Transformation: skeptical.
11. Judiciary.
12. Media Africa.
13. Transgression: regional government.
14. Transgression: central government.
15. Transgression: police (or military or the National Intelligence Agency [NIA]).
16. Transgression: private/corporate.
17. Transgression against women or children.
18. Corporate (business/gold price).
19. Other.
20. Education.

These amounted to 930 stories in 1998; 882 in 1999; 1043 in 2000; and 1030 in 2001.

This method of data collection and analysis gives an overview of the kinds of news stories in the paper, and their percentages in relation to other stories—providing a sense of the paper’s ‘news values’.

The second quantitative snapshot looks at the content of the editorials and two political columns—‘Over a Barrel’ written by the political editor, Howard Barrell, and ‘Worms Eye View’ written by a policy analyst, Steven Friedman—between 1998 and 2001. The idea here is also to give some sense of the views carried by the paper. The columns were categorised as follows:

1. Positive view of government, government agency, or government personnel.
2. Negative view of government, government agency, or government personnel.
3. Positive view of ANC.
4. Negative view of ANC.
5. Positive view of Mbeki.
6. Negative view of Mbeki.
7. Politics in general.
8. Other.

This survey of the paper and the quantification of the data—within the limits of the method—give some indication of the paper’s attitude to the government and the ANC, as contained in two key columns.

In addition to these two quantitative snapshots, I also examined the changes in the sections in the paper during this time, giving a qualitative sense of how the paper as a whole was conceptualized. And finally, I made a purposeful selection of letters to the editor commenting on the paper’s journalism. I analysed them in terms of their themes to identify some of the different kinds of critiques that were made by readers.

As the *Mail & Guardian* is noted for its investigative journalism, in Chapter 9 I analyse a series of 49 articles, compiled by the paper’s librarian, that deal with the 1997/1998/1999 ‘state oil scandal’. This particular series was chosen because it was singled out by most of the journalists as exemplary journalism; because it was critiqued in an ‘advertisement’ by one of the subjects of the investigation as an example of *Mail & Guardian* racism; and because one of the lawyers employed to challenge the *Mail & Guardian*’s reportage was later one of the key architects of the BLA/ABASA complaint of racism against the paper.

This series is analysed qualitatively, examining how the narrative is constructed through its characterisation of villains, and how the use of irony conveys its moral outrage at the way in which a state functionary not only failed to follow hiring procedures, but in so doing hired a ‘rogue’ from whom he benefited personally—at great expense to the taxpayer. Chapter 10 examines four articles (three news, and one editorial) dealing with the appointment of black professionals as a means of ascertaining the *Mail & Guardian’s* perspective on this issue—which would also give rise to the accusation of racism against the paper. Finally, Chapter 11 analyses four articles (two news, and two editorials) that deal with the appointment of black judges, which relates to affirmative action, and thus speaks directly to the paper’s representation of South Africa’s racial order. Both Chapters 10 and 11 draw on Van Dijk’s (1988, 1998) approach to discourse analysis.

#### *Moment 5: Regulation (Stake’s legal context)*

Although Stake (1994) includes the legal framework as one of many contexts (including the economic, political, and aesthetic), Du Gay *et al.* (1997) identify ‘regulation’ as a separate moment in the circuit of culture. This could be interpreted legally, ethically, or in Foucauldian terms as discourse which enables some things to be said and others not. Following Du Gay *et al.*, I interpret ‘the legal’ as a separate moment, and I examine, in Chapter 12, the legal debates about the contending rights to freedom of expression on the one hand, and dignity and equality on the other. Understanding this moment requires a different set of data: the letter of complaint to the SAHRC; the rebuttal by the *Mail & Guardian’s* lawyers; their submissions to the enquiry; and the media’s coverage of the issue—which amounted to over 200 articles published in *The Citizen*, *The Star*, *Sowetan*, *City Press*, *Sunday Times*, *Sunday Independent*, and the *Mail & Guardian*—that were compiled by the *Mail & Guardian’s* librarian. I analysed them thematically in order to understand the different positions that were articulated by different journalists and the public at large—the discursive space into which *Mail & Guardian* journalists wrote.

#### **Conclusion**

This structure outlines the argument of the thesis: that the constitution of news is a multi-faceted gestalt, and an assessment of a newspaper’s news policy can only be made by examining the relationships between the parts that make up ‘the whole’ that we call

“news”. Furthermore, the racial dimension of South Africa’s class formation over-determines social relationships and is often understood in essentialist terms. Although the *Mail & Guardian* espouses an independent, non-racial approach to journalism, it cannot but be influenced by the views and values of its editors who, I argue, critically shape its news practice.

### CHAPTER 3: South African context

The central theoretical question in the analysis of the South African social formation is how the relationship between race and class should be understood. The answer given to this question has a direct bearing, at the political level, on the way in which the struggle against white domination may be characterised. (Wolpe 1988: 10)

However sophisticated our theorizations of fragmented subjectivities, people are enraged, hurt and unforgivingly upset by some political theoretical arguments. Perhaps most particularly so when issues of identity—however invoked—are involved. When there is no equality of status, no accustomed familiar disagreement, no—to be culturally specific—having a drink together afterwards to accommodate principled disagreement. (Brundson 1996: 284)

The SAHRC inquiry into racism in the media became the forum where fundamental questions of representation were raised. In this context, ‘representation’ must be understood in two senses: what is represented *in* the media, and the media as representatives *of* ‘the people’. The complainants charged that the *Mail & Guardian’s* representations were skewed by the racialised lens through which the newspaper viewed the changes in post-1994 South Africa. In order to make sense of these claims, and the discourses that shaped them, this chapter examines three key related socio-historical ‘clusters’ that informed the charge of racism against the *Mail & Guardian*: first, the history and historiography of race in South Africa; second, the Mbeki state; and third, the *Mail & Guardian* within the context of the South African media landscape. The first concerns the politics of race and class that informs all aspects of South African life and which surfaces here not only in the accusation of racism against the *Mail & Guardian* by two racially defined professional organisations, but also in the rebuttals to the complaint, and in the ensuing public discussions. My argument is that one can only make sense of these discourses by relating them to the different political perspectives regarding racial, ethnic, and national identity that shape contemporary senses of belonging. I make this argument by delineating the historical construction of these perspectives, which in turn informs the ideological prism through which South Africans make sense of their world.

The second aspect of the socio-historical matrix informing the complaint relates to the post-1994 political changes in the country. Thabo Mbeki, in his capacity first as deputy-president, and then as president, played a significant role in re-shaping race and class relations in the newly democratised state, and re-organised the ANC as a means of effecting these changes. Because these changes were critically important, they became a focus of media attention.

That the *Mail & Guardian* was one of the targets of the complaint needs to be understood both in terms of the re-ordering of the state (and race and class relations within the state), and in terms of the newspaper's own history. The third section of the chapter focuses on the *Mail & Guardian's* political place in the media landscape, and its changing relationship to the ruling party. These three contexts form the substratum that I use to make sense of the complaint of racism against the *Mail & Guardian*, and they underpin public concern about the politics of the media in the early Mbeki years of South Africa's young democracy.

### **Race and class in the development of the South African state**

It is necessary to understand how the social dynamics of race, ethnicity, and class came to characterise the 'essence' of South Africaness. How were these concepts developed and used to explain South Africa's historical trajectory? And how did these understandings inform the politics of South African activists in their fight for progressive change? The answer to these questions "has a direct bearing, at the political level, on the way in which the struggle against white domination may be characterised" (Wolpe 1988: 10). Neville Alexander also addresses the central political importance of the relationship between race, class and ethnicity, arguing that these are "also the touchstone by means of which we gauge the political and philosophical *Standort* of any given South African analyst or author" (Alexander 2002: 34).

The following discussion will show how both Afrikaner and African nationalism have drawn on essentialist understandings of race and ethnicity, terms that are often used interchangeably<sup>1</sup>. Marxist theorising in the 1970s challenged this essentialist view,

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<sup>1</sup> See Saul Dubow (1994).

pointing to historical and material conditions, and social location as shaping collective identities and their expression in cultural practices<sup>2</sup>. Both these sets of discourses were evident in the public discussions provoked by the SAHRC inquiry. Discourses of race and ethnic essentialism were used to challenge what was seen as the racial order of the media, but equally, the discourse of class was used to question the legitimacy of those who used the discourse of race to speak for all 'disadvantaged South Africans'. Part of the ideological and discursive struggle within and amongst political organisations was concerned not only with clarifying the terms, but also challenging their epistemological basis. A post-structuralist view, which defines 'difference' as a social construction, challenges the essentialist view of both ethnicity and race that was propagated by the apartheid state—and which was taken up by some liberation organisations. This essentialist discourse is still prevalent in contemporary popular parlance. In order to interpret these contemporary political discourses, an understanding of their history is important, as is a framework that locates both the construction and the politics of identity within a broader structural context.

Discussing the politics of race and class in analyses of South Africa, Harold Wolpe (1988) points to three shortcomings: an over-emphasis on historical continuity; reductionist views of race and class; and an emphasis on the state and the political terrain, with a concomitant under-emphasis on the structural conditions that constituted state formation and its ensuing politics (1988: 5). Pointing to these blind spots serves as a useful reminder of the analytical criteria that could be used in assessing the political positions enunciated in particular discourses. As a way of contextualising contemporary political discourses, I will offer an analysis that draws on four historiographical approaches (Maylam 2001a), and show how they inform the political positions adopted

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<sup>2</sup> Stuart Hall, for example, acknowledges that while economic conditions set the horizons of the ideological terrain that informs the constitution of social identities, they do not in any pre-determined way 'fix' the play of ideologies or how they will be taken up by the subjects to whom they are addressed. This is the work of politics: to articulate ideologies (or ideological elements within a discourse) to political subjects within a particular historical, social, cultural, political and economic terrain (1996: 438). In relation to South Africa, Alexander writes: "Whether or not a particular identity is mobilised politically depends on many circumstances. Most often, the markers of identity—such as language, colour, religion—are seized upon by ethnic entrepreneurs in order to use the energy and the power of the mobilised people for the purpose of gaining political and/or economic advantage. What has to be guarded against is the opportunistic and usually charlatan attempts to invent or to reinvent identities by power-seeking or aspiring elites who see the chance of catching the votes of their 'captive audience'" (2002: 105).

by key political parties or organisations<sup>3</sup>. Gramsci's understanding of 'common sense' is helpful in elucidating how some ideas take hold in popular consciousness and become expressed as that which 'everyone knows' and is thus unquestionable:

Every social stratum has its own 'common sense' and its own 'good sense', which are basically the most widespread conception of life and of men. Every philosophical current leaves behind a sedimentation of 'common sense': this is the document of its historical effectiveness. Common sense is not something rigid and immobile, but is continually transforming itself, enriching itself with scientific ideas and with philosophical opinions which have entered ordinary life... (Gramsci 1971: 326)

Bearing in mind that the traces and sediments of ideas that constitute the 'common sense' of an age leave no 'inventory' of where they are drawn from, it is different elements of these understandings that inform contemporary public discourses about the politics of the media, civil society organisations, and the state.

In analysing the historiography of South Africa, Maylam identifies four historically dominant perspectives that account for the development of South Africa's racial order: primordialist pluralism, liberal pluralism, materialism, and what he calls an 'intermediate' position (2001a: 225). The first three are similar to Neville Alexander's typology: conservative, liberal, and radical (2002: 9). The first two, in both typologies—Maylam's 'primordialist pluralism' and 'liberal pluralism', and Alexander's 'conservative' and 'liberal'—are what Wolpe (1988) would regard as race reductionist; the third—Maylam's 'materialism'—Wolpe would regard as class reductionist. Maylam's fourth perspective, the 'intermediate position', is one that eschews both 'race' and class essentialism. I will deal with each in turn, showing how they inform particular contemporary political positions that were articulated by the various participants in the debate about the politics of the *Mail & Guardian's* journalism.

#### *Race reductionist approaches*

In race reductionist approaches Wolpe argues that race is seen as a fundamental category of analysis, "as the irreducible constituent determinant of social structure and relations" (1988: 12). On this basis, he argues:

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<sup>3</sup> A similar analysis is evident in the work of Saunders (1988), Worden (1994), and Alexander (2002).

The social structure is then theorised on the basis of individual subjects and groups who owe their formation, their unity and their homogeneity to a single racial origin. Correspondingly, the social relations within and between these groups are asserted to be exclusively governed by racial categories: that is, the interests of racial groups are derived from, and are formulated exclusively in terms of, their racial attributes. (1988: 12)

This view of race and its place in South Africa's development is common to social analyses based on what Maylam describes as primordialist pluralism, and liberal pluralism.

Primordialist pluralism assumes the natural existence of different races based on somatic biological features believed to be correlated with cultural characteristics. In this view race is seen as a naturally occurring phenomenon, with each race being internally homogenous, and having a particular place in a hierarchy of races. Race consciousness is deemed to be an equally natural 'instinct' and thus part of the natural and divine order of things. On this view, the 'discovery' of the Cape was seen as part of European exploration, expansionism, and development—usually understood in religious terms as 'divine will', or in terms of an ideology of promoting "'Western Christian Civilization' in Africa" (Alexander 2002: 10)<sup>4</sup>. Alexander notes that "Social Darwinian principles of 'might is right' and 'survival of the fittest' were accepted as the allocative mechanisms whereby human beings were classified and located in the unavoidable hierarchy of social inequality" (2002: 12). These views informed early colonial thought and political practice. Using Saxton's argument, Maylam notes that they were not aberrant thinkers:

Until the third decade of the present century, most people in the so-called Western world, including most social scientists and historians, took for granted the hereditary inferiority of non-white peoples. Differential treatment required no special explanation so long as it could be understood as a rational response to objective reality. (Saxton 1990: 2, qtd. Maylam 2001a: 212)

This view of race informed Afrikaner nationalism. Some of the Afrikaner nationalist ideologues had studied in Germany in the 1930s, and were thus particularly influenced by Nazi racial theory (Maylam 2001a: 212). They categorised indigenous people into different 'nations', enabling the development of segregationist and later apartheid

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<sup>4</sup> See Goldberg (1993), Hall (1992), West (1990), and Wood (1995) for expositions on the general application of this idea in understanding racism.

policies to ensure the separation of ten different 'nations'—each entitled to its own 'independent homeland'—constituting South Africa as a 'multi-national' state (Alexander 2002: 35).

But, as Alexander notes, "The disaster of Hitler's National Socialism and of the holocaust marked the turning point in the history of racism in general and the historiography of all racist societies" (2002: 13). Contemporary theory challenged the biological basis of racism. In addition to this, South African industrialisation necessitated the use of indigenous labour beyond that of merely unskilled chattels<sup>5</sup>. In this new context, South African history was re-viewed and 're-written' from a liberal pluralist perspective. In common with primordial pluralism, the liberal pluralist perspective understood race as a natural, given phenomenon. Because of these 'natural' differences, each race was assigned a different place in the social organisation of the developing polity which was constituted by the parallel development of different social economies: one wealthy, modern and white; the other poor, 'traditional', and black (Alexander 2002: 13). In this view, developing 'harmonious race relations' became a key principle in the management of this dual economy:

The reified notions of culture and of the dual economy in which they believed, made these scholars accept the idea of protecting the 'natives' from the inroads of 'modernity' by segregating them in town and country and letting them be subject to their own customary code, supervised of course, by white magistrates or by some other local authority. (Alexander 2002: 14-15)

Maylam argues that although the primordialist pluralists (Alexander's conservatives) and the liberal pluralists had different political agendas, both positions are rooted in a philosophical idealism that renders race consciousness the key causal factor in the development of the South African racial order (2001a: 216). But a significant political difference between the primordial pluralists and the liberal pluralists was that the latter argued that, "racial ideology, racial prejudice and racial discrimination were inimical to capitalist development and economic growth" (Alexander 2002: 13). As a consequence, they argued that the "rational, colour-blind logic of the market", if left to itself, would ultimately lead to the disappearance of race as a significant factor in South Africa

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<sup>5</sup> For details, see for example Bozzoli (1980), O'Meara (1983), Stadler (1987).

(Alexander 2002: 13). This became the liberal pluralist orthodoxy of South African historiography and social sciences until the 1970s. In this view:

Social classes in the Marxian sense of relationships to the means of production exist by definition, as they must in any capitalist country, but they are not meaningful social realities. Clearly, pigmentation, rather than ownership of land, or capital, is the most significant criterion of status in South Africa. (Van den Berghe 1967: 267, qtd. Alexander 2002: 14, and Wolpe 1988: 13).

For the liberal pluralists, although race was an essential factor in the development of the South African state, it was deemed to be antithetical to the long-term development of capitalism in South Africa.

Based on these understandings, Alexander describes the classical liberal conception of the state as the 'four-nations thesis', in which the categories 'African', 'White', 'Coloured', and 'Indian' were based on the assumed biological reality of four races (2002: 35-36). He argues that there are three political variants of this position. For classical, white, liberal parties, these races were not fully-fledged 'nations', but ethnic groups, and the task of political leadership was to manage 'race relations' so that the different groups could live together harmoniously. He notes that the Democratic Alliance, South Africa's contemporary official opposition party, "as well as influential groupings within the Congress Alliance are without any doubt latter-day custodians of this position" (Alexander 2002: 36).

White supremacy did not go unchallenged. The different resistance organisations that were formed also had the task of explaining why and how it was that wealth and power were unevenly distributed amongst the people of South Africa. Within the resistance movements, variants of an essentialist understanding of race were adopted. Although the ANC Youth League in its early years also subscribed to the 'four nations thesis', it argued that three of them (European, Coloured, and Indian) were minorities, and three of them (Africans, Coloureds and Indians) suffered from national oppression (Karis and Carter 1972: 32, qtd. Alexander 2002: 36). In this view, the African people constitute the nation, while coloureds, Indians and whites constitute 'national minorities'. In the light of this, Alexander sums up the current situation:

Because of the manner in which the actual history of South Africa has developed at the end of the twentieth century, this is for all practical purposes the official



conception of the nation of South Africa at the beginning of the twenty-first century. (2002: 37)

Another variant within the Congress Alliance was not to see coloureds, Indians and whites as national groups, but as ethnic groups, that “should be accorded ‘national cultural autonomy’ within a united South African state” (Alexander 2002: 37). In this conception there is a similarity between Afrikaner and African nationalism.

Yet another position—articulated as the ‘two-nations’ thesis—was espoused in different ways by the South African Communist Party (SACP) and the Pan-Africanist Congress (PAC). The SACP described the situation in South Africa after its ‘decolonisation’ in 1910 as ‘Colonialism of a special type’ or ‘internal colonialism’. Although the Act of Union largely ‘freed’ ‘South Africa’ of British colonial rule, national sovereignty was vested in a state dominated by local white and British capital based on the exploitation and subjugation of black labour (Wolpe 1988: 29). This conception was easily translated into a ‘two-nations’ thesis: one white, one black, in which there is an easy equation of black with working class, and white with capitalists. The PAC and the Black Consciousness Movement (BCM) shared this view, using the term ‘Black’ to refer to African, coloured and Indian people who suffered a common oppression under a white supremacist minority (Alexander 2002: 37). For these two organisations, the primary struggle was against racial oppression: the anti-apartheid struggle. The Communist Party, on the other hand, conceived of a ‘two-stage’ revolution: the first for the national sovereignty of black people—the racial struggle; the second, the class struggle for socialism. Its alliance with the ANC was based on the shared view of the first stage of the struggle as one for ‘national’ sovereignty of the majority—the basis of African nationalism (Alexander 2002: 37)<sup>6</sup>. Alexander argues that although the two-nation thesis became hegemonic in the late 1970s and early 1980s, it was superseded by the discourse of ‘multi-nationalism’<sup>7</sup>.

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<sup>6</sup> Alexander’s view is that the SACP formulation, colonialism of a special type, “prepared and consolidated the ground for the subjugation of the SACP to the ANC or, ...of the independent struggle of the working class to the primacy and limitations of African nationalist ideology” (2002: 37).

<sup>7</sup> He suggests that the contemporary invocation of ‘two nations’ by Thabo Mbeki is used in a cautionary way to the ruling elite to show “how easy it would be to mobilise the urban and rural poor for a racial conflagration” (Alexander 2002: 38).

*Class reductionism.*

In contrast to race reductionist positions, Wolpe identified a class reductionist position, associated with 'reductionist Marxism'. In this version of Marxism,

class is not merely conceptualised as an economic relation of production, it is also assumed that relation immediately and directly defines the interests of the class entities which are constituted. That is, the classes and the individuals who comprise them owe their formation, their homogeneity and their unity to a single, economic position. (Wolpe 1988: 14)

Acknowledging class reductionism, Marxist critic Robert Miles focuses on the social conditions that produce a racialised discourse (1989: 73). Some South African historians in the 1970s—known locally as Marxist revisionists—took a similar position in challenging the orthodox liberal account of race and its deployment in accounts of the South African social structure. They rejected the view that races are naturally occurring entities, seeing race instead as a constructed category that enabled the development of capitalism in South Africa (Davies 1979, Johnstone 1970, Legassick 1972, O'Meara 1975; Wolpe 1988). They challenged the idealist view of both Afrikaner nationalists and 'English' liberals that "the racial order was essentially a political/ideological phenomenon" (Maylam 2001a: 219). They argued that segregation was formulated in the report of the South African Native Affairs Commission (1903-1905), set up by the then High Commissioner Lord Milner, and that "it was under the rule of the British Empire and not that of the Afrikaner, or Boer, nationalists that the political blueprint of segregation was originally posed, and, in part, actually implemented" (Alexander 2002: 16).

Marxist historians and social scientists argue that it was "the structural conditions of deep level mining as well as the need for cheap black labour on the part of the white farming class" that necessitated the continuation and intensification of racial discrimination and segregation (Alexander 2002: 21). As Alexander writes,

The whole edifice of repressive laws and bureaucratic structures, ranging from the 'native reserves' and Bantustans at the one end to the ludicrous details of 'petty apartheid', such as separate post office queues and cemeteries, is explicable ultimately in terms of a racist logic, the end of which was to guarantee cheap black labour and the continued profitability of maize and gold. (2002: 22)

But the functionality of exploiting racism for the purposes of capitalist development became questionable with the increased development of manufacturing after the Second World War. And, as Alexander notes, contemporary history has shown that capitalism can thrive in South Africa without recourse to racism (2002).

The view that racism did not necessarily serve the purposes of capitalism was contested by liberal organisations because it challenged their perspective. It was not until the 1970s, with the growth of the trade union movement and the application of Marxist academic analyses to popular politics that a class consciousness became more clearly articulated, and was developed in the trade union and civic struggles of the 1980s. According to Alexander, it was only for a brief period in the early 1980s that the “classist, socialist, non-racial understanding of the nation of South Africa can be said to have become dominant among political activists” (2002: 41)<sup>8</sup>. Although this was but a brief historical moment, it was characterised by a vibrant civic and trade union political culture that articulated a class consciousness that cut across race, thereby expressing a non-racial (as opposed to ‘multi-racial’) politics.

Popular struggles and organisation were rooted in class-based issues: employment, housing, health care, and education. In addition to the symbols of the ANC, those of the labour federation, the Congress of South African Trade Unions (COSATU), and the Communist Party were used defiantly to signal popular political aspirations. Popular political debate was not framed by an ‘anti-apartheid’ discourse, but by a search for alternatives—in all spheres—one of which was socialism in a post-apartheid South Africa. Although these views were not ‘codified’ and promoted as the policy of a particular political party or organisation, they were part of the political culture of the time. But, as Alexander notes, “it became clear from the early 1990s onwards that this view had not become hegemonic in the black population at large, never mind the white population” (2002: 41). Although African nationalism was counter-posed to Afrikaner nationalism, and although they both shared a ‘four-nation’ or ‘multi-racial’ understanding

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<sup>8</sup> According to Alexander, “All organisations, with the exception of the Neum [the Non European Unity Movement, later the Unity Movement, and currently the New Unity Movement] and some members of the SACP, tended to view, and to mobilise, the population in terms of the four-nations thesis. A non-racial ethos was propagated by the exceptional minority in the Neum and the SACP” (2002: 40).

of the South African nation, for the most part, the leadership of the mass democratic movement promoted a political culture which could superficially be regarded as 'non-racial' (Alexander 2002: 41)<sup>9</sup>. A crucial element that was absent was a sustained critique of capitalism as structuring the form of the state.

### *The 'intermediate' position*

As early as 1983, South African historian Deborah Posel challenged both the liberal and Marxist orthodoxies, rejecting the *either* 'race' *or* class accounts of the development of the South African state. She argued instead for a Marxist framework that was non-reductionist with respect to class, seeing it as necessary, but not sufficient for understanding the South African social formation (1983: 61). "In particular", Posel writes, "an explanation of any popular action—or inaction—must allow for the role which ethnic and ideological affiliations might have played as forces in their own right" (1983: 61). Her view accords with that of Charles Husband:

Ethnicity I see as an essentially socially constructed means of collective identification with its roots in material relations, historically understood (Rex 1986)...It follows from this that I am happy to benefit from 'post-modernist' analyses of ethnic identity and their expansion of our understanding of difference. However, I do not see it as necessary, or appropriate, to yield up a political and economic understanding of the material conditions and power relations which underpin the social construction of subjectivities. Ethnicity can appropriately be understood as both the social psychology of consciousness of kind, and as the material infrastructure which enables that identity to be expressed in practice" (1996: 205).

As Husband (1996) notes, the post-structuralist and post-modernist theorisation of 'difference' enables us to probe the production of particular identities in social situations, enabling a more nuanced understanding of how structural conditions impact on social relations. Posel *et al.* note, for example, that it was precisely because race and ethnicity were at the centre of Afrikaner nationalist politics, that those opposed to apartheid shied away from them as conceptual categories that needed exploration (2001: vii-viii).

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<sup>9</sup> This view contradicts Alexander's earlier descriptions of the ANC's 4-nations approach, which is based on what Kwame Anthony Appiah describes as 'racialism', which he defines thus: "that there are heritable characteristics, possessed by members of our species, which allow us to divide them into a small set of races, in such a way that all the members of these races share certain traits and tendencies with each other that they do not share with members of any other race" (1992: 13). I read Alexander as saying that in spite of the logic of the ANC's policies being based on racialism, the leadership has nevertheless managed to promote a *superficial culture* of non-racialism.

However, although recognising the political and intellectual value of this approach, Maylam warns, “the practice of racial oppression in South African history cannot be separated from material forces” (2001: 240).

### **Mbeki’s South Africa**

The essence of the race/class debate was about the contribution of each to the construction of the apartheid state. What is of critical concern in the post-apartheid state is whether, and how, the abolition of apartheid and the creation of a liberal, democratic, constitutional state can redress the legacies of apartheid—poverty, unemployment, poor housing, and inadequate systems of education, and healthcare. In this section I argue that under Mbeki’s leadership the ANC was restructured in such a way that policy formulation became increasingly restricted to an ‘inner circle’, and was less responsive to the views of its alliance partners, the SACP and COSATU. This resulted in tensions between the alliance parties, with the SACP and COSATU maintaining that ANC policies were not effective in honouring its electoral promises of “a better life for all”. These intra-alliance tensions, the changes within the ANC, their newly adopted policies, and the subsequent re-ordering of the social fabric of the state formed the basis of the *Mail & Guardian’s* news content. It was this newspaper’s representation of these issues that made ANC loyalists feel ‘betrayed’ by the *Mail & Guardian*, and sparked debate about the politics of the paper’s news values.

Although Nelson Mandela was elected as the first president of a democratic South Africa, in which non-racialism is constitutionally enshrined, Thabo Mbeki’s position as the sole deputy-president (following De Klerk’s withdrawal of the National Party from the ‘government of national unity’), and Mbeki’s *de facto* power, mark his deputy-presidency and later presidency as politically significant.

William Gumede’s book, *Thabo Mbeki and the Battle for the Soul of the ANC* (2005), depicts the history of the ANC as a set of four tendencies competing for its ‘soul’: first, a ‘chiefly’, Christian, petit bourgeois approach; second, an Africanist or non-racial<sup>10</sup>

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<sup>10</sup> In this view, ‘Africanism’ refers not to race, but to a perspective that identifies with Africa—rather than Europe. These are not unproblematic characterisations—for example, the combination of socialism with

perspective; third, a strand informed by a socialist project that was also staunchly African nationalist; and currently, the centrist, social democratic vision of Mbeki, versus the more radical demands of the ANC's alliance partners, COSATU and the SACP. Gumede reveals the conservative side of Mandela and Mbeki: both more concerned with establishing political stability and appeasing capital to make South Africa a safe haven for investment<sup>11</sup>, than with embarking on policies to alleviate poverty and redress the economic exploitation and social deprivation wrought in the eras of colonialism, segregation and apartheid.

Gumede's analysis of post-1994 South Africa is similar to that of Alexander (2002), Bond (2000, 2001, 2002), Jacobs & Calland (2002), Marais (1998, 2001), and Saul (2002). While these authors present a structural analysis of post-1994 change in South Africa, summarised, for example, in the title of Bond's book, *Elite Transition— From Apartheid to Neoliberalism in South Africa* (2000), or his more recent article, "South Africa's frustrating decade of freedom: from racial to class apartheid" (Bond 2004), Gumede's book offers a more journalistic account of the behind-the-scenes internal workings of the ANC as an organisation, as well as an examination of Mbeki's "path to power" (2005: 31). Gumede notes that as early as 1997 when Mbeki was deputy president, Mandela described him as "The ruler of South Africa, the de facto ruler...I am shifting everything to him" (qtd. 2005: 62).

What is significant about Mbeki's rule—as deputy president, and later president—are the kinds of structural changes he introduced both within the office of the Presidency and within the ANC itself. These have had the effect not only of consolidating power and decision-making around himself, but also of changing the political culture of the ruling elite. It is this changed political culture that *Mail & Guardian* journalists were increasingly critical of. The critique became stronger following the appointment of Phillip van Niekerk as editor in late 1997, and his subsequent appointment of Howard Barrell as political editor, both of whom narrowly interpreted the media's 'watchdog' role as primarily guarding against political chicanery and mismanagement.

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African nationalism—but I read them as an attempt to describe the contradictory tendencies within the organisation.

<sup>11</sup> Gumede 2005: 58; 62; see also Marais 2002

As the *'de facto'* ruler of South Africa three years into the new democracy, Mbeki enlarged the office of the deputy presidency. He appointed a parliamentary councillor, and economic and political advisers; the ministry charged with overseeing the Reconstruction and Development Programme (RDP)<sup>12</sup> was scrapped and its functions absorbed into his office; a Government Communication and Information Service (GCIS) was established—also within the deputy presidency; he instituted a Co-ordination and Implementation Unit (CIU), later to become the Policy Co-ordination and Advisory Service (PCAS) as a means, Mbeki noted in an interview, of “co-ordinating government policy” (Edmonds 1997, Bruce and Lawrence; Gumede 2005: 62-63; Chothia and Jacobs 2002). Close associates and ‘supporters’ headed all of these agencies (Haffajee 1999; Chothia & Jacobs 2002). In Gumede’s words: “Long before his inauguration as president in 1999, Mbeki began expanding his office, rapidly increasing the size of his staff and bringing all his long-time allies into his ‘kitchen cabinet’” (2005: 62). In 1997 the *Mail & Guardian* reported on the setting up of a ‘new unit’ in his office, which Mbeki’s representative reported as having the following aim:

The unit is to enable the presidency to play a leading role in governing formulation and implementation of a broad strategic vision for social reconstruction and economic development through the integration and co-ordination of general economic, monetary, fiscal, labour, market and social development policy. (Edmonds 1997: 2)

Chothia and Jacobs question whether this was ‘co-ordination’ or centralisation of power—as all these agencies enabled Mbeki to have greater control over the government’s policy-making processes (2002: 150-154). In their view, shared by Gumede (2005: 130), “The major losers in the restructuring of the presidency, and its effects on policy-making and the exercise of political power are parliament and the ANC” (Chothia and Jacobs 2002: 153). In this way, the ANC—as a political organisation—was transformed from being a central place of political discussion and a

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<sup>12</sup> The Reconstruction and Development Programme (RDP) had been the central pillar of ANC policy and the basis of its 1994 election campaign (Fine and Van Wyk 1996: 20; Adelzadeh 1996: 66). Even though it had been “scrutinised by the World Bank, the IMF and the governments of Britain, America, France, Germany and Japan” (Gumede 2005: 79), and although Fine and Van Wyk argue that while its rhetoric was of addressing the basic needs of ‘the people’, its tone was conciliatory towards business (1996: 21), it was nevertheless still considered a more progressive macro-economic policy than the Growth, Employment, and Redistribution (GEAR) policy that superseded it.

conduit for the views of rank and file members to inform policy, to one that simply 'manages' the organisation's structures.

Gumede also argues that Mbeki not only reorganised the presidency, but also 'modernised' the ANC and transformed it from a liberation organisation responding to grassroots needs, into a political party geared to reproducing its own internal structures and power: "The goal is a more efficient structure, streamlined to wind down between elections and ratchet up at ballot time" (2005: 126). Gumede identifies five ways in which this centralisation of rule was accomplished: first, through the party's processes for nominating candidates for leadership posts, and through a culture of 'comradely' non-contestation of these positions (Gumede 2002:19-28). Second, the policy-making process was transformed, becoming no longer bottom-up from local ANC branches through party structures to the parliamentary wing, but top-down, generated and formulated from inner circle consultants and presented *fait accompli* to the party rank and file who were thus taken out of the policy-formulation loop (Gumede 2002: 29-43). This process was complemented by the selection of directors-general who were later appointed by Mbeki and became ultimately responsible to him<sup>13</sup>. Third, the ANC parliamentary wing was marginalised both in policy-making, and in its role as an oversight mechanism in relation to the ANC executive and Mbeki's leadership (Gumede 2002: 45-50). Fourth, Mbeki created presidential working groups to act as think-tanks and as personalised consultative forums, thereby further centralising policy-making around himself (Gumede 2002:62-64). Fifth, Mbeki's presidential style, is described by Jacobs as the "imperial presidency" (1999), and Gumede describes Mbeki as the CEO of the "ANC Inc and SA Ltd." (2005: 130; 2002: 51-56):

The hallmark of Mbeki's style is to stack up as much support as possible, and to isolate or marginalize those who stubbornly refuse to toe the line. His backers are expected to maintain their position in perpetuity, posing no future challenge to the leader. He is particularly hard on the ANC's left, which has the potential to derail his reforms and become a real alternative to the ANC in the long term, unlike any of the current ineffective opposition parties. Mbeki's standard response has been to offer the harshest critics of his policies in the trade union movement sinecure

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<sup>13</sup> The early departure of Leila Patel as director-general of Welfare, under then Minister of Welfare, Geraldine Fraser-Moleketi (one of the Mbeki insiders), points to the difficulties experienced by 'independently minded' state functionaries, and the relationship between the civil service, and the ruling party (see Anton Harber, "Clipping the wings of directors general" *Mail & Guardian* 5-11 December 1997: 30).

government posts. If, like COSATU general secretary Zwelinzima Vavi and its president Willie Madisha, they don't take the bait, they are publicly ridiculed and shut out by the president and his allies. The union leaders have been branded as newcomers to the struggle who understand neither the history nor tradition of the liberation movement and have been cast outside the struggle mythology. (Gumede 2005: 61)

As some members of the ANC also hold leadership positions in COSATU and the SACP, the changes in the ANC's governance strategies impact directly on the relationship between the ANC and its alliance partners. By 2005 the balance of power had shifted from a partnership of co-equals, to COSATU and the SACP being junior adjuncts.

Gumede summarises the effects of these changes:

By the time South Africa celebrated its tenth year of democracy, most of the ANC's leadership structures were packed with pro-Mbeki centrists: the NEC [National Executive Committee], internal party commissions and committees, parliament and its important committees, cabinet, the provincial organs, the Youth and Women's Leagues. The powerful National Working Committee, which makes decisions from one national conference to the next and comprises NEC members, was filled with Mbeki's most loyal supporters. (2005: 123)

Because these structures had become so firmly dominated by Mbeki loyalists, many argue that space for debate within the party has closed down considerably, making it more intolerant of criticism and those who do not toe 'the line' (Gumede 2002: 67-80).

In considering the thrust of Mbeki's politics, and his relationship with the ANC's support base, in particular the trade union movement, Chothia and Jacobs write:

Both Blair and Mbeki were somewhat insecure while rising to the pinnacle of power, as their new vision for social democracy based on privatisation, fiscal discipline, and fewer rights for workers was strongly challenged by left-wingers within their parties. Both Blair's Labour Party and Mbeki's ANC had historically been the political home of the trade union movements in their respective countries, which had helped to shape policies, finance party activities, and lead their electoral campaigns. As newly styled social democrats, Blair and Mbeki set out to challenge the traditional nature of their parties. They were starting a 'revolution', and for this they needed to strengthen their hold over their respective parties and governments on a larger scale than their predecessors. (2002: 154)

These structural changes were not unrelated to the political direction in which Mbeki took the ANC. Chothia and Jacobs comment on the similarity between the political direction given to their respective constituencies by Mbeki and Blair. Gumede also

points to the significant influence of the German and Swedish social democratic parties as major influences on Mbeki's politics (2005: 124-126). A South African commentator summed up the ANC's ideological position: "They talk left, but act right" (Duncan 2001).

In addition to these structural changes, the hallmark of Mbeki's politics has been to articulate, and 'push through' a neo-liberal macro-economic programme, known as GEAR: the Growth, Employment and Redistribution programme. Following the apparent failure of the RDP to deliver on its targets, a more "market-friendly" economic blueprint was sought by the centrists within the ANC (Gumede 2005: 86). In Gumede's view,

Mbeki and his most trusted allies, including Manuel, Erwin and Netshitenzhe, hand-picked GEAR's architects...As a group, Mbeki saw them as economists with liberal social democratic instincts who understood the need for some kind of redistribution strategy. All were sworn to secrecy and the entire process was shrouded in deepest confidentiality lest the left wing get wind of Mbeki's plan. (2005: 87)

The aim of GEAR was to promote growth, job creation and redistribution. Its means were strict fiscal and monetary discipline, cutting public debt, a regulated 'flexible' labour market and calls for wage restraints by organised labour; the privatisation of state assets; and various forms of trade liberalisation (Gumede 2005: 90; Marais 2002). But this model, and the non-consultative way in which it was implemented was deeply resented and criticised by the ANC's alliance partners, and was the catalyst to the ongoing strife between them, resulting in perennial debates about whether the labour movement and the SACP would split from the ANC and form a party that represented grassroots worker interests. But Mbeki and his followers boldly repelled the criticism, describing critics as 'ultra-leftists', and 'unpatriotic'<sup>14</sup>. Those who support Mbeki are

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<sup>14</sup> See comment pieces by Mondli Makhanya, titled, "SA needs to debate Cosatu's views, rather than write them off as lunatic fringe" (*Sunday Times*, 17 September 2000: 18) in which Makhanya comments: "By reducing the trade union movement to a laughing stock, the ruling party and the business community are closing off the vital viewpoint of a significant sector of South African life"; and in a piece entitled, "All this talk of phantom forces helps create a climate of paranoia", reporting on a recent ANC executive statement, he records the following statement from an ANC document about critiques of the ANC that "...slander, discredit and undermine ANC President Thabo Mbeki...Often operating under the guise of honest criticism, these efforts go far beyond the bounds of fair comment and accepted media ethics to call into question, without any reference to reality, the integrity and capacity of the President" (*Sunday Times*, 8 April 2001: 18). See also opinion piece by Vukani Mde, Patrick Craven and Oupa Bodibe titled, "The Politics of Paranoia" (*Mail & Guardian*, 1 November 2002).

regarded favourably, while those who differ are marginalised within party structures.

Gumede describes the outcome:

The tragedy is that those who suffered the worst deprivation under apartheid also ended up paying the highest price for democracy. The legacy of apartheid, the ANC's compromises and wrong economic choices would all combine to prevent the ANC from fulfilling its promises of a better life for those who need it most. A decade of democracy, the poorest of the poor, with laudable exceptions, remain mired in gut-wrenching misery. (2005: 95)

In addition to Mbeki's restructuring of the political terrain and the concomitant economic policies he promoted, he also became notorious for his policies on HIV/AIDS and Zimbabwe. The 'Mbeki HIV/AIDS debacle' is better understood as the cluster of circumstances and events which shaped the way in which the problem of HIV/AIDS was associated with various kinds of 'policy failures'—which were ultimately all put at Mbeki's door as 'CEO of SA Ltd.'<sup>15</sup>. These policy failures were perceived by critics as an over-concern with the costs of various kinds of therapies, rather than with what many HIV/AIDS activists saw as a national health crisis with all kinds of devastating social consequences—all of which hit the poorest of the poor the hardest (Gumede 2005). Gumede argues that Mbeki's response to the HIV/AIDS crisis was intimately connected to his belief that the discourses surrounding HIV/AIDS and its devastation of the African continent were another manifestation of Western racism that depicted Africans as diseased and sexually promiscuous (2005: 163). Mbeki's various responses and his public prevarications about whether HIV causes AIDS were deeply criticised by the main activist organisation, the Treatment Action Campaign (TAC), as well as COSATU. These organisations could not be dismissed as anti-ANC or 'anti-government' as their members were also ANC members. Mbeki's response to differing views and his treatment of the dissenters added to the perception of an "imperial presidency".

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<sup>15</sup> Some of these issues include: 1) The spending in 1998 of R14.2m of the government AIDS budget on an AIDS awareness play, *Sarafina II*, by playwright Mbongeni Ngema, which was not only deemed ineffective, but for which government tender procedures had been flouted; (2) Mbeki's support of the AIDS dissident position that HIV does not cause AIDS, and that it is not so much a sexually transmitted disease as a 'disease of poverty'; (3) The revelation that in the 1999/2000 financial year, 40% of the government's AIDS budget was unspent, and that future funding to AIDS service organisations would be cut by 43%; (4) The government's delay in making anti-retroviral drugs available in state facilities to mothers to prevent mother to child transmission of HIV.

Gumede (2005) also argues that another significant marker of Mbeki's presidency was his policy of 'quiet diplomacy' in response to the 'invasion' of white-owned farms in Zimbabwe, beginning in 1999, by groups claiming to be 'war veterans'. An independent trade union movement split off from ruling ZANU-PF, forming the Movement for Democratic Change (MDC) in opposition to Mugabe and ZANU-PF. Instead of challenging the unconstitutionality of the land-grabbing, Mugabe supported it. Demonstrations by the MDC were violently put down, showing that Mugabe would brook no internal opposition. Failing to get support from the ANC, they turned to South Africa's opposition Democratic Alliance (DA), which was only too pleased to take a bold stance, scoring points against Mbeki's seeming inaction, his apparent condoning of the land-grabs, and Mugabe's heavy-handed treatment of opposition. This strengthened the DA's view regarding the need for vigilance against autocratic rule, and the South African white right's fears of losing their land in similar acts of state-sanctioned violence. The dominant media response to the Zimbabwean land crisis was represented by the Mbeki government as a racist over-concern about the lives and property of white people. But as the land grabbing increasingly affected black Zimbabweans, and as that country was plunged into a food crisis, Mbeki's refusal to condemn Mugabe's actions became indefensible. COSATU stepped into the breach and forged links with its Zimbabwean trade union counterparts. COSATU thus not only opposed Mbeki's local privatisation plans and GEAR, but also his position on HIV/AIDS, and Zimbabwe. And just as Mandela and Bishop Desmond Tutu had spoken out about Mbeki's HIV/AIDS approach, so Tutu condemned Mbeki's silent diplomacy:

What has been happening in Zimbabwe is totally unacceptable and reprehensible, and we ought to say so. The credibility of our democracy demands this. If we are seemingly indifferent to human rights in a neighbouring country, what is to stop us one day being indifferent to them in our own? (qtd. Fabricius 2004)

Criticism from this quarter could not be discounted as racist support for the plight of white farmers in Zimbabwe. Gumede notes,

...towards the end of 2004, with Zimbabwe's next election looming large, quiet diplomacy had achieved little of any consequence for the country's starving millions or hundreds of thousands of brutalised MDC supporters. It would be foolish to pretend anything except that the universally reviled Mugabe had outplayed the silky Mbeki at his own game. Quiet diplomacy has failed abysmally to stop the rot in Zimbabwe, but it is not in Mbeki's make-up to admit defeat. (2005: 194)

*The 'African Renaissance' as a framing discourse in the 'Mbeki state'*

The structural shifts within the ANC enabled it to push through its transformed ideological agenda. Taking its lead from the new global order, and arguing in terms of the necessity for a pragmatic response to this new order, the ANC developed core economic policies: privatisation, GEAR, affirmative action and Black Economic Empowerment locally, and the New Economic Plan for African Development (NEPAD) as a key foreign policy. These policies were all developed under the rubric of the African Renaissance<sup>16</sup>, announced in a landmark 'I am an African' speech by Mbeki on the occasion of the adoption of the new Constitution bill<sup>17</sup>. Following this, an African Renaissance conference<sup>18</sup> was held in Johannesburg in 1998 'hosted' by the new business elite, and the idea was subsequently taken up in the media. Peter Vale and Siphos Maseko see the African Renaissance as having two distinct forms: one focusing on culture and identity, the other on business and foreign policy (2002). The media debates seemed to foreground the former<sup>19</sup>. This discourse of identity, followed in 1999 by a couple of articles by Max du Preez<sup>20</sup>—former editor of *Vrye Weekblad*, another ex-alternative press publication—in which he questioned Mbeki's and Mandela's usage of the term 'African', provoked a slew of responses leading some commentators to query whether there was a 're-racialisation' and 're-ethnicisation' of South African politics<sup>21</sup>. What was evident in these discourses was that they drew on deeply sedimented understandings and discourses of race, and its place in relation to class in the construction of the new South African state. One set of concerns focussed on 'Africanism', and what constitutes an 'African' identity; another probed understandings of 'the national interest' and 'patriotism'. The

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<sup>16</sup> See Sarah Nuttall and Cheryl-Ann Michael, "African Renaissance: Interviews with Sikhumbuzo Mngadi, Tony Parr, Rhoda Kadalie, Zakes Mda, and Darryl Accone" (2000: 107-121).

<sup>17</sup> The speech was made on 8 May 1996, following the acceptance of the Republic of South Africa Constitution Bill, by the constitutional assembly.

<sup>18</sup> A record of the conference was subsequently published in book form, edited by one of the main organisers, Malegapuru William Makgoba titled, *African Renaissance. The New Struggle* (1999).

<sup>19</sup> The thrust of the media debates focused on 'who qualifies to be an African?' Van Zyl Slabbert 1998: 9; Mbere 1999: 7; what the renaissance is (was, or should be)—as process and not event (Omotso 1998: 17); the role of intellectuals in the process (Tsedu 1998); the need for it to be a contestation of ideas, not a return to uncritical thinking or a new orthodoxy (Hartley 1998); that it should be located 'within the people' (Langa 1998: 10).

<sup>20</sup> "Roll on the era of healthy dissent", *Daily News*, 10 June 1999; "Reconciliation begins at home", *Daily News*, 17 June 1999.

<sup>21</sup> See, for example, Adam Habib's opinion piece, entitled, "Elites and our racial quagmire" (*Mail & Guardian*, 24 December 2002).

economic ‘transformation’ of South Africa was promoted within this discourse: Black Economic Empowerment (in which black was increasingly interpreted as ‘African’) implied the development of black business and black capital which would lead to the development of a new black bourgeoisie and concomitant ‘trickle down’ benefits for the working class<sup>22</sup>. Affirmative action policies and the Employment Equity Act were used as a means of redressing apartheid discrimination that had prevented equal access to employment opportunities—especially in the civil service, the allocation of government contracts and in professional fields.

It was this restructuring of the South African state—and the class relations within it—and the re-ordering of the ideological terrain under Mbeki’s leadership that provided the ‘content’ for the *Mail & Guardian*—that formed the basis of its construction of ‘news’. Consequently, media debates about the key terms and concepts that made up this new discourse, and their construction by the media have been at the heart of the disputes about the media’s role at this moment in South Africa’s history. This raises questions about what constitutes ‘patriotic journalism’<sup>23</sup>, and the difference between ‘public interest’, one of the framing ideologies of journalism, and ‘national interest’. It is these discourses that framed the debates about the politics of the *Mail & Guardian*’s journalism in the first few years of the ‘Mbeki state’.

The changed character or identity of the ANC as the ruling party, and the kind of political culture that it engendered, informed by its discourses, organisational practices, and policies<sup>24</sup>, became fundamentally at odds with the identity and practices of the *Mail*

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<sup>22</sup> See for example, Charlene Smith’s article, headed “ANC must cultivate the new elite” (*Mail & Guardian* 28 November 1997); Ferial Haffajee’s “The meteoric rise of South Africa’s Black middle class” (*Mail & Guardian*, 1-8 April 1999); Ben Turok’s “The case of the black bourgeoisie” (*Mail & Guardian*, 3-9 October 1997); Sipho Maseko’s “The real rise of the black middle class” (*Mail & Guardian*, 20-26 May 1997)

<sup>23</sup> See for example the exchange in the *Mail & Guardian*: the editorial, “The abuse of patriotism” (22-28 August 1997: 22); and a letter by Njabulo S Ndebele, vice-chancellor and principal, Turfloop, headed “Journalists still in comfort zone” (29 August – 4 September, 1997: 30). See also an earlier opinion piece by Ronald Suresh Roberts, headed “In defence of muckraking” (18-24 July 1997: 25).

<sup>24</sup> See S’Thembiso Msomi and Sabelo Ndlangisa’s article in the *Sunday Times*, headlined “To and for the insults go” (30 January 2005: 4) which details some aspects of the public debate about the nature of the ANC and its dealing of criticism; Gay Davis’s “‘Authoritarian’ leadership alarms ANC politicians” (*Mail & Guardian*, 3-9 October 1996); Sechaba ka ‘Nkosi & Wally Mbhele’s “Can new leadership heal the ANC?” (*Mail & Guardian* 11-17 December 1997); Stanley Uys’s “Mbeki: Democrat or autocrat?” (*Mail & Guardian*, 29 April-5 May 1999); Ebrahim Harvey’s “A dictatorship growing inside a.??” (*Mail &*

& *Guardian* under its different editors during the period under study. This resulted in the complaint of racism against the *Mail & Guardian* by the BLA, and ABASA—both icons of the new elite. It is for this reason that I use the complaint as a framing device for examining the paper and its social role during this period in the development of the new South African state. As the ‘Mbeki state’ was increasingly characterised as autocratic, closed, and ‘favouring its own’, and as it positioned itself as the local representative of global capitalism, so the *Mail & Guardian* editors re-asserted the newspaper’s identity as independent and critical of state power—regardless of the fact that the newspaper had indicated its support for the ANC in the 1999 elections.

Different editors emphasised different elements of the shifts within the ANC. Under Van Niekerk’s editorship (mid-1997 to 2000) the ANC’s economic policies were criticised, and the resulting conflicts with its Alliance partners (COSATU and the SACP) were given a lot of play. Howard Barrell (2001–2002), in contrast, as an economic conservative, was less critical of this aspect of the ANC’s ideological shift. He was more critical of the internal restructuring that closed down debate. As an avowed supporter of Karl Popper, his rallying call was that ‘contestation’ and ‘critique’ should be the basis of the new democratic order. While this stance was generally accepted by journalists on the newspaper—not least because it coincided with the watch-dog/fourth estate ethic underpinning mainstream journalism—what troubled other journalists on the paper was that the predominant news frame was one of moral outrage against ‘scandalous’ behaviour and policy. These journalists viewed the editorial policy as virtually unadulterated criticism, with little that was constructive. The problem was not that these *Mail & Guardian* journalists eschewed criticism, but that they were uncomfortable that the only apparent news value was one of critique and opposition: the typical ‘conflict frame’ of mainstream journalism. It was on this basis that they probed their own paper’s role in the new state. It is arguable that what they were searching for, and trying to find a way of articulating, was a new ‘model’ of journalism more appropriate to South Africa’s

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*Guardian*, 6 – 12 July 2000); the *Mail & Guardian* editorial headed “A disastrous reign” (26 April– 3 May 2001), followed by a number of letters under the headline “Racists masquerading as journalists” (4–10 May 2000: 30); Letters headed “Destruction of the ANC is the aim of Mbeki critics” (*Mail & Guardian*, 9–15 February 2001: 20).

political context. It is in this context that the *Mail & Guardian*, itself a changing cultural and political phenomenon, must be understood.

### **The *Mail & Guardian* in the South African media landscape**

The genesis of the *Mail and Guardian* lies in the 'alternative press movement' of the 1980s (Tomaselli & Louw 1991, Jackson 1993, Merrett & Saunders 2000). This movement developed as a result of popular dissatisfaction with the commercial press of the time, which many felt did not adequately reflect the needs of the disenfranchised majority (Jackson 1993, Owen 1998, Williams 1998, and Switzer 1995). Various newspapers were founded, one of which was the *Weekly Mail* (1985), which was started by former journalists of the *Rand Daily Mail* and *Sunday Express* when they were closed down (Manoim 1995).

Keyan Tomaselli and Eric Louw (1991) identify four characteristics of the various papers categorised as 'the alternative press'. The first is that they were not based on the commercial model, but instead were funded largely by foreign donors, and as such did not rely on advertising—which enabled them to be more politically independent. A second characteristic was their explicit anti-apartheid political stance and agenda. Third, they often had a different, non-hierarchical mode of production. In other words, they attempted to practise democratic politics within their news-producing organisation, not only through their construction of what constituted news. And finally, they generally subscribed to the view that the media could be a form that not only reported what was going on, but could also contribute to building political opinion and thus support organisational growth. In other words, supporters of the alternative press saw themselves as actively promoting a particular, anti-apartheid, anti-government, public sphere.

Tomaselli and Louw (1991) also identify differences within the alternative press based on relationships to other political organisations and institutions. They suggest a typology of what they call the 'alternative presses', in which they describe what was then the *Weekly Mail* as part of the "independent social-democrat press" (1991: 6,12), and as pioneering "South Africa's first-ever commercially viable leftist press" (1991:13). In their view, what distinguished the so-called "social-democrat" press was that it was "independent of

specific political movements” while being “generally supportive of the broader democratic tendency” (1991: 12). This was in contrast to the “progressive-alternative press” on the one hand, and the “left-commercial press” on the other.

The “progressive-alternative press” is described as having been “organically linked to community or worker groups” (Tomaselli and Louw 1991:7), “organisationally connected”, and “accountable to the organisations they represented and supported”—such as COSATU, and United Democratic Front (UDF) affiliates (Tomaselli and Louw 1991: 8, 9). The political position they articulated is described as “at the interface of democratic socialism and African nationalism” (Tomaselli, K and Louw, E 1991: 9). This ‘accountability’ also affected the production cycle that took consultative processes into account. This kind of institutional arrangement was possible because they were set up as non-profit organisations based on grants and subsidies from sources, such as trade unions, foreign embassies, and churches (Tomaselli & Louw 1991: 9). *Grassroots*, in the Western Cape, pioneered this new kind of newspaper in 1980, focussing on local issues and organisations. Described by Tomaselli & Louw as a “left-wing community” press (1991: 7), it was followed by *Saamstaan* (Oudsoorn), *Al Qalam* (Durban), *Ukusa*, *Izwi Lasa Rhini* (Grahamstown), and *The Eye* (Pretoria) (Tomaselli & Louw 1991: 9).

The “left-commercial press”, on the other hand, while also supporting this constituency politically, was formed in response to the need to meet the dynamic news needs of the changing political situation, rather than organisation-based needs and processes (Tomaselli and Louw 1991: 9). This demanded a more speedy production cycle, and consequently a less consultative style of production and a more conventional, commercial approach. Although the news content was framed by a political perspective similar to that of the “progressive-alternative” press, its focus was more on event-oriented hard news, rather than on the “community-based” angle of the latter. Journalistically, the “progressive-alternative” (“left-wing community” press) and “left-commercial” presses shared a common approach that favoured advocacy and longer stories that contextualised the issues, events, and organisations that they reported on. In this way they broke with the ‘objective’, ‘independent’ ideology of mainstream journalism. As they were mostly part-funded by organisations which recognised the need for the kind of political news

they provided, they were not entirely dependent on advertising revenue, thus enabling them to be more politically independent of existing state structures and ideology.

Examples of this kind of press were *New Nation* (Johannesburg), *South* (Cape Town), *UmAfrica*, and *New African* (Durban).

The political distinction between these two presses and the so-called social-democratic press was that the latter took an independent stance, rather than one that represented particular political interests. The “social-democratic” press was thus similar to the “left commercial press” in its funding, mode of production, and general left-wing perspective. But it was different in that it did not take an advocacy approach to its journalism:

Adherence to ‘objective’ journalistic practices (i.e. well researched articles, checking of facts, soliciting opposing opinions etc.) were additionally applied. This mode of reporting invalidated the State’s opportunistic accusation of propaganda, hence offering such papers some measure of legal protection. (Tomaselli & Louw 1991: 12)

The *Weekly Mail* adopted this form, argue Tomaselli and Louw, because the genesis of the paper was rooted not in the needs of grassroots political organisations, but in the professional/political needs of individual journalists who had lost their jobs through the closure of the *Rand Daily Mail* in 1985 (1991: 12). It is arguable that although these journalists shared the anti-apartheid motivations of their colleagues in the alternative press movement, their class position and identity as professional journalists, and thus their relation to other organisations, was different. The *Weekly Mail* of the 1980s thus had a particular identity, which was established in part by its situation in the South African media landscape, and in relation to the politics of the times (see also Pinnock 1991: 148). During this decade, the *Weekly Mail* was regarded as a left-wing paper, part of the alternative press movement, and quite distinct from the established commercial press. It was a fierce opponent of the government, addressing largely the educated left. According to Tomaselli and Louw,

*Weekly Mail* producers refused to ‘consult’ with left political movements or affiliates regarding ‘appropriate’ editorial content. *Weekly Mail* criticised both the apartheid State and left-wing mistakes. This position inevitably produced tension on occasion between the paper and left-wing activists. But in the process questions of press autonomy were placed on the agenda as far as a post-apartheid media was to be concerned. (1991:7)

This last point became increasingly significant a decade later in relation to debates about 'patriotic journalism'. By 1990 many of the newspapers in the alternative press movement had ceased publication, as donor funding dried up or was channelled elsewhere (Berger 2001, Switzer 2000). The underlying rationale was that as apartheid had been eclipsed, there was no longer a need for an anti-apartheid, alternative press. There was the belief amongst some journalists that the politics of the alternative press could now be mainstreamed. In contrast to other publications that were forced to close through loss of funding, the *Weekly Mail* sought increasing financial support from the Scott Trust<sup>25</sup>, the collective owners of the U.K based *Guardian*. In this way it was able to survive—eventually through the Trust's majority ownership in 1995, marked by its change of name to the *Mail and Guardian*.

What Tomaselli and Louw (1991) usefully show is that the "alternative press" did not have a unitary identity, but rather that the various publications' differing relationship to funding and political organisations resulted in differing kinds of journalism. Significantly too, these different journalisms constituted different publics, which were both distinct, and overlapping (see Martin-Barbero 1993). In this way, the constituents of the 'Alternative Press' could also be understood as political actors. The *Mail & Guardian* thus established a particular identity, and constituted its own public sphere, but this was not entirely separate from other public spheres created by other media and political organisations.

## Conclusion

This chapter locates the accusation of racism against the *Mail & Guardian* within a broader social and historical context, as one cannot make sense of this accusation without such a framework. I highlight three mutually constitutive contexts: first, historical understandings of race and class that inform the politics of contemporary South Africans; second, the enhancement of neo-liberal capitalism under Mbeki's increasingly autocratic rule, and the consequent reshaping of race and class dynamics in the new state—which

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<sup>25</sup> The Scott Trust was formed in 1936 by the transfer of all the business assets of the *Manchester Guardian* owned and edited by C.P. Scott, after his death, to preserve his editorial and journalistic legacy characterised as "The *Guardian's* basic spirit of liberalism, taking account of the deprived and needy, and staying in the political 'middle ground'" (<http://www.gmgplc.co.uk/gmg/scotttrust/appointmenttrustees/>).

form the basis of the *Mail & Guardian's* news content; and finally, the construction of the *Mail & Guardian's* identity in relation to the 1980s apartheid state, and the contemporary media landscape, which informs the expectations about the current role the *Mail & Guardian* ought to play.

My argument in subsequent chapters is that just as the ANC was transformed under the leadership of Thabo Mbeki—shaped by the economics, politics, ideology and culture of contemporary global conditions—so too was the *Mail & Guardian* under its different editorships in the post-1994 period: founding editor Anton Harber until 1997, followed by Phillip van Niekerk (May 1997-December 2000), and then Howard Barrell (January 2001-September 2002). As a cultural and political organisation in its own right, it too was trying to find its place and role in South Africa's changing political landscape—and it did this both in terms of its own organisational integrity—under the leadership of different editors—and in relation to the changing political context. This chapter argues that the restructuring of the political terrain under Mbeki's leadership contributed to the restructuring of the public sphere, as did the *Mail & Guardian* under its different editors. These historical processes resulted in the constitution of different, and intersecting 'public sphericules'<sup>26</sup> which sometimes produced clashes of opinion and politics. One of the effects of this was the emergence of contesting opinions over what views and what kinds of journalism were most legitimate or valid politically. Given South Africa's history, one way of framing such contestation is in terms of race, which Stuart Hall suggests can be understood as "the modality in which class is 'lived', the medium through which class relations are experienced, the form in which it is appropriated and 'thought through'" (1980a: 341).

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<sup>26</sup> See Gitlin (1998) in which he questions whether the creation of mini-public spheres, or sphericules, is a positive outcome of new forms of communication, or whether they lead further away from 'public squares' and collective decision-making which builds a strong democratic culture.

## CHAPTER 4: Theorising news content

The constitution of news, like the constitution of society itself, is perhaps best described as a complex and continuous structuration (Giddens 1984), involving infrastructural, organizational, as well as discursive components. News is both a permanent social structure and a means of social reflexivity and contestation; a product as well as a productive process. (Tuchman 2002: 90)

The theory of organizations must always also be a power as well as an institutional and cultural theory. On this interpretation, it must focus on the role of power and knowledge in organization. Any organization will always stand as a precise specification of distinct ensembles of these practices, fabricated in action and in structure. (Clegg 1994: 44-45)

In general, there is a tendency to assume that 'society' or 'the individual' must be taken as the unit or level of analysis. If the former, the focus is upon 'objective' structures or constraints; if the latter, then attention is concentrated upon 'subjective' interpretations or dispositions...However, in our view, the problem of dualism is also a consequence of sociology's unreflective adoption of commonsense understandings about 'the individual', 'society' and their relationship. An alternative is to take social practices as the focus of analysis, and to explore how these practices are simultaneously mediated by subjectivity and by relations of power. (Knights and Willmott 1989: 535, 536)

Chapter 3 described three key contexts for considering the *Mail & Guardian's* textual practice during 1998-2002 when it was accused of racism. Implicit in this contextualisation is my argument that a newspaper's textual practice is shaped by its economic, political, and ideological context. Building on this premise, this chapter reviews the literature that focuses on the factors that mediate, and influence, the news. This literature is primarily based on research into large, corporate, 'mainstream' news organisations in highly developed capitalist societies. My study, in contrast, is on a small<sup>1</sup>—but influential—newspaper that began its life as a member of South Africa's alternative press, driven by its journalistic and political ethos rather than a commercial imperative. It explicitly identified itself as an opponent of the apartheid state, and to this end addressed its financial needs to sympathetic 'share-holders', and later, the Scott Trust, British owners of the *Guardian*. The political context in which it operates is one informed by a recent history of mass struggle and social change, marked by a public discourse that has included an explicit 'left-wing' orientation, which at moments has

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<sup>1</sup> The editorial department consisted of 16 staff in 2001.

challenged the assumptions of a capitalist order. Key aspects of my study are thus fundamentally different from those on which the mainstream literature on news influences is based.

But despite these differences, the *Mail & Guardian* does have something in common with mainstream newspapers. One way of considering this commonality is Timothy Cook's understanding of journalism as an *institution* that transcends the individual organisations that produce news (1998: 64). An organisational approach stresses the similarities between a news organisation and other organisations which are designed to produce products efficiently, regularly and at low cost—hence the development of certain routines of news production. But Cook argues that journalism is more than the output of different organisations producing a generically similar product. Instead, he sees it as more akin to an institution: “the site of systematized principles of action enduring across time and governing a central area of social life” (1998: 66). Three key elements characterise the idea of an institution: first, the routinisation of practices that become ‘naturalised’ as ‘the way’ of accomplishing specific tasks; second, they extend over space and time; and third, they are identified as performing a social task in relation to a particular field of activity. Seeing journalism as a social institution thus offers a broader perspective enabling us to see its cultural and political impact that transcends the individual outputs of individual news organisations. From this perspective we can view the *Mail & Guardian* as a particular news organisation that is very different from others, but still a constituent part of the institution of journalism.

In trying to understand why the *Mail of Guardian* was accused of racism, this chapter probes the influences shaping news. I survey the literature on news mediation as a basis for developing a local understanding of the influences on a small, ‘non-mainstream’ publication responding to changes in its political and commercial milieu. I do this first by reviewing the literature broadly associated with ‘the sociology of news production’—that is consolidated in the field of media or journalism studies, focusing in particular on social infrastructural<sup>2</sup> and organisational influences. However, because of the *Mail &*

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<sup>2</sup> This includes an understanding of the political, economic, ideological and cultural milieu that constitutes ‘society’.

*Guardian's* size, politics, and history, I argue that the power and subjectivity of the editor are significant factors shaping the paper's identity and content. But, as much of the sociology of news literature does not theorise organisational power<sup>3</sup>, discussing instead occupational roles from a functionalist perspective, I turn to the field of 'Organisational Studies', and in particular perspectives informed by critical theory and Foucauldian insights. As these perspectives are concerned with power and agency, I draw on them as a means of explicating the power of the editor in understanding the organisational changes that may have contributed to changes in the *Mail & Guardian's* content.

### **The Sociology of News Production**

A common approach to the analysis of news considers three levels: the micro, focusing on the individual; the meso focusing on newsroom routines and practices, and the news organisation in which these practices are embodied; and the macro that examines the broader social, political, economic and ideological milieu which shapes all levels of news-making practice (Berkowitz 1997, Schudson 2000, Shoemaker and Reese 1996, Tuchman 2002). Berkowitz describes the study of news like viewing a hologram, in that it is multi-perspectival, and points to the difficulties this raises for analysis: "There is no way...that a person can find a single vantage point where the entire hologram can be viewed all at once" (1997: xi). Ettema *et al.* make a similar observation:

The analysis of symbol formation and diffusion via the mass media must, then, be pursued on several levels of analysis, and yet the activities at each level so interpenetrate these other levels that it is difficult to disentangle them... (1997: 33)

Despite this difficulty, Ettema *et al.* suggest disentangling the levels by distinguishing between the industrial and institutional level, the organisational level, and finally the individual level (Ettema *et al.* 1997). Schudson has a slightly different approach. His three perspectives include, first, the ownership of news producing organisations and its relation to the broader socio-political-economic context; second, 'the sociology' of news production which includes an examination of both the routines and practices of news production as well as discussions of the news organisation itself; and third a 'cultural' approach that helps explain "generalized images and stereotypes in the news media...that

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<sup>3</sup> Gans (1980) and Sigal (1973) do—to some extent—which I comment on below.

transcend structures of ownership or patterns of work relations” (2000: 189). Each recognises that:

news is a form of culture. It is a structured genre, or set of genres, of public meaning making...It is a material product and there are political economic, social and cultural dimensions to understanding its production, distribution and appropriation by audiences. (Schudson 2000: 177)

As each focus has its strengths and limitations, Schudson suggests they be viewed as complementary and used in conjunction with one another<sup>4</sup>. Gans (1980) takes a similar view, noting four explanations for ‘deciding what’s news’: the individual journalist’s professional judgment; organisational routines and practices; what he calls the ‘mirror theory’ which suggests that events themselves determine what is news; and finally extra-organisational forces such as cultural practices, economic forces, and the ways in which journalists align themselves with the political ideology of those in power (1980: 78-79). Shoemaker and Reese take a similarly broad view, disaggregating the influences into five (rather than three or four) key areas: the individual, media routines, the organisation, extra-organisational influences, and ideology (1996). Despite the different ways in which these theorists classify the influences on news, they all recognise a common set of influences.

What is common to these ‘gestalt views’ mentioned so far—based on research that often focuses on particular levels or areas—is the understanding that media content is *mediated*<sup>5</sup>. If news is mediated, then the key questions concern the nature of the mediation (by whom, and through which processes and structures), and whose interests are served by this mediation. I consider three areas of mediation: (1) the broad social infrastructure; (2) the routines and practices of production; and (3) the news organisation. My study differs from others in that I am particularly concerned with the way in which the power and subjectivity of the editor shapes organisational practices, and thus what ultimately becomes ‘news’.

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<sup>4</sup> Tuchman writes: “A common premise of the three traditions is that news cannot be accounted for in terms of either liberal-leftist ‘bias’ or establishment ‘propaganda’. Instead, it is necessary to examine empirically the several moments of its ‘production’—its political-economic preconditions, its organizational enactment, and its textual articulation” (2002: 88).

<sup>5</sup> Shoemaker and Reese’s (1997) book is titled: “Mediating the Message”.

### **Structural influences on news content**

This level is concerned with how society ‘works’—the political, economic, ideological, and cultural ensemble that constitutes a given society—and together how they shape media structures, practices, and the texts that they produce. Schudson (2000) focuses on the political economy and cultural influences shaping news media, and Shoemaker and Reese (1996) consider what they call the extramedia and ideological levels of media influence. The key question is, ‘how does society and the way in which it is conceptualised, and organised, impact on what is considered news’? Broadly speaking, there are two positions: a liberal pluralist view, and a critical (Marxist) one—which I favour (Bennett 1982, Curran 1990, Curran et al 1982, Hall 1982, Westergaard 1977). The key distinction between them is their different conceptions of social power and how it works, which has implications for whether ‘news’ is simply a reflection of what exists (‘out there’), or whether it is shaped by powerful social forces that constitute it.

#### ***Liberal pluralism***

According to the liberal pluralist view, society is seen as a network of small groups bound together by personal ties and affiliations that mediate their relationship with the media. Power is seen as diffusely distributed throughout society, and the media are seen as just one of many institutions that mediate social power and authority—from which derives their ‘fourth estate’ role (Bennett 1982: 31). The underpinning assumption is that ‘society’ is a unity held together by agreed upon norms and values that provide the basis for social integration. Liberal democracy is the basis for integrating people into the political system; the free market ensures their economic participation; and cultural norms ensure their social integration. This model of society is seen as ‘the norm’, underpinned by individual pluralism, expressed as social consensus. There appears to be no constraining power, as the basis of social organisation is the individual who is deemed to be ‘free’ and equal to every other individual in the society. People are free to act as they choose, and although there are conflicts about particular issues, they are deemed resolvable within the established framework of pluralistic consensus on the norms, values, and structural functioning of the social order. In Seymour Lipset’s words:

the fundamental political problems of the industrial revolution have been solved: the workers have achieved industrial and political citizenship; the conservatives have accepted the welfare state; and the democratic left has recognized that an

increase in overall state power carried with it more dangers to freedom than solutions for economic problems. (Lipset 1963: 406, qtd. Hall 1982: 60)

Within this framework of consensus and diffused power, journalists see their work as simple 'carriers' of messages: they 'reflect' or 'mirror' the world 'out there'. According to David Croteau and William Hoynes:

Media professionals generally have little patience with the argument that the media are purveyors of ideology. Instead of seeing media as places where behaviors are normalized and boundaries created, those in the industry tend to argue that the images they produce and distribute simply reflect the norms and ideas of the public. This is not ideology, but simply a mirror that reflects the basic consensus about how things are. (2000: 161)

From this perspective, the media serve society as they contribute to its functioning by strengthening its core values and norms. They serve an integrating function, and are themselves part of the democratic polity they help constitute (Hall 1982: 61). As an institution, journalism operates independently of other social institutions and of government constraint and control; and within media organisations, their workers act autonomously of managerial control, guided only by their own individual consciences, and a professional ethic rooted in their professional independence, and empiricist objectivity which guarantees balanced and fair reporting. This institutional framework, and its structural place in the social formation, ensures that the news that media organisations produce 'reflects' this world, and is read by audiences in terms of society's common understandings, or 'common sense', and pluralist values. This is how most journalists understand their own individual practice, and the role of the news media in what are simply referred to as 'democracies':

Fourth arm of the constitution, fourth estate, muckrakers, gadflies, cross-examiners of the great on behalf of the common people, convenors of public debate and hard fact—taking on all or some of these parts, in one mixture or another, they help to keep liberal democracy alive in societies too populous and too complex for face-to-face exchange to suffice. (Westergaard 1977: 97)

Reviewing patterns of media content, Shoemaker and Reese conclude, "News is about the powerful...presented routinely as representing the normal state of affairs, whereas the less powerful, when they do intrude into the symbolic environment, do so as deviants or as stereotyped inferiors" (1996: 59). This begs the question of how it is possible that these consistently observed patterns of representation are produced by a system that operates in such an apparently random and autonomous way (see Hall 1982: 86)? For

Schudson, "The study of the generation of news aims to find an order behind this sense of accident (and to understand as ideology journalists' failure to acknowledge such an order)" (2000: 176). For Marxist critical theorists, the key to addressing this question is to understand how power operates in society and permeates the practice of journalism.

***Marxist / Critical theory: understanding social power***

The pluralist view suggests that power is so diffuse and random as to be negligible (see Lukes 1975). But the problem of 'deviants', or those outside the consensus, begs questions about who has the power to define what is deviant, and what is 'legitimate'. Who decides what the nature of the social order should be? Whose interests does the consensus serve? How did it arise? The implication is that the consensus is not a naturally occurring phenomenon, but has to be produced socially, by promoting some ideas and views, and by controlling, limiting, or policing others. Hall reminds us that,

A society, democratic in its formal organization, committed at the same time by the concentration of economic capital and political power to the massively unequal distribution of wealth and authority, had much to gain from the continuous production of popular consent to its existing structure, to the values which supported and underwrote it, and to its continuity of existence. (1982: 63)

Even though the apparent absence of a centre of power gives the impression of a social structure without power, Bachrach and Baratz argue that a different kind of power is at play:

Power is also exercised when A devotes energies to creating or reinforcing social and political values and institutional practices that limit the scope of the political process to public consideration of only those issues which are comparatively innocuous to A. (1970: 7)

Lukes describes this form of power as "influencing, shaping and determining [an individual's] very wants" (1975: 16, qtd. Hall 1982: 65). From a critical theory perspective, power is thus conceptualised not only as overt influence over particular behaviours, but as also effected in the ways in which situations are conceived of and thought about (Westergaard 1977: 99-100). The media are the prime agency for offering these conceptualisations: their descriptions of reality shape what is understood as 'the real'. The media are thus seen as actors in the social process of signalling what is important, and what is not; what is to be valued, and what not. They are not viewed as passive 'transmitters' of information, holding a mirror to society, but rather as actors,

engaging in signifying practices that help establish the very order of what is considered 'the real' (Bennett 1982: 51). And their understandings of what is important or not, are shaped by the structures of power and authority of the society of which they are a part. But in so far as these representations are partial (though presented as definitive, and rooted in the obviously real), and from an unacknowledged perspective (though presented as 'neutral', 'balanced' and 'fair'), critical theorists view them as 'ideological' (Hall 1982: 65).

From this perspective, ideology refers to the taken-for-granted and unspoken frameworks that are used for making sense of the world. Ideology is in language: it precedes the speaker. Thus, "in the critical paradigm, ideology is a function of the discourse and of the logic of social processes, rather than an intention of an agent" (Hall 1982: 88). Probing how 'the consensus' arises and is maintained, led theorists to reconsider the role of the media:

For if the media were not simply reflective or 'expressive' of an already achieved consensus, but tended to reproduce those very definitions of the situation which favoured and legitimated the existing structure of things, then what had seemed at first as merely a reinforcing role had now to be reconceptualized in terms of the media's role in the process of consensus formation. (Hall 1982: 63/4)

Critical theorists re-examined the place of the media within the capitalist market economy, focusing in particular on their ideological role: the ways in which they transformed elements of historical occurrences into the discourse of 'news' that served particular social interests. Marxist media studies in the 1970s accounted for the way in which the media served the *status quo* in two different ways: through their economic power—as argued by political economists—and their ideological and cultural power—as argued by cultural studies theorists. While there are debates about the relative merits of each position<sup>6</sup>, Murdock argues that they should be seen as complementary:

Critical political economy is at its strongest in explaining who gets to speak to whom and what forms these symbolic encounters take in the major spaces of public culture. But cultural studies at its best, has much of value to say about how the discourse and imagery are organized in complex and shifting patterns of meaning and how these meanings are reproduced, negotiated, and struggled over in the flow and flux of everyday life. (1995: 94)

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<sup>6</sup> See for example, the 'Colloquy' between Nicholas Garnham, Lawrence Grossberg, James Carey, and Graham Murdock in *Critical Studies in Mass Communication* 12 (1995): 60-100.

*Political Economy: the structuring power of economic ownership*

Marx's and Engels' observation in *The German Ideology* that "The ideas of the ruling classes are in every epoch the ruling ideas" (qtd. Hall 1982: 84), forms the basis of the Marxist view that those who rule in areas of material production, also rule in areas of mental production: their ideas thus become the ruling ideas. This view stems from a simple model of the relationship between the (economic) base, and the superstructure—the realm of ideas, culture, and politics—in which the latter is a simple 'reflection' of the former. This implied for some Marxists that there is an absolute and necessary link between one's class position, and the kinds of ideas one holds, suggesting that one must look to the sphere of the economy to understand why certain ideas prevail. Golding and Murdock acknowledge that, "although some studies confine themselves to the structural level of analysis, it is only part of the story we need to tell" (2000: 74). They elaborate:

What marks critical political economy is that it always goes beyond situated action to show how particular micro-contexts are shaped by general economic dynamics and the wider structures they sustain. It is especially interested in the ways that communicative activity is structured by the unequal distribution of material and symbolic resources. (Golding and Murdock 2000: 73)

The political economy approach<sup>7</sup> thus emphasises how both the economic order, including media ownership, and the indirect influences of the state shape the ways in which the media respond to the interests, ideas and values of the classes that the media themselves—in part—constitute (Curran 1996: 258/9). In Golding and Murdock's words, "we can think of the economic dynamics as playing a central role in defining the key features of the general environment within which communicative activity takes place, but not as a complete explanation of the nature of that activity" (2000: 74).

Michael Schudson argues that the political economy approach overemphasises the economic dimension does not give enough weight to the 'political'. It is thus "insensitive to political and legal determinants of news production" (2000: 181). This view is shared by Nina Eliasoph whose American study of news production at an oppositional radio station revealed the importance of other factors—such as the reporters' ideologies, the station's relationship with the political actors about whom they were reporting, and the

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<sup>7</sup> See for example the work of Curran *et al.* 1980, Curran 1986; Murdock and Golding 1977; Golding and Murdock 2000.

station's relationship with its listeners—that were more important determiners of news content, than its ownership (1988: 315). The relation between the 'political' and the 'economic' in 'political economy' was particularly pertinent in South Africa following the first democratic elections in 1994, and was taken up by South African media scholars in their consideration of how the changed political environment and the new *black* ownership of media companies impacted on their content. Keyan Tomaselli (1997) and Gibson Boloka and Ron Krabill (2000) argue that media ownership is a key determinant of media content, sustaining class relations, regardless of the racial dimension of its ownership and the changed political milieu. Guy Berger, on the other hand, argues that the race of media owners does have a symbolic social impact, and it also provides a possible space for changes in media management, staffing and thus content (1999). Lynette Steenveld (2004) shares this view, arguing that "the media are not independent economic units which either act in a social and political vacuum, or functionally reflect the ideology of their owners", but that they are also subject to social and political forces which temper their representations. Her analysis of the South African news media produced findings similar to those of Eliasoph.

*Cultural Studies: the power of language, culture, and ideology*

While it is helpful to identify the economic power of particular classes as 'determining' the kinds of ideas that prevail socially, puncturing the pluralist myth of a powerless society, it is not adequate for demonstrating how their ideas become the 'ruling ideas'. This leap from the power of the economy to 'ruling ideas' was made possible by developments in Marxist theory that incorporated ideas from a number of disciplines, including sociology, politics, anthropology, linguistics and psychology. Stuart Hall's (1982) seminal article, "The rediscovery of 'ideology': return of the repressed in media studies", draws on Althusser's social and political theory, Gramsci's cultural and political theory, and developments in the theory of language drawn from both social anthropology and linguistics, to demonstrate that it is the media's ideological role in maintaining relations of domination and subordination, that is socially significant.

Althusser's (1969, 1971) conceptualisation of society as a social formation structured in dominance and constituted of different structural elements (the economic, political,

ideological, cultural) each with its own particular way of functioning emphasises that the 'social totality' is a complex structure that is determined by the way in which the different elements are linked<sup>8</sup>. Hall notes, "Each of these elements had to be accorded a specific weight in determining the outcomes of particular conjunctures. The question of ideology couldn't be extrapolated from some other level" (1982: 83). This view effectively challenged the classical Marxist model that accords the economic base an all-determining function. Althusser theorises ideology as a place where power is exercised through the operation of language, addressing and constructing subjects as potential proponents of discourse. In this view, the media become one of the key institutions through which ideas are expressed and contested.

By emphasising the complex structure of the social formation, with its asymmetrical power relations articulated along the axes of class, gender, colour, sexuality, and age, and the place of the media within this structure (and organised along similar axes of power), critical theorists within the cultural studies tradition<sup>9</sup>, demonstrate that the media's routines and practices are not just technically significant, but—more importantly—explain why their content takes the shape and form that it does, thus sustaining relations of power and domination. Media organisations' structures and processes of production account for the stock of images and understandings that are routinely produced—and also explain why other accounts are down-played, de-legitimised, and marginalised (Hall 1982: 67). Rather than 'reflecting reality out there', the ideological environment in which the media operate shapes the way they define, frame, and explain the world. They do this within the taken-for-granted, unspoken, structures of both a social system and a

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<sup>8</sup> Although Althusser still maintained that the economic was determinant in the 'last instance', Stuart Hall revised this to seeing the economy as setting the limits of what was possible, without guaranteeing the outcome: economic determinism in the *first*, not last instance:

Understanding 'determinancy' in terms of setting of limits, the establishment of parameters, the defining of the space of operations, the concrete conditions of existence, the 'givenness' of social practices, rather than in terms of the absolute predictability of particular outcomes, is the only basis of a 'marxism without final guarantees'. It establishes the *open horizon* of Marxist theorising—determinancy without guaranteed closures...It would be preferable, from this perspective to think of the 'materialism' of Marxist theory in terms of 'determination of the economic in the *first* instance', since Marxism is surely correct, against all idealisms, to insist that no social practice or set of relations floats free of the determinate effects of the concrete relations in which they are located. (1996b: 45).

The term 'articulation' is used to describe the possible linkages that could be effected at particular historical moments, depending on the play of forces in operation (see Lawrence Grossberg 1996).

<sup>9</sup> For an overview see Hall 1980b, 1980; 1992b; Grossberg 1986; Johnson 1986/87, amongst others.

linguistic one that set the limits of what is 'sayable'<sup>10</sup>. Hall argues that it is not the reality behind the words that is recognised as credible, but its particular formulation, and the assumptions and inferences used to refer to that reality (1982: 75). Thus the ideological is what appears to be true—when assumptions are left unexamined, when what should be questioned is taken for granted.

The second framework that Hall (1982) uses to explain the unseen, shaping power of ideas and social constructs is Antonio Gramsci's notion of hegemony—power effected through consent. Gramsci argues that people's ideas and concepts are historically and culturally rooted, forming a reservoir of inventories that are drawn on and produced as the 'natural', 'normal', or 'common sense' way of thinking about a situation:

Every social stratum has its own 'common sense' and its own 'good sense', which are basically the most widespread conception of life and of men. Every philosophical current leaves behind a sedimentation of 'common sense': this is the document of its historical effectiveness. Common sense is not something rigid and immobile, but is continually transforming itself, enriching itself with scientific ideas and with philosophical opinions which have entered ordinary life...  
(Gramsci 1971: 326)

Considered from this perspective, the institution of journalism is no longer an autonomous 'reflector' of the world—an objective outsider—but rather an integral part of a social and cultural world that speaks *through* it as much as it participates in its (the social world's) construction (Schudson 2000: 189). These cultural factors are not simply a reflection of the political and economic forces at play, but also shape them through their articulation of the ways in which they are historically responded to in the development of particular societies at different times. The responses depend on the shared meanings and values that are available and are developed in daily life—the society's 'culture', which Raymond Williams describes as "a whole way of life", or to the "structure of feeling" of a given society at a particular historical moment (1965: 63).

Focusing on the cultural context highlights the symbolic 'worlds' and value systems that different journalists inhabit and use to account for what is newsworthy. This may be in accord, or at odds, with different sections of their audience—'culture' cannot be

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<sup>10</sup> Questions about the criteria of 'permissible speech'—such as who formulates them—are raised by Suttner (1990: 385) and Murdock (1999: 8)—see Chapter 12 of this thesis.

understood as singular, but rather as 'cultures'. Within journalism, 'news values'—which guide journalists in their identification and selection of what is 'news worthy'—represents one such cultural construct:

'News values' are one of the most opaque structures of meaning in modern society. All 'true journalists' are supposed to possess it: few can or are willing to identify and define it. Journalists speak of 'the news' as if events select themselves. Further, they speak as if which is the most 'significant' news story, and which 'news angles' are most salient are divinely inspired. Yet of the millions of events which occur every day in the world, only a tiny portion ever become visible as 'potential news stories': and of this proportion only a small fraction are actually produced as the day's news in the news media. We appear to be dealing, then, with a 'deep structure' whose function as a selective device is un-transparent even to those who professionally most know how to operate it. (Hall 1973: 181)

While some theorists (such as Hall) make sense of this deep structure in terms of theories of ideology and the hegemonic constitution of common sense, Schudson argues that "the cultural knowledge that constitutes 'news judgement' is too complex and too implicit" to see them in these terms (2000: 191). For him, 'the cultural' refers to the meaning-making systems that constitute the contending ideologies and subjectivities that are drawn on in the practice of journalism.

Through understandings gained from social anthropology and structural linguistics, critical theorists also challenged the liberal pluralist view that language is neutral. Hall argues that language is a cultural system for classifying the world, which works according to its own 'grammatical' rules (1982: 66-67). We are born into this language, and speak through its classificatory system. The implication is that actions and events are not meaningful in and of themselves, but are given meaning by the way in which they are signified—by the words and images chosen to represent them. "What this insight put at issue", notes Hall, "was the question of which kinds of meaning get systematically and regularly constructed around particular events" (1982: 66). What was being remarked on was the way in which some meanings and understandings are routinely reproduced, with the effect they are assumed to be the only possible, credible, way of making sense of particular situations. They become the taken-for-granted way of imaging what is being referred to, so that these symbolic representations become equivalent to what is being imaged: reality. This does not happen spontaneously, as suggested by the liberal

pluralists. This is the work of making meaning or signification, a prime activity of the media—commercial institutions organised to produce symbolic products.

Hall argues that the meanings eventually produced are the result of struggles between different social groups whose representations are inflections of meaning—representing an issue this way, rather than that way (1982). From Volosinov he draws the understanding that,

Existence reflected in the sign is not merely reflected but refracted. How is this refraction of existence in the ideological sign determined? By an intersecting of differently oriented social interests in every ideological sign. Sign becomes an arena of class struggle. This social multi-accentuality of the ideological sign is a very crucial aspect. (Volosinov 1973: 23)

Ruling ideas are thus a particular constituency's ideas that have temporarily won the battle of signification, and have accrued to themselves the status of the 'norm', the credible, the 'right-thinking', on a particular issue. Hall emphasises that although particular "discourses entailed certain definite premises about the world, this is not the same thing as ascribing ideologies to classes in a fixed, necessary, or determinate way" (1982: 80). This view emphasises the process by which people are won over, bit by bit, to particular ideas. Consent is won, and becomes the 'consensus'. This perspective helps explain both the contradictory nature of media texts, and the contradictory role the media play within the social formation: they can be critical of certain kinds of social power, at particular historical moments, but reinforce and sustain other kinds.

By focusing on issues of language and representation, the media can no longer be seen as mere mirrors, but rather as producers of representations which connect with people's common sense understandings—and in so doing become the basis for further accounts that are produced by routine production processes. This theory accounts for how journalists unconsciously internalise the assumptions and norms of the dominant culture, and through their reliance on powerful groups as news sources, reproduce those groups' views, values and perspectives (Curran 1996: 289). On this view, the BLA/ABASA claim of the media's "subliminal" racism is not as outrageous as some journalists suggested. Hall's ideological perspective of the media offers us a view of their place and functioning within the social formation as a whole. As he notes, what were previously seen as merely technical issues of media operation, and are usually examined as part of

the 'sociology of news production'—namely, “questions of selection and exclusion, the editing of accounts together, the building of an account into a ‘story’, the use of particular narrative types of exposition, the way the verbal and visual discourses of, say, television were articulated together to make a certain kind of sense”—are now interpreted within this broad framework (1982: 68).

Schudson, however, cautions against using ‘hegemony’ to explain too much (2000: 180). He argues that ideology is always a contested terrain, and that the media do not necessarily always serve the dominant interests. Rather, they sometimes amplify “elite disagreements in unsettling and unpredictable ways” (2000: 181). He suggests that the question to ask is “what role the media play in the midst of or in relationship to social change” (2000: 181).

John Thompson shares Schudson’s view, arguing against what he calls the ‘consensual’ or ‘social cement’ theory of ideology that accounts for social consensus on the basis of core values and beliefs in, for example, freedom, parliamentary democracy, and equality of opportunity (1990: 87). He argues, instead, that social reproduction occurs not because there is consensus, but because

the ongoing reproduction of the social order is probably more dependent on the fact that individuals are embedded in a variety of different social contexts, that they carry out their lives in routine and regularized ways which are not necessarily animated by overarching values and beliefs, and that there is a *lack of consensus* at the very point where oppositional attitudes might be translated into coherent political action. (1990: 90)

Thus “there is sufficient dissensus to prevent the formation of an effective oppositional movement” <sup>11</sup>(1990: 90). Thompson sees ideology as “meaning in the service of power” (1990: 7). His major concern is with the “social ‘effects’ of the usage and understanding of symbolic forms”, and with explaining how they contribute “over time to the reproduction of relations of power and domination” (1990: 70). For Thompson, “To study ideology is to study the ways in which meaning serves to establish and sustain relations of domination” (1990: 56; see also 1990: 72-73). The three key elements in this

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<sup>11</sup> This position echoes Michael Mann’s: “It is not value-consensus which keeps the working class compliant, but rather a *lack of consensus* in the crucial area where concrete experiences and vague populism might be translated into radical politics” (1970: 436).

understanding of ideology are 'meaning', 'domination', and the processes by which meaning establishes and maintains domination. 'Meaning' is seen as constitutive of social relations—in other words, representations are seen as constituting social reality, rather than 'reflecting' a pre-existing social world. 'Domination' is present when,

established relations of power are 'systematically asymmetrical', that is, when particular agents or groups of agents endowed with power in a durable way which excludes, and to some significant degree remains inaccessible to, other agents or groups of agents, irrespective of the basis upon which such exclusion is carried out. (1990: 59)

For Thompson, domination is not necessarily class domination, but also includes other forms such as gender, ethnic, race, and sexual domination. With regard to the mechanisms by which symbolic forms become ideological, Thompson outlines five processes: *legitimation*, which appears textually as rationalisation, universalisation and narrativisation; *dissimulation* which can take the form of displacement, euphemisation and linguistic tropes (such as metaphor, metonymy and synecdoche); *unification*, as expressed through standardisation and the symbolisation of unity; *fragmentation*, through the use of differentiation and the expurgation of the other; and finally, *reification*, which can be expressed through naturalisation, externalisation, nominalisation, and passification (1990: 60)<sup>12</sup>. He acknowledges that a key question directed at his approach will be how one discerns whether particular symbolic forms do sustain, disrupt or establish relations of power. Cognisant of such problems, Thompson cautions:

In analyzing ideology, in seeking to grasp the complex interplay of meaning and power, we are not dealing with a subject matter that admits of incontestable demonstration (whatever that may be). We are in the realms of shifting sense and relative inequalities, of ambiguity and word play, of different degrees of concealment of social relations and of the concealment of the very process of concealment. To approach this realm in the expectation that one could provide incontestable analyses is like using a microscope to interpret a poem. (1990: 71)

Because interpretation is necessarily open to further critique and interpretation, Thompson argues that these are not grounds to dismiss interpretive findings, or to regard these as the sole preserve of analysts, but rather that they should be engaged with critically, and publicly (1990: 72). The study of ideology, understood in this sense, thus plunges the analyst into a "realm of meaning and power, of interpretation and counter-

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<sup>12</sup> This analytical schema is used in Chapter 10 in the analysis of news texts.

interpretation, where the object of analysis is a weapon employed in a battle carried out on the terrain of symbols and signs” (1990: 73).

### **The influence of the routines and practices on news production**

A consideration of the routines and practices of news production is usually considered within a sociology of news production that includes an examination of organisational structures—as the routines are deemed to have developed as a response to them (Schudson 2000: 177; Ettema et al 1997: 32). An organisational analysis focuses on the structures and roles which shape an organisation, whereas a focus on the routines and practices of news production “is required in order to explain how social infrastructures, *institutions* and their interests are translated into concrete texts” (Tuchman 2002: 86)—a view shared by Shoemaker and Reese (1996: 64). Routines and practices are seen as the micro-means by which organisational structures produce news texts. Although there is an inter-relationship between the two processes—especially considered from Giddens’ (1973) perspective of structuration<sup>13</sup>—I will focus on this micro aspect first, and leave till last my primary interest in broader organisational considerations.

The work of Tuchman (1972, 1974), Harvey Molotch and Marilyn Lester (1974), Philip Schlesinger (1978), Mark Fishman (1977), Herbert Gans (1980), and Tod Gitlin (1980) focuses broadly on the production of news. While recognising that news is the outcome of organisational arrangements, in different ways they explore news as a social construction: the routinised work of journalists. Based on symbolic interactionism, this social constructionist view challenges the liberal pluralist common sense notion of news as a ‘reflection’ of a reality that is already ‘out there’ (Schudson 2000: 188; Tuchman 2002: 82; Gans 1980: 79). Instead, Shoemaker and Reese argue that the routine processes of newsmaking are the organisational (and commercial) means of mediating the needs of news producing firms, their audiences, and the bureaucracies, civil society organisations, and institutions supplying the ‘raw material’ (1996: 109).

Moloch and Lester argue that the news media reflect not reality, but “the practices of those who have the power to determine the experiences of others” (1974: 54). They

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<sup>13</sup> I discuss this more fully below.

suggest that 'news' is the product of two sets of social practice: journalism and politics—the social organisation of power. In this view,

The news content of mass media is seen as the result of practical, purposive, and creative activities on the part of news promoters, news assemblers and news consumers. At each stage in the process of generating an event, a given happening is attended to and its features assembled in the context of what has gone before and anticipated in the future. The result is a process of news creation, a kind of accounting procedure, accomplished according to the occasioned event needs of those with access to the media. (Molotch and Lester 19974: 101)

The significance of their observations is that journalists report occurrences for a purpose, and that the import of what is reported relates to this purpose, often in relation to other occurrences. This echoes Marshall Sahlins' insight that "an event is not just a happening in the world; it is a *relation* between certain happenings and a given symbolic system" (1985: 153; qtd. Schudson 2000: 189). Seeing 'news as purposive behavior' is to see 'news' as the outcome of a process of identifying a social occurrence as a marker (an event) of social significance in relation to some purpose—hence its 'worthiness' to be reported. In this sense news is a social construction of reality: for what is regarded as 'reality' by readers, are those occurrences highlighted as significant by newsmakers (Molotch and Lester 1974: 102). From this it follows that,

the degree to which individuals or collectivities have differing purposes, rooted in diverse biographies, statuses, cultures, class origins, and specific situations, they will have differing and sometimes competing uses for occurrences. An *issue* arises when there are at least two such competing uses, involving at least two parties having access to event-creating mechanisms. For public issues, these mechanisms are the mass media. (Molotch and Lester 1974: 103)

The SAHRC inquiry into racism in the media, and the dispute over whether aspects of the *Mail & Guardian's* journalism is racist or not, can be regarded as an example of such an issue. The *Mail & Guardian* editors regarded the expose of political malpractice as normal—relating to the purpose of constructing the new democracy. The BLA and ABASA, on the other hand, criticised the *Mail & Guardian's* reporting in relation to a different purpose: promoting a positive image of black people in positions of power, which had been denied them during apartheid. The basis of what is socially significant was thus in dispute. In Molotch and Lester's terms,

Conflicting purposes-at-hand lead to competing accounts of what happened, or...to dispute whether anything significant happened at all...That is, a struggle takes place over the nature of the occurrence, and embedded in that struggle are differing

interests in an outcome. (Molotch and Lester 1974: 103)

They argue that the very existence of an 'issue', points to the 'event needs' of different constituencies with respect to the same occurrence. They state that the "work of promoting an occurrence to the status of a public event springs from the event needs of those doing the promoting" (1974: 103). Based on this understanding, they categorise 'news' based on the 'nature' of the social occurrences, and how they come to the attention of news makers: 'routine items' refer to events planned and promoted by the planners (e.g. sports news, council news, court news etc); 'scandals' refer to events planned by someone or an organisation, but promoted by others; and 'accidents' refer to unplanned events (Molotch and Lester 1974: 106-111; Schudson 2000: 183). Scandals are thus socially significant as they highlight the activity of 'promotion'—in both the social-political, as well as journalistic domains. From this perspective news is not a record of reality, but "the political work by which events are constituted by those who currently hold power" (Molotch and Lester 1974:111). But this is based on the assumption that there is a general level of social and political consensus that the media are part of. Significantly, this was not the case in South Africa during the period under study, hence the contestation between social groups and the *Mail & Guardian*, and within the paper itself.

Schudson comments that notwithstanding this activity of 'news construction', journalists' credibility depends on their reporting "accurately' about actual (objectively real) occurrences in world, whoever planned them and however they came to the media's notice" (2000: 184). What Schudson overlooks is the disjuncture between different constituencies' lived experiences, their interpretations of these experiences, and the interpretations offered by the media—whether they are 'newsworthy', and the basis of this 'newsworthiness'. This disjuncture is more apparent in times of social change, when the ground of politics is shifting, and there is a reconfiguration of 'the status quo'. Furthermore, Tuchman argues that "objectivity" is not a guarantor of accuracy, but a "strategic ritual" used by journalists to protect themselves from censure: it is a representational device, evidenced in the form of a news story in which 'both sides' are given (1972). Similarly, the categorisation of news into different genres—hard, soft, continuing, developing, spot—facilitates the organisation of resources in relation to the

“life” of an event (Tuchman 1974). David Altheide (1976) also argues that journalists approach generic stories with ‘scripts’—hence the endless repetition of the same kinds of stories, responding to “news values”<sup>14</sup> that are deemed to reflect what audiences are most interested in (Shoemaker and Reese 1996: 111).

The significance of Molotch and Lester’s work is that it shifted attention from ‘gatekeepers’<sup>15</sup> within news organisations, to the relationship between the political organisation of social life and what is signified as ‘news’. This raises the issue of how social events come to be signified as news. Mark Fishman addresses this issue in his “processual theory of news worthiness”: the detection of news occurrences; their interpretation as meaningful events; the understanding of what ‘facts’ constitute a story; and finally how facts are assembled into stories (1977: 56). He shows how the bureaucratic organisation of social life facilitates the ‘gathering of news’ into ‘news beats’ which provide both routine access to ‘experts’, as well as “the continuous detection of events” (1980: 52). This approach emphasises the importance of the relationship between journalists and their sources (political and social actors) in the news making process, raising questions about whether the power lies with the media, or with the sources, to ‘decide what’s news’, or to set the news agenda. He concludes:

Every time journalists treat bureaucratic accounts...as plain fact, they help the agency make the reality it wants to make and needs to make in order to legitimate itself...news consumers are led to see the world outside their first-hand experience through the eyes of the existing authority structure. Alternative ways of knowing the world are simply not made available. Ultimately, routine news places bounds on political consciousness. (Fishman 1977: 284)

While acknowledging that journalists critique the actions of some politician and officials, he argues that because the routines and structures of reporting are tied to the bureaucratic organisation of social life, journalism inevitably leaves “the existing political order intact, at the same time that it will enumerate its flaws” (1977: 285). In short, “the governmental-bureaucratic structure cannot be doubted as a whole without radically upsetting the routines of newswork themselves” (1977: 285, original emphasis). Based

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<sup>14</sup> Shoemaker and Reese list the following: prominence/importance; human interest; conflict/controversy; the unusual; timeliness; and proximity (1996: 111).

<sup>15</sup> See Tuchman (2002) and Shoemaker (1997) who note the changes in conception of what becomes news from David Manning White’s (1950) focus on news selection as a process of “gate-keeping” to all aspects of the broader social processes of message encoding.

on her observations of news routines at an alternative radio station in California, Eliasoph challenges this view, arguing that “routines accomplish different things in different contexts” (1988: 315). She shows how many routines, seen by theorists as reproducing the status quo, can be used in such a way that they construct a different world-view. For example, she shows that a reliance on officials for stories—but those of oppositional organisations—will produce news that does not support the status quo. Similarly, events-based journalism can also undermine the status quo if the events are selected differently, and provided with an appropriate context.

### **The organisational influence on news production**

Ettema *et al.* suggest this research focus “highlights (1) the bureaucratic nature of news production, (2) the routines and conventions by which work is accomplished, and (3) the management of organizational conflict” (1997: 32). This view stresses the importance of organisational structure, roles and professional ideology in the production of news—regardless of the individuals involved. Instead, news production is embodied in organisations, which Shoemaker and Reese describe as,

the social, formal, usually economic entity that employs the media worker in order to produce media content...It is goal directed, composed of interdependent parts, and bureaucratically structured—workers perform specialized functions, in standardized roles. (1996: 144)<sup>16</sup>

As capitalist enterprises the goal of media organisations is to produce profits—although this is mediated by journalism’s institutional goals<sup>17</sup>. There is thus a potential tension between the news organisation’s commercial goals, and journalists’ professional goals—which, together with its routine practices, is one of the key ways in which the institution of journalism is sustained. This tension between commercial and professional goals

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<sup>16</sup> See Cynthia Hardy and Stuart R Clegg (1996) on the historical and social development of ‘the organization’.

<sup>17</sup> The relationship between these two aspects of journalism as a social practice is determined by the nature of the enterprise’s ownership. Sigal writes: “So long as revenues are sufficient to ensure organizational survival, professional and social objectives take precedence over profits, particularly for the management of firms like the [Washington] *Post* and the [New York] *Times*, where a single family maintains financial control” (1973: 8). Shoemaker and Reese report on the *New York Times* trust’s primary objective: “to maintain the editorial independence and integrity of the *New York Times* and to continue it as an independent newspaper, entirely fearless, free of ulterior influence and unselfishly devoted to the public welfare” (1996: 155). My research shows a similar attitude on the part of the Scott Trust, owners of the UK *Guardian*, and former owner of the *Mail & Guardian*—see Chapter 7.

animates the organisation, and thus the focus of much organisational research has been on the nature of this tension and its impact on 'news policy'.

One of the first empirical studies of news organisations suggests that journalists' professional goals are integrated into the organisation's commercial goals, rather than being in tension with them (Breed 1955). In this study Breed (1955) argued that three key features of news organisations promote cohesion and the journalists' adherence to the paper's news policy: first, the socialisation of news workers, or the work processes through which they learn what is 'acceptable'; second, the systems of praise and sanction: namely, stories which 'earn' the journalist a front pager, and others which result in the editor's 'blue lines'; and finally, their own professional aspirations to succeed within the organisation. These organisational features shape the paper's consistent 'positioning', which he described as its "policy" (Breed 1997: 108; see also Gans 1980)<sup>18</sup>

In another foundational study Lee Sigelman (1973) also described news organisations as integrating systems in which professional journalists experience autonomy and independence. He viewed journalists as holding "dual citizenship" based on their commitment to both the goals of their news organisation, and the goals of their profession (1973: 141). Because of this dual identity, he suggested that, "organizational processes are structured to avoid conflict between reporters and their superiors"—who ultimately have to act to maintain the commercial viability of the organisation (1973: 132). Conflict is thus avoided through a number of organisational processes and procedures: first through recruitment, which is normally a process of self-selection: journalists choose to work for news organisations whose 'policy' they feel comfortable with (Sigelman 1973: 139). Second, through the processes of socialisation, novice journalists learn from their peers which 'actors and actions' are newsworthy, and which are not. In addition to this, the 'cultural' practices of story assignment, editorial revisions, and the editorial conference are not only part of the socialisation process, but also constitute the reward-sanction system through which the tension between organisational 'control' and the journalist's autonomy is managed (Sigelman 1973: 138). The more journalists are

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<sup>18</sup> Breed's paper, "Social Control in the Newsroom" was first published in 1955 in *Social Forces* 33 (326-335).

committed to the organisation's 'policy', the less need for sanction and control (Sigelman 1973: 141). Although there are clear lines of authority and role functions, the structure is "loose":

The greater the professionalism and expertise residing in the organization's middle and lower levels, the greater the necessity for an overriding looseness in organizational structure. (Sigelman 1973: 141)

Developing Sigelman's view of news professionalism, John Soloski argues that it is a "more efficient method for controlling behavior in nonbureaucratic organizations, such as news organizations" (1997: 140). He cites Larson's view that professionalism "makes the use of discretion predictable. It relieves bureaucratic organizations of responsibility for devising their own mechanisms of control in the discretionary areas of work" (Larson 1977: 168, qtd. Soloski 1997: 140). Journalists with "several resources, including access, experience, expertise, and irreplaceability", become "stars", rewarded with a high degree of autonomy (Sigelman 1973: 143). And as the "stars" often write editorials and are part of 'high-level' organisational discussions, they too are integrated into the organisation, contributing to its policy (Sigelman 1973: 143; Gans 1980: 101). In this way, organisational practices and journalists' internalization of them as 'professionalism' shape news content.

Sigelman thus offers a benign view of news organisations with "loose structures" that both accommodate the professional and organisational commitments of journalists, and "enable the newspaper hierarchies to exert meaningful control over reportorial performance" (1973: 148). He challenges Breed's (1955) and Stark's (1962) representation of news organisations as designed for "policy maintenance" or "conflict management"—arguing rather that they enable "conflict avoidance" (1973: 149).

In contrast to functionalist approaches to news organisations that emphasise "consensus and coherence rather than conflict, dissensus and the operation of power" (Clegg and Hardy 1996: 2), Sigal argues that the hierarchical structure of news organisations with their distinct occupational roles and "action channels" are a means of managing internal conflict over organisational resources (1973: 14). Within news organisations the owner or publisher is king; the board of directors is the authority to which both financial and editorial managers report; and under them are different divisions. On the editorial side,

journalists report to section editors who report to the news editor who reports to the editor (Sigal 1973: 13-25)<sup>19</sup>. This formal organisation of labour has three major impacts, each of which affects news content:

first...[it] imposes economic constraints, which constitute the stakes of the internal politics; second, it establishes the formal chain of command, and along side that, informal lines of communication, which together form the internal procedures for choice-making by the news paper; and third, it structures patterns of intra-organizational conflict along lines of the division of labor. (Sigal 1973: 8)

The “stakes of the internal politics” refers to the internal struggle between sections for resources, which will impact on the kind of content that is favoured or disfavoured<sup>20</sup>.

The editor has this power because of his or her place within an hierarchical chain of command, which also gives an indication of the ‘copy flow’ and the production process, and the lines of accountability necessary to ensure the efficient delivery of a product that is constrained by time—especially in a daily newspaper, and to less degree in a weekly such as the *Mail & Guardian*. But, according to Sigal, at both the *Washington Post* and the *New York Times*, “the formal hierarchy...does not necessarily correspond to the distribution of influence over news content” (1973: 14; see also Gans 1980: 87). The formal hierarchy establishes the “action channels”, but the actual activity along these channels is determined by the size and complexity of the news organisation, and the relationships between the different individuals and sections and the places and moments of decision-making. For example, there may be concern about the changing role and ‘status’ of the editor: is s/he a manager, or a journalist (Shoemaker & Reese 1996: 160; Underwood 1988: 23)? This concern recognises that the ‘wall’ between the financial and editorial sides of the business are being eroded, with the editor being increasingly drawn into financial decision-making. The formal structures and the “informal lines of communication” (Sigal 1973: 8) inform story assignment, news gathering, copy editing, and finally, decisions about what will go into a newspaper—on which page—and what stories will not make it at all. Each of these activities involves power struggles. In Sigal’s words:

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<sup>19</sup> This is a basic structure, although there may be different labels for the different functions in different countries. See also Gans’ (1980: 84-100) descriptions of American television and news magazine authority structures, and Schlesingers (1978/1987) description of the BBC).

<sup>20</sup> In the *Mail & Guardian’s* case, the editor decides where money will be allocated. Chapter 8 describes the changes in the newspaper’s sections during Phillip van Niekerk and Howard Barrell’s editorships.

the division of labor within newspapers shapes perspectives, vests interests, and defines the lines of cleavage for internal conflict. It also provides the newsmen (sic) with the resources, arguments, and maneuvers for waging these conflicts. It therefore affects the outcomes, and hence the content of the news. (1973: 34)

Despite his reference to organisational conflict, Sigal does not develop a theoretical approach for analysing these conflicts as a manifestation of power, and he does not question the validity of hierarchies. His theoretical framework is based on what Michael Reed describes as a narrative of the market, which sees organisation as a rational response to market needs (1996: 34, 38-40). “What is conspicuous by its absence in the market framework is any sustained interest or concern with social power and human agency” (Reed 1996: 39). This approach is exemplified by Gans’ assertion:

That someone rules the roost makes a difference, but who rules does not. Although top editors and producers can affect the value judgments in major stories and determine the fate of lesser stories, they do not determine what actors and activities routinely become newsworthy. (1980: 100)

From Gans’ perspective the power of editors is solely associated with their structural position in the hierarchy of the organisation. My thesis challenges this view—and I develop a theoretical perspective to support my argument. Contrary to Gans, I argue that *who* rules the roost *does* make a difference in a small organisation, as s/he can influence not only what actors and activities become newsworthy—as Eliasoph (1988) argues—but also the news organisation’s relation to its political context, relationship with sources, tone of the paper, organisational processes within the paper—all of which shape the paper’s identity, ‘news policy’, and ultimately, news content.

While I agree with Sigal that there is a tension between the ideals of journalism and the financial imperatives of the organization, and that hierarchies indicate channels of activity but not power relations which shape decision-making processes, my own study is concerned with both the power of news media organisations (their economic and ideological power in society), and power within them. Drawing on Weberian and Marxist approaches, the former is viewed as the “structural and institutional conception of organizational power” (Reed 1996: 40). This perspective enables an examination of hierarchical structures, bureaucratic functioning, specialisation of occupations, and work routines within organisations as the means by which social (class) power is reproduced.

In contrast to this focus on the ways in which power relations—at the societal level—shape organisations and their functioning as part of the overall social structure, a focus on power within organisations is concerned with ‘micro-power’, or the subjective ways in which organisational structures and occupational routines are taken up. This kind of power, Hardy and Clegg (1996) remind us, is qualitatively different from the kind of power that shapes the broad structures of society. With this in mind, they argue that “Power requires understanding in its diversity even as it resists explanation in terms of a singular theory” (Hardy and Clegg 1996: 636). From this perspective, while acknowledging the paradigm debates within organisational theory<sup>21</sup> about the different approaches to conceptualizing organisational power, they advocate empirical studies that focus on ‘local struggles’. In line with this, my study of the *Mail & Guardian* focuses on the power of its editors, and consequently their agency in effecting organisational changes that may have impacted on news content.

As both the ‘routines’ and the ‘organisational’ approaches to news production downplay the agency of journalists, Simon Cottle suggests that the Foucauldian term, ‘practice’ is a useful way to refer to journalism as it combines a “sense of both the ‘discursive’ and the ‘administrative’ in the enactment and regulation of social processes” (2000: 22). Furthermore, thinking about journalism as a social practice reminds us of the role of human agency in the discursive production of ‘journalism’, a particular social institution—enduring through space and over time—with its own ‘regime of truth’.

#### *Journalism as a Practice: Power and Agency in Organisations*

Within organisational theory, the term “organisational practice” has been used to address the problem of power within organisations that deals with the tension between subjective agency and organisational structure:

The emphasis on ‘practice’ is an analytical strategy for those writers who seek to transcend the traditional division between objectivism and subjectivism in the human and social sciences. In this division there is usually an emphasis either upon ‘objective structures’ or ‘subjective meanings’. Practices, by contrast, can be conceived in terms that seek to integrate both in its framework. To engage in social practice involves engaging in actions that are intelligible in and through the

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<sup>21</sup> Burrell and Morgan (1979) identify the following paradigms in organisational research: functionalist, interpretativist, radical humanist, and radical structuralist. See also Clegg and Hardy 1996.

concepts that inform them, that have to be understood as directed towards ends that strategic members of the organization specify as 'objective structures'. (Clegg 1994: 34)

This conception is a way of looking at journalism as institution, discourse, and commercial enterprise, and at the *Mail & Guardian* as a "patron of the institution of journalism" (Allern 2002) that has a manifest organisational embodiment, constituted by the 'subjective' interpretations of its membership, as well as by 'objective' structures and forces. Reed suggests that this approach is useful because it

...offers a more realistic and flexible conception than that which treats organizations as rigidly structured social units subordinated to the performance of a particular socio-economic sector or system. It also indicates that work organizations are based on operating principles and rationales that generate both structural and processual contradictions that will be reflected in management practice. Not only will managers be called upon to secure organizational discipline and membership consent simultaneously, but they will also be internally divided, both between and within different specialisms, over how these mutually incompatible objectives are to be achieved. (1989: 21, qtd. Clegg 1994: 35)

This perspective thus opens up a way of theorising *agency* within a news organisation—which is most pertinent to my study.

One approach to re-focussing on agency within organisations, is David Silverman's (1970) 'Social Action Model', developed in his classic text, *The Theory of Organizations*:

This model was not meant as a theory of how things happened but more as a set of questions to be asked if you were interested in how organizations function. And the questions I suggested we should ask...were as follows. First, who are the principal actors involved in the setting? Second, what are the goals they are trying to achieve, perhaps using the organization's charter as a legitimation? Third, what kind of involvement or attachment do they bring to the organization: what kind of commitment or interest do they have there? Fourth, what sort of strategies and tactics do they use to achieve their goals or ends in the light of their attachments to the organization?...And finally, what are the consequences of their actions for each other and for the pattern of interaction when actors pursue particular goals, using particular strategies in particular situations. (1994: 2-3)

These were the questions I asked the *Mail & Guardian* editors and journalists in my quest to understand its dynamic organisational processes. Their responses inform my understanding of how the organisation works, and in some measure account for the kinds of text produced in the different phases of the organisation's life. Because the *Mail & Guardian* was a young organisation that had been founded by a 26-year old political

reporter (Anton Harber), and a 30-year old assistant editor (Irwin Manoim), who assumed the paper's first joint editorship, and because it remained a small 'family-run' paper, it seemed obvious that the editors would be some of the principal actors involved in shaping the organisation and its practices. This hypothesis was confirmed by many of the journalists who worked at the paper over a number of years—some of them leaving for other newspapers, and then returning.

According to Clegg, the enduring significance of *The Theory of Organizations* is its "emphasis of 'institutional frameworks' within which people calculate, construct and attempt to accomplish their actions in projects of power" (1994: 28; see also Whittington 1994). In Silverman's words, "While society defines man [sic], man defines society" (1970: 127). He thus presents an inchoate theory of organisation in which members' varied extra-organisational identities and experiences are resources that are drawn on in their organisational activities and roles (Silverman 1970: 150-151). He also suggests that members' participation in other social communities enables them to draw on these values and ideas that can then become resources for dissent and opposition within the organisation (Silverman 1970: 222). Although he focused on the actor as individual, he was not unmindful that individual actors are also social beings.

Clegg's concern is that despite Silverman's nascent institutional approach<sup>22</sup>, the focus of this work (Silverman 1970) is still on people, "whom he called actors" (Clegg 1994: 28). Clegg critiques the humanist problematic of Silverman's (1970) text:

Humanism exemplifies those ontological impulses that seek to restrict the category of agency only to human beings. Silverman's text was an exemplar of this tendency in the human sciences. It produced an elision of the space between the categories of the 'person' and an 'agent'. At its core are conceptions of the person as the appropriate locus of action. Those things that get to be done—action—are enacted by 'actors' who are people. Agency is not a generic term for people: it may well often refer to collective forms of decision making such as organization. (1994: 28-29)

Silverman's 'social action' model is in essence a social constructionist view of how decisions are made and acted on. But as this is limited to the agency of individuals,

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<sup>22</sup> Stuart Clegg (1994) uses the term 'institutional approach' to differentiate it from other approaches within the sociology of organisations. It is used differently from Allern's use (2002), cited earlier in the chapter.

Clegg points to the need to theorise agency more broadly. He suggests that an organisation as a collective entity is also capable of agency. He elaborates: "In fact, the terms organization and agency are necessarily coupled. Most definitions of organization entail agency, definitions that usually refer to purposeful goal-oriented action" (1994: 29). He also argues that the more complex the organisation, the more likely it is to have multiple, possibly contradictory, sources of agency, constructed on different bases, such as different roles, or sources of knowledge (1994: 29). Within an institutional theory of organisations, this implies taking into account the different sources of power that shape different forms of agency—'race', class, gender, technological know-how. Any resulting actions will be the outcome of the power dynamics between these different sources of knowledge as power, which makes agency possible. One therefore needs to probe why some actors in some circumstances within the organisation are able to effect action that changes the direction of the organisation (Clegg 1994; see also Hardy & Clegg 1996).

Athony Giddens approaches this problem by looking at both the social construction of the individual, and the inter-relationship between individual and collective agency as expressed through organisational action. Following Marx, Giddens attributes the development of a class structure and the "production of asymmetrical life-chances" to the processes of capitalist economic development (Giddens 1973: 130). Classes thus represent a structural relation to the system of capitalist production, but they are also more than that. In order to explore the cultural and social constitution of classes, or the factors outside of the sphere of production that constitute them, he develops the concept of 'structuration' (1973: 104-107). Elaborating on this idea, Whittington notes:

Thus working-class structuration may be influenced by ethnicity and gender, while managerial structuration involves interpersonal contacts, friendships and marriage ties. (1992: 695, based on Giddens 1973: 171)

Thus structures are the outcome of human processes, but also condition human agency:

Structures can always in principle be examined in terms of their *structuration* as a series of reproduced practices. To enquire into the structuration of social practices is to seek to explain how it comes about that structures are constituted through action, and reciprocally how action is constituted structurally. (Giddens 1976: 161)

For Giddens, human action creates various kinds of social systems that are themselves the structures which condition agency. Structures are therefore not physical/ objective

‘things’, but they “define both the rules—techniques, norms or procedures—guiding action, and the resource—authoritative and allocative—empowering action”:

...while structural properties make action possible, structures themselves have no reality except as they are instantiated in activity or retained mentally as remembered codes of conduct or rights to resources. (Whittington 1994: 62, based on Giddens 1984: 21)

Whittington argues that Giddens’ concept of structuration is thus a useful way not only of over-coming the structure-agency divide, but also, of taking further Silverman’s approach to agency within organisations which did not fully explore the extent to which such agency is conditioned by the actor’s social location, politics and history, and how this socialised form of agency impacts on the organisation’s identity<sup>23</sup>.

In contrast to Giddens’ and Whittington’s approach to agency, based on a humanist notion of the individual, Hugh Willmott (1994) and David Knights and Hugh Willmott (1989) offer a post-structuralist approach, drawing on Foucault’s understanding of power as not only operating structurally, but through the individual’s subjection to social (disciplinary) practices, which undermines, or contradicts, the subjective claim to autonomy, and independence—the ultimate claim of journalism<sup>24</sup>, and the basis of its ethical practice (Knights & Willmott 1989: 550). This introduces the post-structuralist idea of subjectivity into the structure-agent dialectic, which has seldom been explored in studies of newsroom practices.

The common sense (functionalist) understanding of agency is that it is the execution of power embodied in some individual. The editor has the power to effect certain actions, and so shape newsroom practices because of his role and place in the organisation’s hierarchy. Instead, Knights and Willmott suggest that observed social practices are “simultaneously mediated by subjectivity and by relations of power” (1989: 536). This understanding is based on the view that both ‘power’ and ‘subjectivity’ are relational concepts, and that “subjectivity...[is] both a medium and outcome of power relations and ...a response to problems which are compounded by the individualisation of subjects in modern society” (Knights and Willmott 1989: 538). They note that Benton (1981)

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<sup>23</sup> Trevor Purvis and Alan Hunt note the similarity between Gramsci’s concept of common sense, Foucault’s concept of discourse, and Giddens’ concept of structure (1983: 495).

<sup>24</sup> See Sigelman (1973) discussed above.

acknowledges this power-subjectivity relation in viewing power struggles as struggles of identity (Knights and Willmott 1989: 541). They note:

There are both positive and negative forces operating on subjects in modern society which render identity a major preoccupation. Positively, the modern subject is constituted as 'independent' and 'responsible', partly as a result of the institutionalisation of 'natural' rights and obligations of democratic self-autonomy. Negatively, individuals have been 'split' off from one another, and this is experienced as a vulnerability to the judgments of 'significant others', and is a recurrent anxiety about whether external social evaluations will continue in a favourable direction. The pressure is upon individualised subjects to secure an identity for themselves; and the difficulty of so doing in institutional circumstances (e.g. the shopfloor), where recognition is a scarce and competitively achieved 'commodity', creates considerable tension and anxiety. (Knights and Willmott 1989: 541)

They suggest that by participating in various social practices that in part constitute their identity, subjects are also necessarily reproducing the mechanisms through which power relations are reproduced (Knights & Willmott 1989: 550). Thus agency is played out in a field of power that is mutually constituted by the subject's engagement in social practices.

Following Heidegger (1927/1962: 32), Willmott conceptualises human agency as the "open, reflective and intentional quality of human beings" (1994: 91). He argues further:

Without the peculiar reflexivity of human agency, organizational phenomena could not be enacted *and* contested... When the presence and significance of human agency in the (re)production of organizing practices is neglected or trivialized, the consequence is economic or sociological reductionism, a common shortcoming of mainstream and radical analysis. (1994: 87, 88)

Because earlier organisational studies of media production (Gans 1980, Schlesinger 1978/1987) emphasise systems of news production, they fall into the trap of economism or sociological reductionism. It is therefore appropriate that the limited treatment of human agency in the sociology of news production is addressed in this study—a task addressed especially in chapters 6 and 7.

In foregrounding agency, Willmott acknowledges the usefulness of concepts such as 'structure' and 'system' in pointing to "the patterned, organized quality of human action" (1994: 88), but following Collins (1981: 1009), he cautions that "'structures' and

'contingencies' are abstractions that 'do not *do* anything'" (1994: 88). The challenge is thus to theorise agency as constituted both subjectively and objectively—which in his view can only be accomplished by dissolving the binary, subjective-objective, on which modernist views of human subjectivity and agency are based. But he argues that this view of human agency is not possible if it is conceptualised within a humanist problematic "that assumes and promotes the existence of the self as a separate, sovereign entity" (1994: 89). Contra Heidegger, he proposes that "the sense of self as a separate and potentially autonomous seat of consciousness is a historical, not ontological phenomenon" (Willmott 1994: 91). On this basis he theorises an understanding of agency that is cognisant of human identity (the 'self') as historically constructed, taking particular forms in pre-modernity, modernity, what he calls '(hyper)modernity'<sup>25</sup>, and '(post)modernity'.

Adopting a poststructuralist account of the constitution of subjectivity Clegg critiques the humanist approach arguing: "People are not only labour power nor even mere signifiers of meaning", they

are subjects of both and are subjected to both, signified as labour power and as the embodiment of differential and related social identities... Organizations should not be conceptualized as the phenomenological expression of some essential inner principle such as economic exploitation or rationality... Organizational action is an indeterminate outcome of substantive struggles between different agencies: between people who deploy different resources; people whose organizational identities will be shaped by the way in which their disciplinary practices work through and on them. (Clegg 1989: 104-5)

This understanding of organisations thus takes into account the way in which they are constituted by the subjectivities of their members and the power relations between them—thus offering a dynamic concept of organisation. This understanding of subjectivity challenges the humanist conception of the subject as a sovereign, 'free', 'independent', 'self-determining' actor, from which emanates 'agency'. Foucault points

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<sup>25</sup> See Douglas Kellner (1988: 254), and Hugh Willmott (1992) who argue that the relativization of reality and identity associated with the development of modernity, and the associated importance of consumption as a means of identity formation and the associated concept of 'freedom'—which are usually associated with 'postmodernity' are more appropriately associated with a "heightening and extension of the individualizing practices of modernity rather than something that goes beyond it" (Willmott 1994: 113). In this context, postmodernity can be reserved for a "radically different form of life" (Willmott 1994: 113).

to the paradox of modernity in which subjects are deemed to be 'free' and 'self-willing', and yet the conditions of modernity are such that subjects are 'subjected to' social practices which 'discipline' them into socially constructed norms that they internalise and then reproduce as their own.

On this understanding we can see the institution of journalism as shaped by prescriptive practices of what constitutes 'good journalism' to which journalists willingly subject themselves—as described by Sigelman (1973), for example—while at the same time proclaiming their autonomy and independence. Journalistic ethics are thus constructed as compliance with the norms established by the institution of journalism. Journalists experience their own practice not as 'subjection', but as the freedom to act independently—their only 'loyalty' being to 'journalism', an effective 'ego-ideal'. Furthermore, although the institution's ideals are constrained by their location within a business enterprise that has profit as one of its goals, journalists subject themselves to the routines and practices of production while still proclaiming their individual freedom and freedom of conscience. In newsrooms, power relations are established through job hierarchies—as well as gender, age, experience, technical know-how and other kinds of social knowledge that further constrain autonomous action. And although these arrangements allow variable degrees of autonomy or 'flexibility' of action—especially for the investigative journalists, senior writers, section editors—all labour willingly in the belief of their institutional autonomy as 'journalists'. They live the paradox of modernity: 'being free' within a system of constraints that spares them the awesome responsibility of unconditional freedom<sup>26</sup>.

Willmott argues that Foucault's concept of subjection is useful in pinpointing the limits of the humanist ideal of 'individual freedom'. But he suggests that Foucault's 'solution' of undermining all forms of power (and subjection) contradicts his view that there is no escape from power. Although he calls for "new forms of subjectivity through the refusal of the kind of individuality which has been imposed upon us for several centuries"

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<sup>26</sup> While critical theory points to these contradictions, Willmott argues that "Habermas' (1973, 1987) own reflections on the instrumentalization of reason and the colonization of life worlds suggest [that] the humanist idea of the autonomous subject has been found unequal to the task of resisting the dark, irrational forces unleashed by modernity" (1994: 129).

(Foucault 1982: 16, quoted Willmott 1994: 115), he does not propose how this is to be obtained. Willmott takes up the challenge, offering Fraser's suggestion of what is needed:

some alternative, posthumanist, *ethical* paradigm capable of identifying objectionable features of a fully realised autonomous society. It will require, in other words, *nothing less than a new paradigm of human freedom*. Only from the standpoint of such a paradigm can Foucault and his interpreters make the case for a normative rejection of humanism. (emphasis added) (Fraser 1989: 50, qtd. Willmott 1994: 115)

Fraser thus suggests the need for an ethical framework that is not based on the humanist conception of the ego.

Building on Fraser's argument, Willmott suggests that the shortcoming of Habermasian critical theory is that it does not "recognize how the pursuit of the humanist ideal tends to foster and promote unacknowledged disciplinary effects" (1994: 115). In contrast, Foucault's concept of subjection "reminds us how seemingly emancipatory discourses can be, or become, 'a form of normalising, disciplinary domination' (Fraser 1989: 14)" (Willmott 1994: 115). It is possible to interpret the 'conflict mode' of normative journalism in this light: journalists' objective is to challenge the exercise of certain kinds of social power—usually government power. They expose 'wrong-doing', which is the inappropriate exercise of power, or misuse of resources—based on what are presumed to be public ethical 'norms'. In this way, they believe they are acting 'in the public interest'—they represent the public, and do 'for us' what we can not do for ourselves. But as Willmott argues, this is premised on the view of the journalist as an autonomous, rational subject, who 'knows' what is wrong, unethical, and inappropriate—which he doubts:

The basic problem with Habermasian Critical Theory is that it continues to adhere to the (modernist) argument, discredited by poststructuralism, that the reasoning of a putatively autonomous subject can provide a sound basis for critique. (1994: 129)

While Willmott supports critical theory's critique of the asymmetrical power relations of the capitalist social order that underpin a modernist view of the subject, he is critical of its retention of a belief in the ideal of an autonomous agent guided by "the force of a better argument" (1994: 116). He writes:

But excluded from its analysis of domination is an understanding of how the realization of 'communicative action' is conditional upon the development of a selfless, postdualistic mode of being that is devoid of 'strategic' calculations about the costs or benefits to the autonomization of self (and others). (Willmott 1994: 116)

Willmott argues that Habermas' ideal of communicative action is based on a 'selfless' self—which is not the way in which the self is constituted in modernity. The irony of modernity, with its emphasis on reason and autonomy, is that it constitutes subjects who are unwittingly subjected to the very discourses and practices that they claim to be independent of. His critique of modernism is that it is premised on dualism: self/other; mind/body; reason/intuition or emotion—and that within this paradigm, the only option, or critique is to privilege one side of the dualism. One has to choose: either reason or intuition/emotion, for self or for other. The very constitution of the self is based on opposition and conflict. He argues that hypermodernity is simply an intensification of this process, where the choices are endless, but one is still operating in the same paradigm. Instead, he sees Foucault's notion of de-subjection as a possible means of working against this dualistic self. This he suggests is similar to Zen practice which is aimed at the dissolution of the self—thereby enabling the construction of a different, 'selfless', self. Ultimately, argues Willmott, it is only when agency emanates from this kind of self that it will not entail forms of power such as domination, exploitation, or subjugation<sup>27</sup>.

Knights and Willmott (1989; Willmott 1994) thus argue that one cannot theorise 'agency' without theorising power and subjectivity, as 'agency' is constituted by their relation to each other. Different conceptions of power, and different conceptions of identity thus conceive of 'agency' in specific ways. The value of their approach is that it provides a framework for interpreting organisational practice and change as the 'localised' outcome of the interplay of subjectivities—which are constituted by the power relations in which

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<sup>27</sup> Knights & Willmott differentiate these different kinds of power in the following way:

Whereas Marxists concentrate on the exploitation of labour through capital's appropriation of surplus value, and feminists are concerned with the domination of women through patriarchal legacies, Foucault's analysis complements and qualifies these perspectives by focusing upon power-infused process of subjugation. Contrasting it with previous forms of power—such as domination where groups were subordinated by virtue of their race or ethnicity, and exploitation where labour is deprived of the full return on its production—subjugation is seen as more economical in as much as it is a technique of the 'social' and of the 'self' which produces a self-disciplining subjectivity. (1989: 550)

they are imbricated. For them it is necessary “to appreciate the sense in which power is embedded in social practices such that it transforms individuals into subjects who secure their sense of meaning and reality through its exercise” (1989: 540). This is a useful way of making sense of the relationships between the editors and staff of the *Mail & Guardian*, and the editors’ approach to journalism as a social practice—which is the subject of Chapters 6 and 7. This view also complements the ‘broader’ sociological perspectives that inform the relations of power and the construction of South African identities outlined in Chapter 3.

### **Conclusion**

Most researchers argue that news content is determined by a range of factors: broad economic, political and ideological forces shape news organisations, their relation to other social institutions, and the sense-making frameworks of journalists tasked with telling us about our world; organisational structures and practices inform news production routines; and how these routines are taken up by journalists depends not only on the internal power dynamics within the newsroom, but also on the identity of the news producing organisation, and its relation to its own particular social world.

Two insights are particularly useful to my study. First, Eliasoph’s (1988) view that journalism’s routines and practices do not necessarily support the interests of the powerful. Second, Sigal’s (1973) view that organisational hierarchies indicate structural roles, but not the power relations that shape decision-making processes that ultimately shape the news. These two views challenged me to probe why the *Mail & Guardian’s* routine practices enabled it to produce what was considered radical journalism in the first five years of its life, but what was considered more conservative journalism five years later. This conundrum also made me question Gans’ view that it does not make a difference who rules the roost (1980: 100). This structuralist perspective was at odds with my own experience of working in an organisation in which the identity of its head did make a difference to how power is deployed, thus fundamentally shaping the organisation itself and its outputs. The post-structuralist perspective of Knights and Willmott (1989) and Willmott (1994) highlights the importance of subjectivity to an understanding of agency, and how both power and subjectivity mediate relations within

organisations. These understanding take one beyond viewing power in newsrooms as related to occupational roles. Instead, they enable a more complex understanding of how particular editors crucially shape internal relations within the newsroom, impacting on news content, and both the newspaper's identity and its relation to the public world it inhabits—which I elucidate in the following three chapters, by drawing on the recollected experiences and observations of *Mail & Guardian* editors, journalists and financial personnel.

## CHAPTER 5: Establishing the *Mail & Guardian's* Identity—Anton Harber and Irwin Manoim's Editorships, 1985-1997

if a niched small paper like that doesn't have a clear, identifiable, and distinct identity, it's going to die. (Anton Harber 2002: 8)<sup>1</sup>

Anton was a builder. If you had the slightest grain of talent, he would find it and he would make it shine...The editors were all different, but they were all boys. (Barbara Ludman 2003: 25)

This chapter examines the *Weekly Mail* (later *Mail & Guardian*) during its first twelve years, first under the joint editorship of Anton Harber and Irwin Manoim (1985-1995), and then under Harber's sole editorship (1995-1997). This period precedes the focus of my study, but is significant because it set in place key elements that shaped the paper's identity: the paper's organisation, determined by its formative political context, its changing ownership, and its editorial regime, and together, how they impacted on the paper's news content. The ways in which the paper responded to its changing political milieu—in particular 1999-2002, the period that is the focus of my study—is thus to some extent shaped by what it had become, determined in no small measure by the power and subjectivity of its editor(s). In this chapter, I therefore present an overview of the organisation's structure, culture and identity in three distinct periods (1985-1990; 1990-1994; 1995-1997) based on significant changes in the state.

### **The identity and role of the *Weekly Mail / Mail & Guardian***

A newspaper's identity is reflected in its news policy, which is the outcome of many inter-related factors: broad social, political, ideological, and economic ones that shape not only the organisation, but also the sense-making frameworks of its journalists; organisational factors such as its structures and daily news production routines; and the identity, competencies and values of the individuals who make up the organisation. Recognising the importance of this matrix of forces, my thesis is that in a small paper such as the *Weekly Mail / Mail & Guardian*, the power and subjectivity of the editor is significant—and yet it has not been the focus of much critical theorising. A change in the

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<sup>1</sup> Appendix 3 lists the interviewees, and references to their testimonies in the text are indicated by the date of the interview and the page number of the transcription.

editorship is a simple, but not unhelpful way of periodising the shifts and changing nuances in the paper—as the editor plays a significant role in shaping the paper’s identity<sup>2</sup>.

Although this thesis is primarily concerned with the *Mail & Guardian* during the first four years of the Mbeki presidency (1999-2002), understanding its historical development up to that time is a useful way of making sense of the challenges it faced later—especially as ‘identity’ is a relational concept, and contemporary discussions of the *Mail & Guardian* are often an implicit comparison with its past identity and performance.

James Curran (1990) has discussed the difficulties in assessing the relationship between the ownership and control of media organisations and the framework of values within which journalists work. He suggests one way of getting round the problem is to “reconstruct historically the way in which media organizations have changed” (1990: 132). One way of periodising the changes at the *Weekly Mail / Mail & Guardian* is in terms of its three editorships up until 2002: Anton Harber & Irwin Manoim (1985-1995) and Anton Harber (1995-1997)<sup>3</sup>; Phillip van Niekerk (1997-2000); and Howard Barrell (January 2001 to September 2002). These editorships form the basis of this chapter and the following two, showing how the editor’s power and subjectivity shaped the paper’s internal structures and routines, its relationship with its external environment, and thus its news policy.

I have divided the chapter into three key periods: 1985-1990, 1990-1994, and 1995-1997. Although this periodisation is not unproblematic, each phase, marked by significant political changes, required a different response from the paper. The first period (1985-1990) spanned the ‘dark days’ of the late-1980s, with the renewed states of emergency; the second period is sometimes referred to as the ‘transition’ (1990-1994), beginning in 1990 when Nelson Mandela was released from prison, the ANC and other liberation organisations were unbanned, and ends with the first democratic elections, marking the

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<sup>2</sup> See, for example, Curran (1990) on the changes at the *Sunday Times* (UK) following the departure of editor Frank Giles in 1983, and the assumption of the editorship by the more right-wing Andrew Neil.

<sup>3</sup> In terms of the chapter divisions, I’ve presented these two editorships as one, dealing with both of them in this chapter.

birth of a new state. The third period (1995-1997) signals not only a new state, but also for the paper, a new ownership regime, a name change, and Harber's sole editorship. The paper's changing identity was in part constituted by its response to these changing political and financial conditions. But, 'the paper's' response was to a large degree shaped by its editor(s).

## **1985-1990: Independence and Opposition**

### ***Organisational Structure***

As the *Weekly Mail* was the brain-child of Anton Harber and Irwin Manoim, they became joint-editors of the new paper: "Neither Anton nor I gave ourselves such titles as 'editor', although to all practical intents, that is what we were" (Manoim 1996: 20). The founding process attracted helpers who became *de facto* staff members. Significant in this process, based on private networking, was the politics and class position of those who became involved. For the most part 'staffers' could be broadly identified as the sons and daughters of South Africa's white, middle class, well-educated, liberal establishment. Belonging to this class and social group enabled the founders to network in particular ways, and to use their family and friends, and their business and social connections, to help realise what seemed an impossible project (Manoim 1996)<sup>4</sup>. This process exemplifies Whittington's elaboration of Giddens' (1973: 171) view of structuration—the process by which structures come into being:

Thus working-class structuration may be influenced by ethnicity and gender, while managerial structuration involves interpersonal contacts, friendships and marriage ties. (1992: 695)

Because of this founding process, traditional newsroom structures were not strictly adhered to. While traditional roles (editor, section editors, sub-editors, reporters) within the newsroom, and in the news business (advertising, finance) were recognised, force of

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<sup>4</sup> Manoim writes:

A model for the *Weekly Mail* was provided by a colleague at the *Sunday Express* who started a newspaper a month before we did...The paper's chief sub-editor, Ameen Akhalwaya, decided to start his own newspaper. He enlisted the aid of a lawyer, launched a small company and issued a few hundred shares, which he peddled around his home community of Lenasia, calling upon the wealthy and influential...The paper was called *The Indicator*, and it would share many of the *Weekly Mail's* troubles—political and financial. (1996: 16)

Lenasia is an Indian township in Johannesburg. What is significant about the formation of both papers is the way in which the founding editors draw on 'their communities'—one Indian, one white—with implications for the paper's identity and its relation to its newly constructed audience.

circumstance meant that organisational ideals were applied flexibly. The principle of operation seemed to be that ‘a job’, namely producing a newspaper, needed to be done, and that those with the requisite knowledge, skills, and time would do what was necessary to accomplish this mission. Manoim writes:

For the first few years, there were two categories of job on the *Weekly Mail*: part-time and full-time. Part-timers were people who were allowed to go home at night. Full-timers worked around the clock. There were no lunch breaks, supper was supplied by the restaurant downstairs, and weekends were ruled out. Most people were paid the standard salary: R1 500. Others worked without pay. (1996: 16)

Similar to other members of the ‘alternative press’, the organisation functioned non-hierarchically—even though the two key decision-makers were Harber and Manoim who acted consultatively with each other (Manoim 1996). Founding member and arts editor, Charlotte Bauer, described the *Weekly Mail* as a ‘dysfunctional family’—a term that captures the informality, intimacy, identity struggles, and patriarchal culture of the organisation (2002).

According to Manoim, the core of the *Weekly Mail* consisted of David Dison, a civil rights lawyer (1996: 3); Steven Goldblatt, “a would-be-advocate and part-time *Rand Daily Mail* photographer” (1996: 3); Alan Velcich, an ex-National Union of South African Students (NUSAS) leader turned accountant (1996: 3); Clive Cope, nominally the manager, but a ‘lost friend’ of Dison, who (Cope) later married Bauer (1996: 14); Marilyn Kirkwood, former co-owner of Ravan Press<sup>5</sup>, who offered her services and became the advertising director; Ruth Becker, former Student Representative Council (SRC) president<sup>6</sup> “who had graduated to become one of the many political commisars of the student-run alternative press”, and who was hired as secretary but was “demoted to sub-editor” (1996: 16); Phaldi Solomon, who handled production (1996: 13); Barbara Ludman, the paper’s chief sub-editor; and Sefako Nyaka, an ex-*Rand Daily Mail* reporter and “recent convert from the black consciousness cause whose erstwhile allies had not yet forgiven him” (1996: 16). As the core staff was tiny, the paper “relied largely on contributions from outsiders, mainly former *Rand Daily Mail* journalists” (Patrick Laurence, Steven Friedman, Pat Sidley, Phillip van Niekerk, Raeford Daniel) who

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<sup>5</sup> A left wing publishing company, where, Manoim writes “[she] learned the art of selling the unacceptable to the unwilling” (1996: 42).

<sup>6</sup> At the University of the Witwatersrand.

contributed free of charge, as well as regional reporters such as Jo Ann Becker from the Eastern Cape who “wrote some of the riskiest investigative stories”; Carmel Rickard who specialised in “the politics of the church and the mysteries of apartheid law”; and Gaye Davis who supplied “powerful features from behind Cape Town’s burning barricades” (Manoim 1996: 16-17). In this way copy was supplied to the *Weekly Mail* on a shoestring. This profile of the *Weekly Mail*’s staff, is not dissimilar from its staff profile in later years, and is similar to that of left-oriented or ‘advocate-journalists’ found in Johnstone’s 1971 study of American journalists<sup>7</sup>—who, Janowitz notes, are more likely to “have been exposed to student movements, and, more important, to academic writings and to professors deeply critical of contemporary society” (1975: 622). Harber describes what this meant in South African terms: “we were people who politically were of a new generation that saw ourselves much closer to what was then the UDF<sup>8</sup>... but came through the student movement... we really came of age in the early 1980s” (2002: 1).

The production process was equally innovative and low-cost, as Manoim had devised an electronic editing system “using a technique that, much later, was given the name, ‘desktop publishing’” for R30,000—a fraction of the cost of conventional newspaper systems (1996: 18). He describes the hub of production:

There were three personal computers in this back room, and editors and reporters played musical chairs between them. A reporter would sit down to write a story at one of the computers, usually in a hurry, because other people were waiting their turns. A sub-editor sat down in the same chair and hastily edited the article, then handed the seat over to the next reporter. (Manoim 1996: 18)

The paste-up was done by *ex-Rand Daily Mail* compositors who worked the night shift; architect Melinda Silverman, much experienced in the alternative press, did the early morning shift (Manoim 1996: 19). The paper came out on Fridays. Manoim describes the traditional news conference:

On Monday morning, we held a ‘news conference’ where the few staff who were in the office suggested story ideas, bickered over the editing of their work in the

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<sup>7</sup> Johnstone concludes: “participant views of journalistic responsibility would appear to emerge out of one’s experience in higher education, while neutral values are a product of apprentice type experiences, of career lines in which one learns to be a journalist in the context of practical skills, and concrete routines, rather than abstract principles” (qtd. Janowitz 1975: 621-2).

<sup>8</sup> The United Democratic Front (UDF) was formed in 1983 as an umbrella organisation housing many anti-apartheid organisations. It articulated the then banned ANC’s politics, and used the ANC’s Freedom Charter as the basis of its politics (Lodge 1999: 81).

previous editions and complained about the dearth of simple equipment like pencils, and the excess of cockroaches and mice. (Manoim 1996: 17)

This highlights both the informality of the news conference and also the typical responses of journalists who have had their work cut.

The management of the production cycle, expressed as a joint editorship, was thus driven by chutzpah, ingenuity, youthful enthusiasm and commitment to a cause, technical know-how, and journalistic and political ‘savvy’—a combination of capacities not typical of editors in South Africa’s mainstream press. The nature of the organisation and its management (editorial leadership) was thus a direct outcome of its structuration: the class, colour, ethnic, gender, personal, and political affiliations that the editors could draw on in various ways. The board reflected this constituency, consisting of the founders, Harber and Manoim, and their stalwarts: David Dison, Steven Goldblatt, Alan Velcich, and Clive Cope (Manoim 1996: 128).

As the first state of emergency was declared six weeks after the launch of the *Weekly Mail*, the key principles on which everybody worked were their opposition to the apartheid state, their commitment to producing a paper that provided news that was not covered by the mainstream press, and the desire to keep their publication from being shut down. Traditional news routines relating to sources and events covered were adhered to, but were driven by an alternative political and professional commitment which took precedence over the profit imperative of mainstream newspapers (see Eliasoph 1988). Survival, both political and financial, was a key motive for many of the decisions that were made. In this milieu, the power and subjectivity of the editors—and the lawyers they employed—were paramount. According to Harber, the first five years of the *Weekly Mail*’s existence were crucial because it established its “attitudes, certain modes of behaviour, certain cultures within the paper...” (2002: 3).

#### ***Editorial vision of the editors: independence***

‘Independence’ was a core ideal motivating editorial decision-making, expressed in relation to three key aspects of the paper’s identity: its commercial and professional status; its relation to the apartheid state; and its relation to extra-parliamentary politics.

*Independence as a commercial and professional imperative*

The vision of the new editors was to establish a paper that would challenge the politics of the apartheid state, but would also eventually be commercially viable and self-sustaining. One of the founding principles of the paper was its 'independence' which Harber saw as intellectual independence, and independence in relation to party politics (2002). A letter addressed to would-be funders or investors was headed: "A venture to keep alive vigorous, independent journalism" (Manoim 1996: 4). In it they described the paper's policy:

The paper would be 'non-partisan and non-polemical. It will not, in general, carry an editorial comment. Its policy will be broadly critical of the status quo in South Africa, but without affiliation to any political party or organisation. It will concentrate on critical, independent analysis, rather than pursuing a particular 'line'. (Manoim 1996: 5)

The envisioned paper would address "the intelligent, critical reader who wants access to a broad range of general news and opinion" (Manoim 1996: 4). The letter promised a particular kind of content:

'Politics (both parliamentary and extra-parliamentary); the Frontline States (the Africa our papers largely ignore); foreign news (not only personalities, but processes too); economics (monetarism, welfarism and their critics); labour (the great underlying patterns as well as the strike scores)...' and a great deal more including intelligent arts coverage, a satirical column and entertainment listings. (Manoim 1996: 5)

It would be the thinking democrat's paper. Manoim and Harber created an editorial policy that articulated the interests of both their own social class, and a particular community—the Johannesburg, 'white left'—and one which could also be justified in terms of journalism's ideal of 'serving the public interest'. What was 'radical' about this in South Africa in the late 1980s, was that 'public' was broadly conceived to refer to all South Africans—black and white—and that while their avowed policy was based on inclusion and non-partisanship, they acknowledged that this would in practice mean bringing into focus those areas of South African life that the mainstream media had marginalised and excluded.

Given the lack of capital to start a newspaper, it was conceived as serving a small niche market:

the paper has a niche for 30,000-40,000...we always knew we were aimed at an intellectual minority audience...It was consciously set up that way—for financial reasons...because it is easier to sell fewer papers!! The kind of money you require to start a mass market paper we didn't have. (Harber 2002: 3)

Independence thus served both their commercial interests and political interests. It was a means by which the paper could locate itself commercially in order to secure advertising, as they “were selling advertising more aggressively and more actively than all our peers in the alternative press” (Harber 2002: 2). Illustrative of this ‘hard-sell’, and their financial and political plight is Manoim’s recollection of their back page—traditionally reserved for sport in the mainstream press—which for the first year contained a full-page advertisement for a clothing store. The advertisement had been exchanged for a delivery van (Manoim 1996: 47). In the editors’ view, the political context demanded independence: “the only argument we could make was that we were a truly independent voice”, recalls Harber (2000: 6). But this stance was not unproblematic, and raised political and ethical debates within the paper about what independence meant in relation to the kinds of copy it ran, and who advertised within the paper:

An anti-apartheid paper like the *Weekly Mail* was bound to attract a staff of left-wing philosophers. The weekly staff meetings were often interminable political debates. And a favourite bugbear was advertising. Should the paper accept advertising from ‘undemocratic’ organisations?...should the *Weekly Mail* allow the ‘railway bosses’ [of striking workers] to advertise? Harber and I were quite clear on our position: while the *Weekly Mail* had its views, we encouraged people with opinions at odds with our own to write us letters and articles, so there was no good reason why they could not advertise as well. In an era of censorship, our willingness to accommodate opinions across a broad spectrum was an important defensive weapon and it allowed us to justify publishing the views of banned organisations as well. This was not a popular view amongst many staff...(Manoim 1996: 48-49)

This quotation reveals some of the implications for the organisation of having independence as its core working principle. It needed not only to be defined, but also discussed and reviewed. And although the organisation functioned non-hierarchically in many ways, as Ludman noted, “Editors are editors—aren’t they?...In the end the editor decides what goes in the paper” (2003: 25). While the editors created a structure in which members felt able to voice their views—and even disagreements with certain

policy decisions—they also clearly articulated the principles on which they ultimately took decisions.

*Independence as 'opposition' to the apartheid state: David versus Goliath*

Politically, there were two aspects to their claimed independent stance. The one reflected their attitude to the apartheid state and the traditional white, liberal press; the other reflected their stance toward extra-parliamentary politics and the newly formed alternative press.

During the states of emergency being independent was a means by which the paper attempted to protect itself from state action:

independence was also pragmatic...in that to survive under oppression you had to argue independence...there was also a very clear tactical motive in staying independent, in that if you conceded that you weren't, you just feared the government trying to close you down. So we had to be able to argue it. So there were certainly views we had, that we held back. I mean...we did not choose to actively propagate sanctions because we said that was something that would probably cost us the life of the paper and it wasn't a critical role for us. (Harber 2002: 6)

They set themselves firmly against the apartheid state: "We were oppositional. We were completely distrustful of anything official in any way at all, and [were] fiercely protective of our independence" (Harber 2002: 6). They distinguished themselves from the mainstream English language press, which while critical of apartheid, still supported state institutions. Commenting on the media's response to the declaration of the first state of emergency in July 1985, Manoim writes:

The newspapers showed surprisingly little sense of alarm. 'Most of South Africa will accept the government's move with a sense of relief', said the *Star*... 'We have an army trained to win the hearts and minds of blacks...From all reports they seem to be doing a reasonable job', said *Business Day*, calling for troops in the townships. (1996: 28)

According to the last editor of the *Rand Daily Mail*, Rex Gibson, "Most whites no longer seem to care very much what happens in the townships. The searing shock of 1976 has gone. What happens in the ghettos might as well happen on the moon..." (qtd. Manoim 1996: 27). In contrast to these pillars of 'independent, objective, balanced' journalism, with their focus on 'white politics', Harber and Manoim set out to produce what seemed

like “news from another planet”<sup>9</sup>. This was possible because they had attracted both experienced journalists and young turks who were “disrespectful and who challenged the law” (Harber 2002: 7, Barrell 2002).

### *Independence and the extra-parliamentary politics of the 1980s*

The *Weekly Mail*'s explicit focus was on the extra-parliamentary politics of the 1980s: the labour movement and its struggles, as well as the struggles of a multitude of newly formed civic organisations. The imposition of the first state of emergency in July 1985 put a dampener on news reporting, but “the police did no more than call upon the press to behave ‘responsibly’ and voluntarily tone itself down”—which for the most part the local mainstream press did (Manoim 1996: 70). This did not prevent foreign news crews from reporting on the conflagrations in the townships and the police and army’s brutal response. With the imposition of the second State of Emergency in June 1986, “press censorship was honoured with a central role”, and press regulations were updated regularly, so that by 1988, “the regulations filled thirty-two pages of very small print, eighteen of them devoted to thou-shalt-not rules aimed at the press” (Manoim 1996: 71). According to Manoim, this was not a major problem for the mainstream press as they did not cover the areas the regulations proscribed—like extra-parliamentary politics, labour unrest, and repression in the townships (1996: 72). But for the *Weekly Mail*, this was a major blow, because these were the areas that they had committed themselves to covering. Manoim recalls: “on a weekend soon after the emergency regulations were promulgated, Harber, Dison, and I held a ‘crisis caucus’ to discuss our future role” (1996: 72). Harber and Manoim considered closing up shop because to report honestly on what was going on in the country seemed impossible. But their lawyer, David Dison, took a different view, arguing that they were not yet operating in a situation of martial law, and that the Emergency Regulations “were untidily written”, leaving loopholes that could be challenged in court (Manoim 1996: 73). On this advice, Manoim informed the staff of their editorial policy:

The regulations are not some giant wet blanket that has fallen upon us from out of the sky, plunging us into darkness. They are more like a dirty grey fog; severe in patches, but leaving plenty of chinks where the light could get through. We as journalists should not throw in the towel first. (1996: 73)

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<sup>9</sup> ‘News from another planet’ is the title of the first chapter of Manoim’s (1996) book.

On this basis, reporters were “told to write what they saw. It was up to the lawyers and editors to work out how much could be said, and how to reword it to say it” (Manoim 1996: 74). In this situation, the role of their lawyers, David Dison and his associate Lauren Jacobson, augmented the role of the editors whose political intervention in the editorial process was, of necessity, more explicit.

One significant consequence of the states of emergency and the new role that it gave the paper’s lawyers, was its impact on journalistic writing—which became one of the key markers of the *Weekly Mail*’s identity. Manoim describes some of the strategies the *Mail* developed in order to get round the emergency regulations (1996: 74-77). One was “oblique speak”, or a convoluted way of describing situations that implied events that could not be reported (1996: 74). Another was called the “raised flag” in which they described the emergency regulations pertaining to the situation described in the story, so that their police censors could be informed of the law as they read it (1996: 75). Another was to describe in captions what was forbidden in photographs (1996: 75-6). They also developed a style that favoured irony and satire—so that they could deal with serious material, but in a way that poked fun at the situation, or that undermined the structures of authority on which they were based<sup>10</sup>. It was this ‘tone’ or ‘light touch’ which became one of the hallmarks of the *Weekly Mail* during this period—marking them as ‘sassy’, ‘irreverent’, ‘feisty’, ‘brave’, and as coming from a particular cultural milieu, ‘the educated white left’.

This aspect of the paper’s identity was evident not only in its literary style and tone, but was particularly marked in its attention to, and coverage of, the new cultural politics that developed during this time. As formal political spaces were closed down with the imposition of successive states of emergency (from 1985-1989), the sphere of ‘culture’ took on an increasing political importance. There were local debates about the role of culture in the liberation struggle, and the relation between the internal cultural and organisational struggles and the externally organised international anti-apartheid

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<sup>10</sup> For examples of this kind of writing, see Manoim 1996. One example which illustrates the satirical bent, and also the paper’s cultural identity as part of the white left is a piece by Harber titled “A sinister horde of puffing peaceniks” (6-12 December 1985) (Manoim 1996: 35).

movement's cultural boycott of South Africa. *Weekly Mail* arts coverage was marked by its opposition to state sanctioned art, and by its promotion of the alternative culture that was developing as a response to increased repression. Its contributors had a particular class, colour, gender, educational, and age profile which was not dissimilar to the *Weekly Mail's* general editorial profile<sup>11</sup>. This influenced their approach to the politics of culture, and the kinds of cultural spaces they frequented, their cultural networks, and most importantly, how they wrote about them. Manoim recalls:

On any weekend in the mid-eighties, a sizeable portion of the *Weekly Mail's* readership were to be found, crammed shoulder to shoulder in Jameson's<sup>12</sup>. So were the *Weekly Mail's* staff; this was the only newspaper whose readers could complain personally to the editors, because they were bound to be sitting at the next table. (1996: 31)

This cultural network is eloquently characterised in a chapter in Manoim's book headed "And here is the jol<sup>13</sup>" (1996: 31-41). A contemporary editorial comment in *Business Day* is not unfounded: "The *Weekly Mail* is principally a cultural medium read by the English upper classes for its coverage of the arts and entertainment, which is superb" (27 April 1988, qtd. Manoim 1996: 37).

The paper's editorial policy was defined in relation to the paper's imagined audience: an intellectual elite—perhaps unwittingly defined by the editors' own class background and cultural associates. This identity became apparent in their arts coverage. Although not supported by the whole staff, the editors conceded to the development of a *Weekly Mail Book Week* (spear-headed by ex-publisher, Marilyn Kirkwood), and *Weekly Mail Film Festival* both of which catered for a particular 'cultural elite'—evident in the selections of books, writers, films and film-makers show-cased. But, this was only a part of its readership. Because of its anti-apartheid stance and willingness to deal with issues relating to the broader mass democratic movement, it had also captured part of this

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<sup>11</sup> Charlotte Bauer, then arts editor, recalls the contributors:

Ivor Powell was an art historian with Unisa; John Campbell an attorney; Jeff Herbst was a religious studies lecturer at Wits; Digby Ricci, an English academic at RAU [Rand Afrikaans University]...Our chief music writer, Nigel Wrench, was one of the few exceptions (he was a journalist at Capitol Radio, along with Raeford Daniel (the *Rand Daily Mail's* former arts editor), Willem Pretorius (already an established film critic) and myself (a refugee columnist from the defunct *Sunday Express*. (Bauer, in Manoim 1996: 35)

<sup>12</sup> A Johannesburg club that was open to all.

<sup>13</sup> "Jol" is Afrikaans slang meaning party or fun.

constituency. This cultural divide<sup>14</sup> between the paper and a section of its audience became evident in 1988 in the Book Week's selection of Salman Rushdie as its key speaker. Because there was an international cultural boycott against South Africa, the Book Week organisers worked through the appropriate political channels<sup>15</sup> to secure Rushdie's participation. Notwithstanding these arrangements, some Muslim groups opposed their choice of speaker. The ensuing debacle indicated the complex ways in which religious politics intersected with the politics of national liberation organisations such as the Natal and Transvaal Indian Congresses<sup>16</sup> (Manoim: 100-1001, 108-117). A similar debacle emerged in 1992 when the Weekly Mail Film Festival organisers invited Paul Schrader to present his film, the *Last Temptation of Christ*—this time amongst Christians (Manoim 1996: 174-182), and emerged in the 2000s in relation to the paper's treatment of the Palestinian-Israeli conflict. The conflicts with readers all centred on the right to freedom of expression and its limits—which are deeply related to the broader political, social and cultural context (Manoim 1996: 174, 176, 179). This issue was raised again in 1999/2000 with the SAHRC's enquiry into racism in the media—this time arguably with a different cultural<sup>17</sup> community of readers.

In the political milieu of the late-1980s, the *Weekly Mail* was not only opposed to the apartheid state, but also independent of the extra-parliamentary constituencies organised under the banners of the UDF and National Forum (NF)<sup>18</sup> (Harber 2002). The ANC was banned, but many smaller organisations, affiliated to the UDF, used the ANC's Freedom

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<sup>14</sup> Bourdieu's (1968) concept of 'cultural capital' is a useful way of understanding the relationship between class and culture, popularly understood in terms of one's 'taste'.

<sup>15</sup> The Congress of South African Writers (COSAW), a UDF affiliate.

<sup>16</sup> These organisations were also UDF affiliates.

<sup>17</sup> In South African apartheid parlance, the term 'culture' was often used in lieu of 'race'. Thus different 'cultures' or 'cultural groups' were identified: white, African, coloured, and Indian. This is *not* the way in which the term is used here. Rather, I draw on Raymond Williams' use of the term to refer to a 'whole way of life', which can be related to Bourdieu's class-based understanding of culture and 'cartographies of taste'. So, while cultural identity might have ethnic and class overtones, culture does not coincide with either in a unitary way. Thus bourgeois culture, or the culture of the more formally educated, cuts across ethnic and religious divides or groupings. This is what became evident during the cultural struggles described above, but which were often read in racial terms.

<sup>18</sup> . The UDF was more broadly ANC linked, espousing ideologies of nationalism, while the NF had a more explicitly socialist-oriented ideology. With respect to the politics of 'race', the former articulated policies of 'multi-racialism', and organised on the basis of apartheid defined 'races' (African, Indian, Coloured, White), while the latter favoured a Marxist analysis of race, seeing it as the outcome of capitalist relations, and thus expressed a commitment to non-racialism. (See Neville Alexander's contribution in Posel, D, Hysop, J & Niftagodien, N. 2001. Debating 'race' in South African Scholarship. *Transformation* 47. (i-xviii).

Charter as a way of articulating their politics. The *Weekly Mail* was a public forum for examining and debating the activities of this constituency, but did not see itself as an advocate for their politics:

We were oppositional. We were completely distrustful of anything official in any way at all, and fiercely protective of independence. That was tested in one or two key moments during that period, or post 1990 when we had decisions to make on how we define our independence, and independence from what. (Harber 2002: 3)

Not only did they differentiate themselves from the mainstream white liberal press, they also differentiated themselves from the alternative, mostly black press, such as the *New Nation*—described by Tomaselli and Louw as the ‘Progressive-Alternative Press’ that was “organically linked to community or worker groups” (1991:7). In contrast to the *New Nation* which had clear links to the ANC, the *Weekly Mail* positioned itself as simply against the apartheid state: it was an oppositional paper (Harber 2000: 3). With this stance of independence the *Weekly Mail* editors saw a particular role for the paper in the South African media landscape:

We saw our role as encouraging critical debate...so it wasn’t a kind of mobilising the masses the way the *New Nation* would have seen its role. It was encouraging critical debate among an intellectual elite unashamedly. (Harber 2002: 3).

The *Weekly Mail* gave voice to the ANC, through for example, its use of political copy filed from London, Harare and Lusaka, by Howard Barrell who was then known to them as an ANC propagandist (Harber 2002: 4; Barrell 2002). In 1988 Harber also travelled to Lusaka, one of the ‘headquarters’ of the ANC in exile, to “take an in-depth look at the state of the ANC” (Harber 2002: 3). He recalls:

I think in what I wrote I asserted a position that was clearly sympathetic, but independent and quite critical of certain aspects...as I recall, ...there was ANC criticism of what we had done. We had to think a lot about it, because clearly, the ANC was still banned so there was sensitivity to criticism that couldn’t easily be answered...But our role was to stimulate debate and discussion around critical ANC issues, and to stimulate discussion amongst people here. It was not to convey ANC thinking. Now we definitely had people in our structure [newsroom] for whom we knew that was their goal. (2002: 3-4)

While the *Weekly Mail* did not advocate the ANC’s position, it gave a platform to its views, which were excluded from the mainstream press, but were advocated by *New Nation*<sup>19</sup>. Rather, the *Weekly Mail*’s editorial policy was

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<sup>19</sup> According to Manoim:

*New Nation* was unofficial torch-bearer for the Transvaal wings of the UDF and Cosatu,

to tell people what the ANC was thinking and doing and to stimulate discussion around it. So it was concrete positioning that was unique to that period of repression when dealing with a banned organisation—half banned, because the ANC's voice was being heard in various ways. (Harber 2002: 4)

Defining the *Weekly Mail's* independence in this way was not unproblematic. A significant test of this position emerged with its coverage of the 'Winnie story' in January 1989: the accusation that Winnie Mandela and her 'football team' (bodyguards) were responsible for the disappearance and death of a young boy, Stompie Sepe<sup>20</sup>. As Manoim notes, "One of the no-go areas in South African journalism was Winnie Mandela" (1996: 119). Because of her struggle profile, her leadership of the ANC Women's League, and as the wife of imprisoned ANC leader, the story was hugely inflammatory—and in some people's view, damaging to the ANC. Of concern was the view that it could feed right-wing opposition, and that it was better dealt with internally (Manoim 1996: 120). But a young woman journalist, Thandeka Gqubule, with the right struggle background and credentials, pursued the story (Manoim 1996: 121-2). Having gathered enough conclusive evidence, and following a meeting in January 1989 at which "150 community leaders met in Dobsonville to express their outrage at the violent reign of the football team and to distance themselves, the 'progressive movement' and the name of 'Mandela' from the team", Manoim recalls, "it was time to write the story" (1996: 123). While some members of the *Weekly Mail* were cautious about publishing the story, another view was that it ought to publish and be damned—"and let the public decide" (Harber 2002: 4-5). After much deliberation, the editors decided to run the story, putting it on the front page on 27 January 1989. Harber recalls:

our debate... was much more around how we handled it. I don't think we ever debated not covering it, although there would have been those who argued that under the circumstance at the time one shouldn't cover it, as others didn't. But our debate was really about how we should cover it—is it front page, is it not—what's the nature of the coverage—much more than whether or not to cover it. And I think that's a critical difference. (2002: 4)

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uncompromising in its zeal, implacable in its hostility to such ideological foes as white liberals, Azapo and Inkatha, and courageous to the point of recklessness. Unlike *Weekly Mail*, it practised 'advocacy journalism' which defined journalists as activists armed with notebooks responsible to the 'democratic structures'. In practice this meant that it did not criticise UDF affiliates or leaders, and did not publish news or advertisements dealing with issues or organisations it did not agree with. (1996: 114)

<sup>20</sup> See Manoim (1996: 119-125) for an account of the whole story.

For Manoim, “the decision to run the first story was influenced by the fact that the community had become involved”<sup>21</sup> (1996: 124). Discussing journalists as political actors, and journalism as a political institution, Timothy Cook writes:

Journalists taking the initiative to shape their stories with results unwanted by their sources are vulnerable to the question ‘Who elected you’? In general, they devise ways...to be ‘critical without being partisan’, because *their legitimacy rests on not being seen as autonomous political actors*. Thus, they have to find how to provide critical coverage that cannot be taken as a politically based vendetta—whether *by relying on already extant dissent*, or *by judging officials by the standards they themselves set up*, or by critiquing style more than substance and methods more than goals. (1998: 105, my emphasis)

But these strategies of legitimation did not insulate the paper from political criticism:

we paid a big price—a lot of activists kept a distance from us. There were many ANC activists who knew Winnie Mandela was in the wrong, but the argument was ‘you are damaging the struggle’. There was also a racial dimension. We were seen as part of the white left and it was harder for the white left to assert itself on these kinds of issues. (Manoim 1996: 124)

The racial dimension Manoim refers to is not insignificant in South African politics. It was all about legitimacy: who has the right to speak about what kind of issue. This was not just a matter of the press as either the fourth estate, or the *Weekly Mail* as a rebel, anti-apartheid, pro-democracy newspaper speaking out against powerful interests. In South Africa race is still a major means of legitimising different political positions. The paper needed to have a black journalist, with a particular struggle background, for the story to have a measure of legitimacy. Manoim reflects on the impact of the story for Gqubule:

Before, she had considered herself both a journalist and an activist, ‘two comfortable primary identities’. But ‘from then on, I became a journalist—with certain principles,’ she adds quickly, ‘but primarily a journalist’. (1996: 125)

This tension between journalism and activism is unique to journalists who work for alternative media (Eliasoph (1988)). The usual tension for journalists is between their professional commitment to journalism and the commercial needs of the organisation

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<sup>21</sup> ‘The community’ here refers to the ‘black community’. But as the ‘Winnie story’ shows, this was not an homogenous community, as is often implied in common parlance. There were cleavages along political lines, marked along lines of local community affiliations (in this case, people in the neighbourhoods most affected by the Mandela football team), or party political lines: for example, supporters of the ANC or Pan African Congress (PAC).

they work for (Sigelman 1973: 141). In this case, Gqubule identified with her profession—committing herself to the larger goals of the institution (of journalism) to serve ‘the public interest’, rather than the interests of a particular political organisation and its supporters.

The *Weekly Mail* was regarded as part of the white left: that was a feature of its identity, marked by its origins, ownership, core staff, political traditions, editorial policy, its arts coverage<sup>22</sup>, and perhaps even its literary style. It had a particular racial, and cultural identity—in addition to its political and journalistic identities—which complicated the decisions it took in relation to its role of serving ‘the public interest’. ‘Public interest’ is usually conceptualised as a unitary entity—but as the ‘Winnie story’ shows, this is problematic in a society riven by deep cleavages along lines of class, colour, ethnicity and gender. Given South Africa’s racial order, the paper’s legitimacy depended on the story being broken by a black journalist—with ‘the community’ behind her.

Harber recalls that the decision also raised ethical questions about their ‘independence’ and the politics of their representations—especially as the ANC was banned and unable to respond to criticism:

It comes down to the practical journalistic issues of how you angle it. What sort of intro you look at, and as you can imagine, you can do an intro that deals with how the UDF was dealing with it and the fact—or just any expose of Winnie. You can describe Winnie as a victim of apartheid, or...you can describe her full responsibility for her actions or dilute her responsibility because of her circumstances. And those are complicated things. A lot turns on the headlines one writes... a lot goes to where you place it in the paper...It was very clear in the end: it was on the front page, but if I remember correctly, ...it was the second lead on the front page. (Harber 2002: 5)

Although they were satisfied with their journalistic decision, they were still scared about the political fall-out:

Winnie was a formidable figure. You didn’t take her on without thinking twice about the real consequences. We also knew there would be those who said we were joining the reactionary forces and one had to expect to deal with it. (Harber 2002: 5)

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<sup>22</sup> This is well described in the chapter, “And here is the jol” in Manoim (1996: 31-41).

While ultimately it was the editors' decision to run with the story, they were influenced by Gqubule's views:

I was certain that leadership should be accountable and that citizens had a right to question and that the press had a right to pry and investigate. It was precisely because of my background in the democratic movement—there was a lot of debate, and we were always encouraged to think and think again. Being part of the struggle from an early age, I never thought I was ideologically out of order. (qtd. Manoim 1996: 125)

From their account of their coverage of the 'Winne Story', it is clear that the editors gave considerable thought to how the paper articulated its sense of independence. They were aware of the consequences of taking a particular political position<sup>23</sup>. Independence was certainly not 'neutrality'. In Harber's words, "I think it helped us define a role as an independent voice that came from a certain political position" (2000: 6)<sup>24</sup>.

One way of making sense of the editorial direction given by Harber and Manoim is to view it in terms of Morris Janowitz's (1975) distinction between the professional identity of the journalist as either a 'gatekeeper', or 'advocate'. The gatekeeper journalist is the objective professional who provides a service (akin to a teacher's) to the public, to enhance understanding of the social world, trusting its ability to judge its own self-interest. The advocate-journalist views the world as structured in such a way that some groups have more power than others, and views her/his role as speaking 'for' the marginalised, who have less means to make themselves heard. The underlying motivation of the advocate-journalist is social reform, with journalism being regarded as the means by which moral criticism can be expressed, and can implicitly 'lead to' social change. One can interpret Harber and Manoim's editorial policy as being influenced by both these approaches. With respect to news content and production, they adopted the identity of journalist-advocate: "Words like objectivity were not part of our lexicon", explained Harber (2002). But in relation to their audience, they adopted the gatekeeper position of

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<sup>23</sup> Manoim describes the political consequences for the journalist: "Hours after the paper hit the streets Gqubule went into hiding...It was just as well, for at a party hours after her story appeared, it was discussed at length, and Brown heard a man she knew—a former student activist at Rhodes University—say of Gqubule that 'she should be killed'. No one within hearing disagreed" (1996: 123).

<sup>24</sup> The dilemmas faced by Harber and Manoim with respect to the ANC were not dissimilar to those faced by Mozambiquan journalist Carlos Cardoso vis-à-vis Frelimo (see Fauvet & Mosse 2003), or indeed Max Hastings and the Tory party under Thatcher (see Hastings 2003).

trusting “the client’s ability to judge his own self-interest” (Janowitz 1975: 620). But as Janowitz points out, this position

requires the journalist to present the client with information which may be unpleasant and which he has a powerful tendency to resist. It is hardly a purely ‘rationalistic’ interpretation since it recognizes the irrational and emotional elements in social relations. The professional-client relationship assumes that the audience members have the potential to respond and that this potential needs to be maximized. It is based on the notion of a self-correcting system of social and political control. (1975: 620)

It is evident that the *Weekly Mail* did present its readership with unpleasant information about South Africa—in Manoim’s terms, “news from another planet”. But the editors’ news policy was also based on the view that their readership was “adult enough to make up its own mind” (Harber 2002). Furthermore, they were clearly not operating in a “self-correcting social system of social and political control”, which underpins the gatekeeper model. South Africa was a country at war: from 1985 to 1989, during the various states of emergency, civil liberties were severely curtailed, and to all intents and purposes martial law prevailed. The editorial policy was thus contradictory in relation to news content, the conception of audience reception, and the nature of the state. The identity of the *Weekly Mail* journalist was thus more complex than is suggested by the either/or model of the gatekeeper or advocate, and arguably accounts for their difficulties in defining the paper’s direction as the political situation changed.

### **1990-1994/5: Surviving ‘ the transition ’**

Organisationally, the period 1990 to 1995 was one of the most difficult for the *Weekly Mail*, as it changed from a weekly, to a daily, and then back into a weekly, and then was merged with one of its main backers, the UK *Guardian*. Each of these transitions was related to the changing political context; each driven by the economic necessity of becoming financially viable; and each shaped by the vision of its founding editors. The end result of these processes was that the paper changed organisationally from an independent, ‘alternatively structured’ paper with a joint-editorship, to a subsidiary of a large foreign daily, structured along conventional hierarchical lines, answerable to one editor only, and having an independent management structure. But this did not happen independently of critical, concurrent political processes, which meant that the paper faced not only new economic challenges, but also political ones.

*Experimenting with a Daily Mail: 20 June 1990-4 September 1990*

Nelson Mandela was released from Victor Verster Prison on 11 February 1990, marking not only the beginning of a new political era, but also, so Manoim and Harber thought, a new dawn for the *Weekly Mail*. It would be able to move from the margins to centre-stage. The new political elite—the once exiled and imprisoned members of the ANC, UDF, and trade union movement—were people they were well-familiar with, whereas they were unknown to the mainstream press (Manoim 1996: 127-8). As the mainstream press was thus wrong-footed, this was the ideal time, Harber and Manoim suggested, to transform the weekly into a daily newspaper (Manoim 1996: 128). Manoim's recollection of the staff response is revealing, as it shows the different views and interests within the paper that needed to be managed:

There was stony silence. Eventually, Thami Mkhwanazi asked if such a project had the approval of the ANC leadership. Thandi Gqubule said the project would only be acceptable if the editor was black. Chief sub-editor Laura Yeatman said she battled hard enough to bring out a paper once a week, let alone everyday. Sports editor John Perlman couldn't think of anyone who could bear to read the *Weekly Mail* more than once a week. Charlotte Bauer wanted to know if the staff would get a salary increase. (Manoim 1996: 128)

Each comment can be read as symptomatic of concerns or tensions within the paper: that it should be 'answerable' to the ANC; that it needed a black editor; that production was under stress; that it was a political weekly, implying 'a read' of a particular kind which could not easily be translated into a daily; and finally, salaries were an issue. The editors reported to their board (their founders and stalwarts), who set up a committee to explore the practicalities of starting a *Daily Mail*. A key factor was that as a daily paper it ostensibly had a greater chance of surviving financially (Manoim 1996: 128). Financial manager Clive Cope and Shaun Johnson were despatched to find shareholders: three million rands were pledged; three million more were promised—but the minimum shoestring figure for the operation had been calculated at seven million (Manoim 1996: 130). They decided to go ahead. Two weeks before the launch date, *The Star*, which had been Johannesburg's afternoon paper for over a hundred years, launched a morning edition, posing a direct challenge. They knew they were beaten before they had begun (1996: 130).

The first issue of the *Daily Mail* appeared on Wednesday 20 June 1990 (Manoim 1996: 131). The paper had a stellar staff:

Arthur Maimane, one of the original *Drum* journalists, persuaded to return from three decades in exile as features editor. Don Mattera, reformed ex-gangster turned poet, as arts editor, Allister Sparks, ex-editor of the *Rand Daily Mail*, Gus Silber, Ameen Akhalwaya and Charlotte Bauer, as columnists. The pictures editor was the legendary Jurgen Schadeberg of *Drum* fame, who managed to extract some powerful images from his inexperienced team.

Three of the most experienced 'left' journalists in Johannesburg, Jo-Anne Collinge, Drew Forrest and Elsabe Wessels joined us, and together with Shaun Johnson and Gavin Evans, made a team whose better contacts with the unions and activist circles often translated into stories the rival papers missed: the secret re-launch of the Communist Party in South Africa; fugitive Ronnie Kasrils speaking while on the run; astonishing close-up pictures of looters stripping a shop. (Manoim 1996: 132-3)

Notwithstanding the calibre of the journalists, or the quality of the content, this was not a daily paper to which (white or middle class) South African readers flocked. In reality, 'their South Africa' was one based on racism and class privilege—which were being defended to the death in the townships, while a new settlement was being negotiated with unbanned 'ex-terrorists' (see Manoim 1996: 134). The paper's format was classical and cerebral—a Fleet Street clone—broadsheet, black and white. But, as Manoim writes, "it was a mistake, one of many we were to make; South African readers were not living in London, and they wanted colour, garish colour, and plenty of it" (1996: 131).

The establishment of the *Daily Mail* necessitated changes in the internal organisation of the paper—from one based on camaraderie and egalitarianism, to one regarded as 'professional':

Egalitarianism was the first element to die on the *Daily Mail*. When our shareholders were asked to invest...they insisted upon a conventional corporate structure, with clear lines of management and responsibility. Various consultants were hired to assess the efficiency of our business systems, to recommend new structures, and to train us in the arts of management. (Manoim 1996: 136)

These changes caused strife within the organisation, bringing divisions where there had been none. There was now a clash of cultures between the old *Weekly Mail* 'family' with its ethos and values, and the new *Daily Mail* staff who were more accustomed to the structures of traditional news production (Manoim 1996: 139). The paper was in trouble

at many levels—not least a set of losses that its backers were not prepared to support. It was soon acknowledged that a bale-out was critical. Following negotiations between Joel Joffe, the paper's major supporter and investor, and the Argus company, a deal was struck whereby the Argus-linked Caxton's would continue to print a *Weekly Mail* as a means of both recouping its debts, and keeping the paper afloat (Manoim 1996: 140; Tomaselli & Louw 1991: 225). The *Daily Mail* survived forty-four editions—the last appearing on the 4 September 1990 (Manoim 1996: 140). Manoim, Harber and manager, Clive Cope, tendered their resignation to a full staff meeting. While their services were retained, the company had to comply with Caxton's re-organisation and retrenchment scenario (Manoim 1996: 140). The paper hit an all-time low, and haemorrhaged staff—including founders Steven Goldblatt, Alan Velcich and Clive Cope. The old *Weekly Mail* board was replaced by “a committee which met each Tuesday morning with the directors of Caxton's, who scrutinised the books carefully to make sure they recouped their loan” (Manoim 1996: 143). In the view of Tomaselli and Louw, these altered financial and political circumstances resulted in a change in the paper's stance and tone from “its cheeky and combative approach’ to a ‘more reasoned and constructive tone’” (1991: 225)<sup>25</sup>. Manoim took six months' sick leave, leaving Harber to resuscitate the *Weekly Mail* (Manoim 1996: 143).

### *Investigating the remnants of the old state*

What saved the paper in late July 1991 was its coverage of what became known as ‘Inkathagate’. Eddie Koch, the investigations editor, and Harber broke the story that the South African police had paid Inkatha R250 000 to run an anti-ANC rally (Manoim 1996: 143). Although the story had begun as a tip-off to *Guardian* correspondent, David Beresford, Harber had committed major *Weekly Mail* resources to the reporting and verification process—a *sine qua non* of investigative reporting (Manoim 1996: 148; Harber 2002). It was a major story because it revealed the de Klerk government's<sup>26</sup> complicity in fomenting ethnically-based anti-ANC opposition while participating in the settlement process<sup>27</sup> (Manoim 1996: 153-4). Once again, the *Weekly Mail* showed itself to be a leading South African newspaper, not only for its capacity to break major

<sup>25</sup> Tomaselli & Louw (1991: 226, note 5) attribute the internal quotation to Suzman (1991).

<sup>26</sup> F.W. de Klerk was then leader of the ruling National Party.

<sup>27</sup> Phillip van Niekerk, then correspondent for the London *Observer* provided an astute analysis of the political implications of Inkathagate (Manoim 1996: 153-4)

investigative stories, but also for its bravery in tackling the apartheid state—even in its death-throes. The paper’s coverage showed the Machiavellian under-side of what appeared to be an ‘orderly’, ‘rule-bound’ process, thus putting it back in favour with the mass democratic movement, redefining its identity and clarifying its role in the transition:

when we broke Inkatha-gate... we felt a great sense of relief in the sense that we felt we were showing that we had a role, and we had a position and we were distinct and different, we would do things others wouldn’t do, and that gave us a great new—it was kind of a beginning of a renewal of self-confidence for us. (Harber 2002: 8)

Although it had failed in the daily market, with Inkathagate it realised that by “putting resources and energy and focus into exposés of particular kinds of things”, investigative journalism could be a key marker by which the *Weekly Mail* could define its role in the transition (Harber 2002: 8).

The paper’s financial problems and restructuring had not damaged its organisational capacity to pursue what are considered the standard, routine practices of mainstream journalism: research, fact checking and investigating to cover all angles of a story. It continued to practise the ideal professed by journalism. The *Weekly Mail* experience is therefore not dissimilar to the oppositional radio station in Berkeley, California, researched by Nina Eliasoph (1988). Challenging the view of what she calls the ‘routines theorists’, who claim that “the routines are crucial, tending to neutralize any truly oppositional news content even if a subversive reporter were to appear”, Eliasoph argues instead that “economic and organizational factors help determine news content more than the routines” (1988: 314, 315).

#### ***1992-1995: Connecting with the Guardian: an insert in 1992, a subsidiary in 1995***

Despite the political lease of life given to the paper by its exposure of Inkathagate, it was still on the skids financially. Harber was instrumental in hatching the plan to approach the UK Guardian to partner with the *Weekly Mail*, thereby ensuring a level of respectability and financial security. The *Guardian* was a significant choice, as its form of ownership—a Trust, “a collective newspaper proprietor”<sup>28</sup>—is unique, enabling it to

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<sup>28</sup> <http://www.gmgplc.co.uk/gmg/scotttrust/trustsrole/>

pursue, according to Philip Schlesinger, “both economic goals and social and political values” (<http://www.gmgplc.co.uk/gmg/scotttrust/perspective/>). The Scott Trust is the owner of The Guardian Media Group PLC, which under “gifted managers” during the 1970s and 1980s grew the business base, so that in 2004 it had a turnover of over four hundred million pounds (<http://www.gmgplc.co.uk/gmg/scotttrust/inscottwetrust/>). Although the companies constituting the Guardian Media Group PLC are run on capitalist principles, they are ultimately responsible to the Scott Trust, which in 1992 described its mandate thus:

To secure the financial and editorial independence of *The Guardian* in perpetuity: as a quality national newspaper without party affiliation; remaining faithful to liberal tradition; as a profit-seeking enterprise managed in an efficient and cost-effective manner...The Trust declares a subsidiary interest in promoting the causes of freedom in the press and liberal journalism, both in Britain and elsewhere. (<http://www.gmgplc.co.uk/gmg/scotttrust/trustsrole/>)

It was an act of genius that less than a year after the demise of the *Daily Mail*, the new managing editor of the *Weekly Mail*, former *Daily Mail* news editor, Bruce Cohen, approached the managing editor of the London *Guardian*, proposing that he consider inserting the *Guardian Weekly* into the *Weekly Mail* (Manoim 1996: 185). It was an innovative attempt to keep the paper financially afloat. The chutzpah paid off. In April 1992 the partnership was formalised with the blessing of the *Guardian's* editor, Peter Preston, and managing editor, Jim Markwick. The new arrangement had an impact on the paper's identity:

The dual arrangement made for the most curious newspaper in South Africa, two separate newspapers delivered together, with not a great deal in common. International news was removed from the *Weekly Mail* and left to the *Guardian*, which hurt the feel of the *Mail*—international news had always helped provide some relief from the grim news about South Africa. (Manoim 1996: 189)

The rationale for the insert was that the *Guardian Weekly* would lure much-needed advertisers to the still struggling *Weekly Mail* (Manoim 1996: 190). But as this strategy proved unsuccessful, over time a new one, of integrating the two papers, was decided on (Manoim 1996: 190). Joel Joffe<sup>29</sup> advised that the *Guardian* should take over to give the *Weekly Mail* financial security (Manoim 1996: 191). But the loss of independence that this spelt was disconcerting. Instead, a joint company, M & G Media, “which pooled

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<sup>29</sup> Joffe was a long-time stalwart and major investor in the *Weekly Mail*.

*Weekly Mail* assets with those of the *Guardian*, the latter the minority party with a little under 50 per cent of the shares”, was decided on (Manoim 1996: 191). The paper’s new name would be *Weekly Mail & Guardian*. But the paper continued to lose money—even after the euphoria of the country’s first democratic elections in April 1994. According to Manoim: “People were tired of politics. They no longer wanted to read newspapers. They wanted to escape from reality” (1996: 193). In mid-1994 an American newspaper management consultant spent three days at the *Weekly Mail & Guardian* and noted several problems: that the paper was expensive to produce and distribute nationally; that advertising was insufficient given their upmarket readership; that the editors had too much financial control; that a conventional hierarchical structure was needed; and that to stem losses they needed to reorganise the company on sound financial principles (Manoim 1996: 194). These views were not unknown to the editors. According to Manoim, there was a simple solution to their problems: “to become a subsidiary of the *Guardian*” (1996: 194). But it was not an easy decision to take because “there was emotion and history entangled here” (1996: 194). Crucial to the vision of the *Weekly Mail* had been its sense of independence:

We had struck out on our own ten years ago because we did not want to answer to anyone else. This meant that we had created a paper with a voice very different from that of the large newspaper companies. Would handing over the newspaper to the *Guardian* mean the end of this? (Manoim 1996: 194)

The choice seemed to be independence or bust. The new managing editor, Mike Martin, contacted the *Guardian*’s Jim Markwick who indicated that the *Guardian* would be willing to invest further in the *Weekly Mail & Guardian*—but on its own terms:

That a long-term business plan be drawn up, with a yardstick against which progress could be measured and that the paper be restructured along the lines of other *Guardian* subsidiaries, with a hierarchical structure, one person responsible for each department. The editor of the *Guardian* subsidiary would always be given a seat on the board. The company had never yet closed down a money-losing newspaper. It was accustomed to nurturing losing titles into profit. The *Guardian* had taken 107 years to make a profit. (Manoim 1996: 194)

“In January 1995, a business plan was submitted to shareholders. The *Guardian* invested a further million pounds, which took its share of the company to 70 per

cent...The first full-time circulation manager was hired...” (Manoim 1996: 194)<sup>30</sup>. The joint-editorship was a sticking point, but Manoim stepped aside. At a staff meeting in February 1995, managing editor Mike Martin informed the staff that forthwith Harber would be the sole editor, and Manoim would be retained as an executive director “with a brief to explore any new publishing ventures for the company that showed promise” (Manoim 1996: 195). The paper was restructured along traditional, mainstream lines.

### *Exploring the transition 1990-1994*

Politically, the country was in transition—marked by the negotiations at the Johannesburg World Trade Centre between the liberation movement’s chief negotiator, the ex-trade unionist Cyril Ramaphosa, and his National Party counter-part, Roelf Meyer. But the negotiations did not stop political manoeuvring on the part of the state and the liberation movements. The return of exiles, and the absorption of UDF members into the negotiating structures of the ANC resulted in the eventual dissolution of the UDF. This left the balance of power within the ANC in the hands of the exiles. There was a different political culture between organisations affiliated to the UDF, and the exiled ANC. This impacted on the political terrain as it developed in the post-1990 period (Johnson 2002: 222). The import of this for a newspaper like the *Weekly Mail & Guardian* was that the ‘public sphere’ had changed—or had been re-organised (Johnson 2002). The paper faced the task of repositioning itself in relation to these realigned political forces. This necessitated both defining more clearly its own politics, as well as the kind of journalism that it practised.

Phillip van Niekerk, political correspondent at the time, reflects upon the political impact of the returned ANC exiles:

So while our allies remained our allies, our relationship with the returning exile leadership was fairly awkward, uncomfortable, so that there was a period in 1990 when we were the flavour of the month. Didn’t last long. So that by 1994, already, those relations were quite strained, and after 1994 that got worse, because the ANC was now in government and they particularly demanded of the *M&G* that it be...you are our friends...you must now behave as our friends... (2000: 7)

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<sup>30</sup> The Guardian Media Group’s website notes that they took 72% share (<http://www.gmg.co.uk/gmg/aboutthegroup/organisation/>)

The paper struggled to define its role in the new political landscape. From early on there had been the expectation from the mass democratic movement, including ANC cadres, that as the *Weekly Mail/Mail & Guardian* had been against the apartheid state, it was 'their' paper. The 'Winnie story' was a watershed story: it showed that the paper dared to be critical not only of the apartheid state, but also of the actions of the movement's icons. It thus occupied a dual 'insider-outsider' status.

The new terrain could no longer be seen in binary terms: white apartheid state versus black oppressed. The black oppressed were articulating their views about the new settlement. Reporting the transition required a sophisticated understanding of the local political processes underway, as well as their relation to the rightward shift in global politics. All the South African news media had to reposition themselves—as did the *Mail & Guardian* in relation to the new media landscape. As journalist Sechaba Nkosi commented:

Because when you look at the *M & G* between 1993 and say 2000. It was a time when South Africa was really in transition. It was the beginning and then like at the peak of transition. But everybody was sort of like not sure where they stood. And so some media organisations came across as being too sympathetic, some as being too anti-establishment. So you needed somebody who would take both views but in a very critical way... So something, I wouldn't say in the middle, but I would say something more critical, beyond the anti and pro definitions... Something that could take on, if they take on the establishment, take it on issue by issue. (2002: 3)

This view is echoed by journalist Lesley Cowling who suggests that while the previous period had been marked by opposition and critique, the current one required more information and an exploration of the political and social terrain. The apartheid state had been a closed state: fear and censorship were the order of the day, producing a conservative or even anti-intellectual culture. The construction of the new state required openness, thoughtfulness, inventiveness: all sorts of ideas and practices needed to be challenged and overturned. Cowling suggests that the *Weekly Mail's* struggle was to move from an oppositional/adversarial stance, to one that simply explored the contemporary terrain. The identity of the paper was related to a particular understanding of the 'political': opposition to apartheid's parliamentary parties, but critically embracing the politics of the mass democratic movement. The times demanded a new, or perhaps

expanded, definition of local politics. On reflection, Cowling thinks that this was indeed what the paper attempted:

In retrospect, the space it began to fill, was the space of the intelligentsia...it was looking at issues...what are the issues for us now? Some of those issues weren't mass issues...they were like what are the issues of the legal profession, what are the issues around the Constitutional Court, what are the issues for me as a science reporter? There was an attempt to look at aspects of society, not just through the prism of party politics and government...

There was a sense of the spotlight of the *Mail* opening up to include other areas...to include issues that perhaps previously we hadn't been able to look at because there wasn't the space for that. (2003: 2)

That the *Weekly Mail* was able to respond in this way she attributes to the identity of the editors:

Anton and Irwin were able to maintain an interest in a wide range of areas even if it wasn't their areas. And they were able to open a space for those areas. I think partly because Anton and Irwin are quite educated and quite intellectual people, and even though they have quite a strong news sense...So there was really a sense of the *Mail* being open to different niches and to people who are interested in a wider array of issues than what the government was doing in parliament and corruption and those kinds of things. (Cowling 2003: 4)

Two trajectories were evident in this period—both developments from the earlier period. The focus on investigative journalism was an extension of the *Weekly Mail's* identity as a paper that expressed moral outrage at happenings in society; it was a paper that represented what was right—regardless of where the political flak might fall. Its professed independence was presumed to legitimate its stance both politically and professionally. Its openness to the variety of discourses and issues in the 'new' South Africa also confirmed its identity as the paper for the intellectual—the thinking person's paper that was not bound by narrow political partisanship. Manoim and Harber had been concerned that the ownership by the *Guardian* would cost the *Mail & Guardian* its voice. While ownership certainly mattered, the *Weekly Mail/ Mail & Guardian's* experience confirmed Eliasoph's view that what is equally important are the ideologies of the reporters and the paper's relation to both its audience and the political actors about whom it reports (1988: 315).

### 1995-1997: covering the new democracy

As the nature of the state changed with the first democratic elections in 1994, the *Mail & Guardian* had to redefine its identity. A key question now was its understanding of what it meant to be 'oppositional': was the paper opposed to any state, or simply the apartheid state, and how did it position itself in relation to the newly formed ANC government? Harber acknowledged that the paper grappled with these questions. There was some debate about whether the paper should endorse any party for the first democratic elections, but no debate about whether it should be the ANC or not (Harber 2002: 7).

The paper was unclear about how to position itself in relation to the newly elected ANC government. While critique had been directed at the apartheid state; critique of the newly elected ANC government was not always welcome. The relationship between the paper and the ANC became strained. The unspoken bone of contention centred on whom the paper 'represented'. In liberal democratic theory the media represent 'the people', and in so doing, keep a check on government. But the ANC had won almost two-thirds of the vote, confirming its endorsement by 'the people' of South Africa in the first-ever national elections. It was unquestionably the legitimate representative of the people. But increasingly, these new representatives of the people no longer regarded the *Mail & Guardian* as 'their' paper, or as a legitimate voice of the people. Questioned on his understanding of the reasons for this failing relationship, Harber commented:

I think the ANC probably felt we were not sympathetic enough to the difficulties they faced as a new government. We had huge expectations, and I think we were expressing that frustration, that was not uncommon at the time, that those hopes were not being met. These hopes may well have been unrealistic, retrospectively, but those hopes were very high about how quick and how dramatic transformation would be. (2002: 7)

He also noted that the paper was disappointed by the new government's attitude towards the press. This also contributed to defining the political stance that it took:

they were very critical of the press generally...did a lot to sour our relations. I think that put everyone on edge and made everyone quite skittish. I think they were critical across the board, and I think that was one of the weaknesses of their criticism<sup>31</sup>. I think that they wanted a more supportive press. The more they said

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<sup>31</sup> See for example Harber's *Weekly Mail* article in which he criticises both the ANC's critique of the media industry as well as its failure to critique the increased monopoly of the press through Tony O'Reilly's (owner of Independent Newspapers) take over of Argus group's newspaper interests; their tardiness in

that, the more wary we were of it and the more determined we were to show that we were independent. I suspect that we leant far on the side of actively displaying independence, and I think one had to take a long-term view... There may have been a short-term argument to be more sympathetic and more gentle, but I think our argument was that in the long term asserting our independence would be important. (Harber 2002: 7, 8)

Harber was referring to critiques of the press made by a number of ANC officials, including Mandela who slated “the white press”, describing them as “agents of counter-revolution and destabilization” at the ANC’s 1997 Mafekeng congress (Williams 1998: 195). This critique was not entirely unwarranted, as much of the apartheid era media, print and broadcasting alike, had served the interests of the apartheid state (Pinnock 1991). Moreover, key changes had taken place in the media, the most important being the take-over of the Argus group by the Irish-owned, Independent Newspapers, whose owner, Tony O’Reilly, had visited South Africa, meeting with Mandela and pledging his company’s support for the new government. The group was committed to ‘transformation’, and initiated processes of ‘fast-tracking’ black journalists. In this context, the *Mail & Guardian*’s continued critical stance towards the new government appeared rancorous. Harber interpreted the *Mail & Guardian*’s position in the following way:

I don’t think so much that we changed, but that the spectrum of papers changed. So as where we’d been on the outside edge of the spectrum we found ourselves bang in the middle. So the things that marked us off—telling people what was going on in the ANC, UDF, COSATU, in ways that one couldn’t get anywhere else... debates that we had covered that others didn’t—suddenly they were everywhere. (2002: 8)

Fellow journalist Sechaba Nkosj took a similar view regarding the repositioning of other newspapers in the transition, but suggested that the *Mail & Guardian*’s ‘problem’ was that “they were still keeping with that culture of... touching the untouchables and questioning the establishment. The idea... remained noble, but maybe the application was wrong” (2002: 6)—a sentiment expressed by a number of journalists.

This distancing from the *Mail & Guardian* was in part due to it still being seen as ‘the white press’—with interests or allegiances distinct from those of a black government.

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supporting an Independent Media Diversity Trust, and a new Independent Broadcasting Authority (9 September 1994).

Although the paper had committed its editorial policy to non-partisanship and “critical, independent analysis, rather than pursuing a particular line” (Manoim 1996: 5), popular understanding of the press in South Africa was that they represented ‘somebody’. In the South African context, the mainstream press represented white interests. While the *Weekly Mail* had marked itself as different from this ‘white press’, and located itself firmly within the alternative press camp, they were still viewed as a paper of ‘the white left’. ‘Whiteness’, was seen as the marker of its politics. This ‘whiteness’ was ironically an effect of its ‘non-racial’ position. Theorising ‘whiteness’, Ruth Frankenberg outlines three of its dimensions: “a location of structural advantage, of race privilege”; “...it is a ‘standpoint’, a point from which white people look at ourselves, at others, and at society”; and it “refers to a set of cultural practices that are usually unmarked and unnamed” (2000: 447). She argues that whiteness is as much a social construction as blackness is. As Richard Dyer explains, “it [whiteness] is a speaking position that does not acknowledge itself as ‘raced’...whereas the Other is often ‘raced’ or given an ethnic ascription, e.g. a black journalist...or Indian shopkeeper...” (2000: 540). He argues that it is the “invisibility” of whiteness, linked with its “ubiquity” that gives it its power: it is everywhere, and nowhere (2000: 541); it is ‘the norm’, presented “as if it is the natural, inevitable, ordinary way of being human” (1988: 44). “This property of whiteness, to be everything and nothing, is the source of its representational power” (Dyer 1988: 45). He concludes:

There is no more powerful position than that of being ‘just’ human. The claim to power is the claim to speak for all humanity. Raced people can’t do that—they can only speak for their race. But non-raced people can, for they do not represent the interests of a race. (2000: 539)

He goes on to say that whiteness passes itself off “as embodied in the *normal* as opposed to the *superior*” (1988: 45, my emphasis)—reminding us that the very basis of a racialised order is the establishment of a hierarchy, in which ‘whiteness’ is its pinnacle:

If the invisibility of whiteness colonises the definition of other norms—class, gender, heterosexuality, nationality and so on—it also masks whiteness as itself a category. White domination is then hard to grasp in terms of the characteristics and practices of white people. No one would deny that, at the very least, there are advantages to being white in Western societies, but it is only avowed racists who have a theory which attributes this to inherent qualities of white people. Otherwise, whiteness is presented more as a case of historical accident, rather than a characteristic of cultural/historical construction, achieved through white domination. (1988: 46; see also 2000: 541)

Frankenberg and Dyer argue that we need first to recognise whiteness as a social construction—as a place of advantage—before it can be dislodged from its power:

To look at the social construction of whiteness, then, is to look head-on at the site of dominance... To speak of whiteness... is to assign everyone a place in the relations of racism. Racism is not an issue that concerns black people only... it concerns white people too... it is thus not external to, nor an 'optional extra' in the lives of white people: rather it fundamentally shapes the lives of white people. (Frankenberg 2000: 451).

An irony of the post-1994 period was that suddenly no one was racist. No one had supported the apartheid state. And although it was recognised that the *Mail & Guardian* had clearly not been a supporter, and had differentiated itself from 'the white press', it had nevertheless distinguished itself from 'the black press'. Its speaking position was rooted in 'classical' liberalism—in white, middle-class Johannesburg culture. But its fearless challenging of white state power and the white press, and its giving voice to workers, civic movements, and other extra-parliamentary groups, earned it the attribution of 'left': it represented the voice of the white left. The racial marker, "white", was an implicit characterisation of its position in South Africa's racial order: one of superiority, domination and power in relation to blackness.

In contrast, the term 'left' was rarely attached to black politics: blackness itself was popularly seen as the marker of credibility and legitimacy—regardless of the ideology of the political organisation in question. 'Leftness' was a marker of 'foreign-ness', of a non-indigenous and intellectual approach to politics (Marxism). As Alexander points out, although a class-based politics was developed in the seventies and eighties within the newly formed black trade union movement, "it became clear from the early 1990s onwards that this view had not become hegemonic in the black population at large, never mind the white population" (2002: 41). Instead, the hegemonic political discourse was framed in terms of race. Despite the *Weekly Mail/Mail & Guardian's* political positions, the paper was still seen as representing whiteness—and thus lacking the legitimacy to critique the policies of a nationally elected (black) government. These were issues that became more clearly evident under the editorship of Phillip van Niekerk.

## CHAPTER 6: Power and subjectivity in Phillip Van Niekerk's editorial regime, 1997-2000

In both mainstream and radical traditions, there is a strong inclination to represent human behaviour as an effect of external forces. Minimal consideration is given to the role of human agency in the enactment of social and organizational reality. (Willmott 1994: 87)

I think he was brilliant—mad but brilliant. The direction he gave—there was a lot of resentment. (Barbara Ludman 2003: 6)<sup>1</sup>

Under Phillip van Niekerk it [the *Mail & Guardian*] became more bombastic, pretty much the way his personality is...also quite intolerant of criticism, which I thought was bad. We were always fighting with other newspapers. 'Can't they see the light? We see it.' And so on. (Stefaans Brümmer 2002: 3)

The previous chapter showed how the *Mail & Guardian's* identity was shaped by its founding editors' commitment to keeping alive “vigorous, independent journalism”—with the ultimate aim of providing much needed information about the workings of the apartheid state (Manoim 1996: 4). These editors steered it on a course driven from “Anton's Kitchen Table” (Ludman 2003: 9), where he (Harber), Irwin Manoim, Clive Cope, David Dison and Shaun Johnson “made a lot of decisions that nobody [else] had anything to do with” (Ludman 2003: 8)—despite the new organisation's “flat management” structure. Ludman recalls:

There was a lot of resentment at some point in the '80s where Shaun Johnson was making decisions and we didn't know why, but he and Anton and Irwin would sit around on a Sunday and decide on the fate of the paper. The door was always open. It was flat management. No one could tell them they were wrong. But there were little cabals everywhere. (2003: 9)

Notwithstanding this internal dynamic, there is still a generally held view that the organisation was very democratic and as there were few formal structures, there was a sense of openness and participation in decision-making (Ludman 2003: 1). But things changed when the Guardian Media Group was invited in, in 1990, to save the company after its disastrous attempt at becoming a daily paper. Following the demise of the

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<sup>1</sup> Appendix 3 lists the interviewees, and references to their testimonies in the text are indicated by the date of the interview and the page number of the transcription.

apartheid state, the new challenge faced by the paper was to translate the traditional mandate of a libertarian press, its fourth estate, watchdog role, into a news practice that still achieved these goals—but without undermining the democratic victory represented by the 1994 election.

In contrast to functionalist studies of news organisations which argue that journalism's ideals are achieved through the implementation of particular organisational structures and roles (Breed 1955, Stark 1962, Sigelman 1973, White 1950), or interpretivist and radical humanist approaches that foreground the implementation of routine production practices in the construction of news (Tuchman 1978, Schlesinger 1978), my study foregrounds the ways in which the power and subjectivity of editors shape the ways in which these structural features of news production are taken up. A focus on formal management structures and roles obscures the ways in which human subjectivity mediates them. My thesis is that this mediation qualitatively impacts on the news texts that are produced as a consequence of these processes, and may explain why the *Mail & Guardian* was accused of racism in 1999/2000.

This chapter, and the next, highlight the tension between journalism's grand project of providing information that it deems important to serve the public interest, and the power relations within a particular news organisation, the *Mail & Guardian*, that potentially undermine journalism's democratic ideals. Based on post-structuralist understandings of subjectivity and power outlined in Chapter 4, this chapter demonstrates how the authority and subjectivity of the editor, Phillip van Niekerk, and the power relations within the organisation mediated newsroom structures and relationships, thereby shaping the identity of the paper in particular ways during his editorship. This organisational dynamic is evident in the paper's changing relationship with its external environment, its editorial policy, the copy it produced, and ultimately its relationship with its readers.

### **The *Mail & Guardian* and the changing political terrain**

Anton Harber resigned his editorship in 1997, although he remained on the paper's board of directors. Phillip van Niekerk, a contributor of political analysis to the paper since its

earliest days, was appointed as the new editor. His editorship spanned the last two years of the Mandela presidency and the first two years of Mbeki's first term as president. Van Niekerk brought to the *Mail & Guardian* his experience as a political journalist and foreign correspondent, having worked in southern and other parts of Africa, the United Kingdom, and the USA (Barrell 2003, Cowling 2002, Nkosi 2002, Harber 2002). He endorsed the *Mail & Guardian's* independent stance, spirited debate, and 'toughness' that had been established since its inception:

The *Mail & Guardian* hasn't moved away from its underlying principles but that doesn't mean our positions are going to remain the same in every case. I don't think the *Mail & Guardian* ever had a very strong economic position for instance, as a newspaper. It was the anti-apartheid struggle...the issue was a human rights one...there is change all the time, but the underlying ethos of the paper, which is spirited independent reporting, debate, good writing, focus on culture, politics, those things are still there, the environment...And that's why we've been able to survive and grow and bring in a new generation of readers. (Van Niekerk 2000: 12)

He concurred with Harber that there was a changed relationship with the ANC after it became the governing party. This he attributed to at least three factors. Other journalists added a fourth—the appointment of Howard Barrell as political editor. According to Van Niekerk, one reason for the decline in the paper's relationship with the ruling party was the change in the balance of power between the internal, UDF-affiliated cadres, who were well-known to the *Mail & Guardian*, and the 'exiles'. With the election of the new government in 1994, the balance of power shifted to the exiles. This was different from the earlier periods in which key players had been UDF and COSATU members (Van Niekerk 2002: 8; see also Johnson 2002: 222; Marais 2001: 261-2).

In his capacity as deputy president, Mbeki transformed the governance structures within the ANC and in the presidency, enabling him to be more in control of policy-making processes. Chothia and Jacobs question whether these changes were merely to streamline government, making it more effective, or whether they also led to a more centralised and autocratic form of rule (2002: 150-154). These processes confirmed Van Niekerk's view that "individuals are quite important in history" (2002: 20), thereby justifying his view that the deteriorating relationship between the *Mail & Guardian* and the ANC government was largely because of Mbeki, the man: one who is driven, stubborn, and

hard-headed (Gumede 2005: 194), and who brooks no disagreement with his views (see Saul 2002: 46), resulting in what Jacobs described as an 'imperial presidency' (1999).

Van Niekerk believed the *Mail & Guardian's* criticism of Mbeki and government policy was seen by Mbeki as 'not playing the game'. The paper was thus seen as an enemy:

You might put that down to individuals, but there was a sense from Mbeki, going way back that the *Mail & Guardian* had somehow betrayed the ANC. That in 1990, Mbeki had helped the ANC to get funding and backing for the *Daily Mail*, and when the *Daily Mail* folded the *Guardian* had gone on to be fairly critical of aspects of the ANC or was not prepared to be a mouthpiece of the ANC. Mbeki regarded us as unfairly critical, not only of the ANC, but of him. So there was a bit of bad blood there. This was something I only became aware of when I became editor, and I realised whenever we were getting somewhere there was suddenly a brick wall and I couldn't understand it. So that had a lot to do...I'm not trying to diminish the role of ideology. We are getting back to personalities, but you have to understand historically that they do play big roles in these scenarios. (Van Niekerk 2000: 8)

This description of Mbeki is not dissimilar from Gumede's assessment:

Mbeki's choice of advisors and frontmen and women often baffles. His detractors complain that his inner circle is like a royal court, with his advisors telling him only what they know he wants to hear. There is strong evidence to suggest that he rewards loyalty far more readily than competence. (2005: 60)

As a consequence of Mandela not being a 'hands-on' president, Mbeki's deputy presidency (1994), and later presidency (1999) impacted significantly on both the power dynamics within the ANC, and its relation to the *Mail & Guardian*. According to Van Niekerk, this, plus a 1996 article, headlined "Is this man fit to rule", had not endeared the *Mail & Guardian* to Mbeki:

What would have been bad blood, became much deeper, and something I was never able to fully get round. Certainly it got worse with my editorship because I wasn't prepared to make up for whatever terrible things might have happened in the past. But that meant there was a group of people around the then deputy president who had an antipathy towards the *Mail & Guardian*—who hadn't grown up in the 1980s, and who saw us as the enemy in some way. (2000: 9)

He noted that under Mbeki's leadership more prominence was given to the Africanist strands within the ANC. One of the key framing discourses initiated by Mbeki was that of the 'African Renaissance'. Left-wing political commentator Hein Marais interprets this discourse as an attempt to consolidate a sense of belonging and community by

“updating the African-nationalism variant prominent in the late 1940s and early 1950s”—by locating it within a discourse of Pan-African “destiny and solidarity” and contemporary discourses of an inclusive, non-racial nationalism (2001: 248).

Van Niekerk saw the discourse as legitimising the emergence of a “right wing nationalist position” (2000: 10), which was increasingly articulated by an African elite—as opposed to an African working or middle class:

I think there is a difference between a black elite and a black middle class as well. Black middle class are ordinary people: teachers, lawyers, academics. There is over and above this a black elite, and when Christine Qunta<sup>2</sup> talks of a black middle class, she really means a black elite. Amongst their number are a fair amount of rogues and scoundrels. But they use the race thing as a means to get away with what they are doing—stealing lots of money. So therefore it is the job of the media to write about this. But the thing is going to become racialised—inevitably. (2000: 17)

Underpinning this discourse, he believed, was the politics of the Black Consciousness Movement which was critical of white liberalism, and which regarded white criticism of state politics as illegitimate, given the exclusion of black South Africans from access to material resources and political rights (Van Niekerk 2000: 6-7). As the BLA and the ABASA were informed by this kind of politics, Van Niekerk attributed their accusation of racism against the paper, and the subsequent SAHRC hearings, as a means by which this Africanist elite and the government could target the paper<sup>3</sup>—a view shared by many of the journalists interviewed. Wally Mbhele said simply: “No, the racism thing was just a scapegoat. There was no such thing” (2002: 16). But although most journalists were clear that there was no overt racism, Brümmer was sensitive to the BLA/ABASA complaint of subliminal racism—which Van Niekerk had scornfully dismissed:

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<sup>2</sup> Christine Qunta is a member of the Black Lawyers Association that spearheaded the accusation of racism against the *Mail & Guardian*. She also represented Don Mkhwanazi, then Chairman of the state’s Central Energy Fund (CEF) against the claims of unlawfully employing Emmanuel Shaw II at a cost of R3m to the state. This was a major story covered by the *Mail & Guardian* in 1997/1998, running for several months—see Chapter 9 (see *Mail & Guardian* March 27-April 2 1998: 12).

<sup>3</sup> See Roger Southall’s comment: “Meanwhile, even though not all critics subscribe to the DP’s entire panoply of complaints nor their world-view, many of their concerns have been echoed elsewhere. For instance, and most notably, that the ANC government is seeking to curb the media (with a recent enquiry by the Human Rights Commission into racism in the media interpreted in many quarters as an ANC-aligned, Africanist assault upon press freedom)” (2001: 17). Howard Barrell suggested that this explanation was given by one of his sources in the presidency (2002: 6).

I don't think you can separate even the *Mail & Guardian* from a society, and let's face it, this is still a very racist society... There is such a thing as subliminal racism. Take some typical racist script, the most basic one: blacks cannot rule. It's a racist script which is deeply ingrained. Remember when Mandela first flew when he got out of prison and he said publicly afterwards... to demonstrate the point... he said that when he was sitting in his seat and had buckled up and he heard the pilot's voice, he thought, 'Thank God it's a white... Can blacks fly'? Even Mandela thought like that. That's how deeply racism is ingrained in society... So of course it's going to influence... Whose to say that in this kind of subliminal process where I decide to do this story rather than that story... that that script doesn't play a kind of role?... Phil trashed the subliminal racism thing completely... it may play a role in the way one makes decisions, as much as it shouldn't and why try and deny that? (Brümmer 2002: 26)

Marais takes a similar view. He warns that the kind of reading offered by Van Niekerk "seems premature", arguing instead: "An eventual recourse towards a jingoist 'Africanism' cannot be ruled out. But it should not be confused with explicit and necessary assaults on racial inequality and racism" (2001: 248). Because class exploitation and racial oppression are so intertwined in South Africa, he concurs with Colin Bundy that the theoretical challenge is "to determine when and how they overlap and complement each other, and when and how they are analytically different" (Bundy 1993: 19, qtd. Marais 1998: 262). This indeed is the challenge facing journalists in their role as political analysts and commentators—and media theorists in their endeavour to explain the role of the media in contemporary South Africa.

Determining the relationship between race and class and how they were evidenced in different discourses, social practices, policy formation and implementation, was the difficulty faced by the *Mail & Guardian*. As it too is an expression of a particular class formation and history, its interpretations are thus constituted predominantly by two contending ideologies: one professional, based on mainstream journalism's ideology of the fourth estate; the other an amalgam of South African anti-apartheid, and oppositional ideologies with different understandings of race and class, the relationship between them, and their relation to the newly developing South African state. Chapter 3 identified Mbeki's dropping of the RDP, and the imposition of GEAR as a key policy change during this period. GEAR undoubtedly favoured the economic aspirations of those Van

Niekerk describes as 'the African elite'. It was this group who were the vocal Mbeki supporters, rallying round him not for his economic policy but in response to his 'Africanist' discourse. Although the African Renaissance and Nepad serve particular class interests, they can be justified and supported in racial terms. This is the context that informs Van Niekerk's view that, "they use the race thing as a means to get away with what they are doing—stealing lots of money. So therefore it is the job of the media to write about this. But the thing is going to become racialised—inevitably" (2000: 17). The difficulty facing the *Mail & Guardian* was how to articulate its own political position and professional ideology which it had previously described as oppositional. What did 'oppositional' mean in this new political context<sup>4</sup>?

In this changing political milieu the *Mail & Guardian* experienced a deteriorating relationship with the governing party—despite having been one of the first alternative presses to give the ANC a public voice when it was a proscribed liberation organisation. Because of this deteriorating relationship with the ruling party it became increasingly difficult for *Mail & Guardian* journalists to get an insider's view of debates within the ANC, which they had been able to do in the past (Van Niekerk 2000; Cowling 2003). But this growing tension with the ANC government cannot only be attributed to the changing dynamics of the political milieu. Many journalists also attested to the paper's political direction during Van Niekerk's editorship. As Wally Mbhele recalls:

It was difficult and it was stressful. I must say that because sometimes you would think that the ANC wanted to be treated differently from other organisations, and sometimes you would feel that the *Mail & Guardian* itself was treating these people differently and unfairly to a certain extent. Being caught between these two opposing positions wasn't easy. (2002: 8)

### **Business management of the paper**

There is a tension between the financial imperatives of news organisations, and the professional imperative to produce good journalism. Although the Guardian Media Group's take over of the *Mail & Guardian* provided it with a more stable situation, the paper still needed to operate according to a long-term business plan aimed at achieving

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<sup>4</sup> See Rodney Barker (1971) in which he outlines 6 uses of the term 'opposition', summarised by Southall 2001: 6.

financial security. Mike Martin had been made managing director in 1992, and although the company operated on a shoestring, he believed it mostly came within 80% of the targets set out in its 5 year-plans (Martin 2005: 6, 15). He and Harber had established a good working relationship based on the view that “the words on the page are up to the editor, the number of pages is not” (Martin 2005: 6). But this was not the case with Van Niekerk.

Because Harber had been a founding editor he had an intimate understanding of the economics of news production and understood its financial constraints. He was thus more involved in the general management of the paper. As this was not the case with Van Niekerk, there were conflicts over pagination and personnel costs. Van Niekerk went over budget on salaries for contributors and freelancers to produce a better paper—which was regarded by Martin as poor financial discipline (Martin 2005: 10). An example of this was Van Niekerk’s decision to hire black journalists. This was politically important for the paper’s credibility, but he had to pay premium rates for relatively inexperienced—though talented—black journalists because they were in short supply (Rossouw 2003: 23). Their employment added to the wage bill and also highlighted differences in perspective within the newsroom. However, Martin felt that budgets were mostly adhered to—except from about mid-1999 when Bob Phillis was appointed as the new CEO of the Guardian Media Group. Martin believed that as soon as Phillis became CEO he wanted the Guardian Media Group to disinvest in the *Mail & Guardian*—or sell out (2005: 12). Because of this change in attitude, Martin believed that the board was distracted as there was no longer a unified vision: “I think it is not unfair to say Bob Phillis and I did not have a constructive working relationship. I think it is not unfair to say that Phil van Niekerk saw the gap and saw an opportunity to do things which otherwise he would have reined in on quickly...[such as] spending money on extra papers, on extra journalists” (2005: 17). Because of this, the journalists never felt constrained by the paper’s financial situation. As Wally Mbhele recalled: “I would go to Maputo on a weekly basis to investigate the McBride story when major newspapers were not sending their reporters there” (2002: 20).

From Harber's perspective, the change in the Guardian Media Group's CEO was significant, and had major consequences for the management of the *Mail & Guardian*:

There was a different managerial approach and understanding. The understanding with the earlier regime of the Guardian was very much we can't run this in London, we'll give you advice, we'll give you assistance we can make input, but you guys have to run it. There was a sudden shift where every decision had to be okayed by London and that's a kind of managerial shift that had a whole range of consequences... It came out in the appointment of key personnel; it came out in key strategic decisions about the paper. (Harber 2002: 13)

During this time, one strategic decision that was financially detrimental to the *Mail & Guardian* was the sale of the online *Mail & Guardian* to M-Web:

The decision to sell the internet arm to M-Web. Mad decision, foolish decision<sup>5</sup>. That decision predated Govin in fact – that wasn't his decision it was a Guardian decision, and it was one of those cases of a decision with no understanding of the complexities of what it meant here... I think the kind of deteriorating financial position in that period showed that there was no... that the paper came under huge financial pressure and clearly was not being properly managed... Revenue was going down, and costs were escalating enormously. (Harber 2002: 15)

The acquisition of M-Web had been one of the *Mail & Guardian's* diversification strategies in order to build the financial base of the company. This was perhaps the kind of loss of independence that Harber and Manoim had feared when the idea of the Guardian take-over was first mooted. Martin eventually resigned in early 1999 and Govin Reddy was appointed as the *Mail & Guardian's* new CEO. But for Harber this too was a mistake (2002: 13). Building on the re-organisation of the company initiated by the Guardian's increased involvement with the company, Reddy sought to transform the organisation from its alternative, counter-cultural identity, into a formal, mainstream business (Ludman 2003: 2; Rossouw 2003: 25)<sup>6</sup>. He did this by expanding the managerial strata of the company, thereby formalising the hierarchical structure

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<sup>5</sup> Harber explained that one of the financial strategies in the 1990s had been to diversify the business, so that the paper could be supported by other investment projects, such as the web presence, radio and television productions, the *Teacher* newspaper (2002: 14).

<sup>6</sup> Rossouw recalls: "Govin's first announcement to the staff was that he was going to corporatise the *Mail & Guardian*. He was going to make the *Mail & Guardian* a functional corporate entity... It meant things like professional behaviour—how we dressed. He had problems with how people dressed. People would come to work wearing jeans... He didn't like the way we looked. He didn't like the way we operated. He didn't like a lot of the democracy. We looked like a struggle organisation, not a business. His brief as CEO was to turn the ship around: that was his famous quote in his meeting with the staff. To make a profit. And the only way he thought this could be achieved was if we established ourselves as a business and no longer as an NGO" (2003: 25).

(Rossouw 2003: 26). As Ludman recalls, “He said, ‘these are my managers’. And so of course the people that he put them over the head of left” (2003: 2). But these changes were not without financial cost, evidenced by the company’s soaring losses of R9m in 2000 (Barrell 2002: 33). As Martin noted, “he [Govin] tried to take the company to a new level...But there just was not the revenue to back it up” (2005: 16).

One positive outcome of this restructuring was the institutionalisation of a weekly ‘senior management’ meeting, at which “The advertising manager could speak to the editor about the plans for the next few months...we could for the first time share information in a formal way” (Rossouw 2003: 26). The idea was that the managers could report to their sections, but Van Niekerk did not report back to his editorial team because “he didn’t think that it was important for people in the newsroom to know what was happening in the advertising department. He didn’t think it was important for people in the newsroom to know what the marketing manager was up to. He had very little patience with any of Govin’s things” (Rossouw 2003: 26-7). Another layer of tension had been created in the organisation.

This section shows that viewing structural arrangements such as ownership from a post-structuralist perspective reveals how managerial identity conflicts shape structural arrangements. Although Jim Markwick and Bob Phillis occupied the same position, they effected different relationships within the *Mail & Guardian*. In addition to the tension between the paper and its political environment, there was also a tension between the paper and its owners which impacted internally in relation to budgets: pagination and personnel, the ultimate constraints for news production.

### **Van Niekerk’s news policy**

The challenge facing the new editor was to articulate a set of news values that were appropriate to the changing political milieu. But, as Stuart Hall reminds us,

‘News values’ are the one of the most opaque structures of meaning in modern society. All ‘true journalists’ are supposed to possess it: few can or are willing to identify and define it. (1973: 181)

Mungo Soggot described the news values at the *Mail & Guardian* during Van Niekerk's editorship in these terms:

He wanted life's bigger stories...he's got an extremely broad range of interests, extremely good sense of humour and I think one of the most important things that he brought was a constant strive for a good mix of things...there were moments when he wanted to entertain people with funny little quirky stories, but he's also an extremely serious political animal, so for him informing people about politics was absolutely crucial...He took an enormously strong interest in parliamentary coverage... When I was news editor, his most frequent refrain of was, 'we've got to get the right mix'. So we've got to have serious informed politics, and then we've got to have a light-hearted, witty, maybe quite sexy story, events like in Africa. He was constantly searching for that kind of variety...he pushed very hard and he always wanted those good stories... (2002: 4)

Probed about what was meant by a "good story", he responded:

Something exciting, something new... And in the nature of the beast, it's often going to be exposing naughty people, whether it's Magnus Heystek or Emanuel Shaw, whoever it is. (2002: 4)

In similar vein, another journalist recalls:

Under Phil...Phil was kind of eclectic and maverick as a person, and I think the paper reflected that as well. It would go off on a tangent and explore something new, but it would always come back to where it started. (Brümmer 2002: 6)

Although other journalists had a different perception of Van Niekerk's news values, Barbara Ludman's view of his editorial direction seemed typical: "With Phillip it was let's get a great lead; and let's get a great a great investigation; let's get...let's get: that was reflected in the paper" (2003: 25).

Van Niekerk's own view was that a paper's political identity determines its news values. And as the *Mail & Guardian* was "independent—to the left", each issue was dealt with on its merits:

Issues where we [the paper and the ANC] have tended to clash have not been the ones where ideologically we could be regarded as being on the right. For instance, corruption is a concern of everyone... I think we have tried to generate a more sophisticated analysis of this country, and a more sophisticated analysis of the continent. I certainly don't buy into a simple Africanist, almost Nkrumaesque, vision of South Africa and Africa...

We are very strong on traditionally progressive issues: environment, gay rights, gender rights...like rape, HIV/AIDS. Issues that in other societies might be regarded as progressive if a newspaper took them up... culturally, quite a strong libertarian trend as well—belief in freedom of expression, very strong position on press censorship...Unfortunately everything in this country gets clouded by the issue of race which puts everything else in the shade. (Van Niekerk 2000: 9)

This analysis is shared by commentators critical of the ANC's adoption of neo-liberalism, and its privileging of race as a means of interpreting social conflict. As Marais notes:

That racism functions as a key dynamic of exploitation is clear; that it represents *the* fundamental fault-line separating privilege from deprivation in post-apartheid South Africa is questionable, as 4,000 mineworkers facing retrenchment at a mine of the black-owned Johannesburg Consolidated Investments discovered in May, 1997. Such a discourse serves as a screen obscuring the other dynamics that lie at the root of inequality in society, and which animate dissent and resistance. In such a formulation contradictions of class, gender and geography are made to disappear into a twilight zone of race and colour. (1998: 266).

As Van Niekerk assumed the editorship mid-way through the first term of the democratically elected government, it was not surprising that he directed the paper's focus onto governance, and onto the governing party's fulfilment of its electoral promises. His background as a political and labour correspondent made him a particularly keen follower of local politics. As his editorship continued beyond the end of the first term of democratic rule, it was also to be expected that this would be a time of 'stock-taking' (Barrell 2002: 9). Barrell believed that Van Niekerk was moved by a strong sense of justice:

Phillip is moved by this deep, child-like sense of justice. And justice is not just ensuring that somebody who's been unfairly treated is treated fairly and receives recompense for what's happened. But it's also that something is told truthfully. And he cannot bear people hiding the truth. (2002: 3)

According to Barrell it was this sense of justice and truthfulness that drove Van Niekerk to probe the HIV/AIDS debate, and to criticise Mbeki's HIV/AIDS policy (2002: 3). As Van Niekerk recalls:

Having read all the literature [and] figured out who was saying what, I made up my mind very strongly that the AIDS dissidents were a danger to this country, because the message that would be coming out was...it's not necessary to use condoms because HIV doesn't cause AIDS; ...that if you only treat the disease, you will

never treat pregnant women who are HIV positive because they are not diseased, so ...tens of thousands of children are going to die. I felt we should take a position. I felt that the way the President was dealing with it was disingenuous...he'd given a platform to these people and he'd ducked and weaved and didn't come out straight and say what he was really thinking... causing a lot of confusion in the Health Department, in the Minister of Health. And then he came out in the *Time* interview, and that wasn't confusion anymore, those were the words of dissidents. (2000: 15)

Commentators such as Jacobs and Calland (2002), and Gumede (2005) have argued that Mbeki's view on HIV/AIDS is one of the defining markers (along with GEAR as a 'non-negotiable' macro-economic policy) of his presidency. His then political editor, Howard Barrell, described Van Niekerk's leadership of the paper as being characterised by his strong adherence to the 'fourth estate' role of the news media in a liberal democracy: that they are an 'independent voice' responsible for holding governments accountable to their electorate. It was his interpretation of this principle that characterised the paper under his leadership. Because Haffajee had a different interpretation, she was critical of the turn the paper had taken: "I think there was not a broad enough view of what its mission...of what it was so, so well-placed to do...If you see your function as being a narrow watchdog—then that's how you will exercise that [editorial vision]" (2002: 10). Mbhele shared this view: "there was a time when the *Mail & Guardian* would see very little good coming from the government. That was one of the problems faced by some of us: there were bad things within government, but there were also good things. Let's highlight some of those good things" (2002: 12).

Van Niekerk inherited a situation in which the new ANC government felt let down by the *Mail & Guardian*, and its questioning of Mbeki's potential as a future president, as well as its subsequent critique of key policies under his presidency—especially HIV/AIDS and GEAR—exacerbated a deteriorating situation. A newspaper's identity is developed in relation to the hegemonic politics of the time. A paper's readership elects the paper because its 'reading' of the political terrain is in accord with that represented by the paper. In the post-1994 period, the ANC—as the ruling party—was subjected to more scrutiny by the paper, and its unitary liberation identity as 'the ANC' was deconstructed into constituent parts, represented by different internal tendencies, different personalities,

and the outcome of this internal power-play. This fracturing of the icon of South Africa's 'liberation', necessarily also fractured the paper's readership—which no longer could be seen as having a single or neatly composite anti-apartheid, broadly intellectual, libertarian identity. The challenge confronting the paper's editors in this period was how to relate to the re-configuration of its readership's identity. How were they to speak of the different aspects of South African life in such a way that they both maintain their own editorial integrity and political ideals, and find an idiom that 'spoke to' a broad enough readership for the paper to become financially sustainable?

The paper's ongoing critique of Mbeki, the ANC's policies, and some senior party members' activities were not well-received by many—as evidenced by the BLA's and ABASA's complaint: that "the tone is negative and hostile", and that "the reporting is often relentless and repetitive" (BLA and ABASA 1998: 6, in SAHRC 2000a). Van Niekerk claimed that the paper's tone was relative to the media environment and to the paper's identity:

It's only relative to the other newspapers around us that we might be regarded as aggressive. I spent a lot of time in Nigeria in the 1990s where the newspapers are much tougher. I've also lived in the US where newspapers really give those in power a hard time. Even in Britain. But we haven't only given a hard time. We've written a lot more...we do have a slightly aggressive in your face sort of tradition, but that's the *Mail & Guardian*. If we had to soften up in 1994 we would be finished now. We wouldn't be the *Mail & Guardian*. (2000: 11)

He defended the paper's tone, and defined its role:

I almost felt in this period it was necessary to be a little more bloody-minded than we would otherwise have been—to press all the buttons, because we have one of the best constitutions in the world—but it means nothing if we don't activate it...The issue here is not for us to be popular, but for us to create precedent... the politicians have to learn to live with us, and us with the politicians. (2000: 10)

While this was the editor's prerogative, it was not one that was always shared within the newsroom. Ferial Haffajee, then a senior reporter, saw Van Niekerk's editorship in this way:

I don't think there was the political sophistication to see that the new government was a different animal to the old one. The same set of principles were used to cover it as were used for the old one: you only looked for corruption; you only looked for incompetence; you look for sensation; you look for hands in the till.

Whereas I think it needed a different feel, a different texture. It was so well-placed to get inside and really capture the debates...because there are many in a party like the ANC. But it ended up alienating that base of readers by not showing that the shades in government, in cabinet...That is journalism: seeing factions and writing about them. Because it made the ANC close-off to the *M&G* which it [the ANC] felt completely betrayed by what the paper had become. (2002: 10)

She indicates that the paper's deteriorating relationship with the ruling party was a consequence of the editor's news values, and his reading of the role of the *Mail and Guardian*. While his view was that the *Mail & Guardian* should play the mythical watchdog role, others in the newsroom felt that this "sledgehammer" approach was alienating and destructive, and that it should have been tempered with a constructive role in building a culture of democracy. This was not seen as a concession to "sunshine journalism" in which the paper would be uncritical of the government, but rather as an approach that could explore the policy decisions and structural changes that the ANC government was effecting in the name of 'the people' (Haffajee 2002)<sup>7</sup>. Some journalists argued that the paper would still be able to 'serve' its former constituency both in government and amongst its readership. One of the senior journalists, Wally Mbhele drew a distinction between what he called an oppositional newspaper—and a critical one: "You become an opposition to something that is illegitimate. Like a government that is not there by the will of the people...like an apartheid one" (2002: 10). But when a government is democratically elected, then the role of the press is to be critical: "If you're a critic of that government, I don't think you have to assume such a hostile position and portray that government as if it's a government that is not representative of the people who elected it into power" (2002: 10). He was opposed to what he saw as the "completely hostile criticism" of the then political editor, Howard Barrell (2002: 9). The criticism was not "constructive, but was destructive"; it was ethically problematic, as "in journalism we're talking about fair comment that is based on fact, without any element of

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<sup>7</sup> Joseph Hanlon has a similar view of the media in a 'post-revolutionary' situation. His view is that the media's major function is one of providing information—regardless of whether they operate within a capitalist or non-capitalist political structure. When asked about whether it was reasonable to expect the media in a capitalist state to question capitalist structures, he responded: "Half it needs to question those fundamentals, half it needs to look at not just the scandals, but also the successes. The critique of the press is that it doesn't do enough of the plusses and the response is always that this doesn't sell newspapers. But when I was stringing for the *Guardian* from Maputo [Mozambique] twenty years ago, I had no trouble stringing both...getting both sets of stuff published. It is partly how you write it..." (2001: 2).

being malicious” (2002: 9). In Haffajee’s words: “it [*Mail & Guardian* reporting] needed far more to remain the voice of the [new political] establishment. And that meant writing about policy and government, the executive and parliament” (2002: 10). She clarified her position:

I’m not talking about an unquestioning tabloid—not at all. I’m talking about a newspaper that people *must* read if they want to know what power is thinking and which power must read if they want to know what the key debates inside and outside itself are. So, a sophisticated, investigative, unashamedly political read...I think there is space for it in this society. (2002: 12)

These differences of opinion concerning the paper’s news values and editorial direction are illustrative of the contestations over the identity of the paper—itsself an indication of power struggles within the paper. These struggles were ultimately mediated by the editor, who described his response to the situation as “bloody-minded” and “pushing all the buttons”. What underpinned this bloody-mindedness was a commitment to the professional ideals of journalism. As Sechaba Nkosi recalls, “his strength was that he was never an activist. He was just influenced by events, so he had no particular grudge or allegiance to anyone. He tackled everyone as he felt necessary” (2002: 6).

### **The impact of Van Niekerk’s leadership on newsroom ‘structures’**

Struggles for power are also struggles for identity (Benton 1981: 182). The work place thus becomes a site of such struggles. Even though the *Mail & Guardian* attracted journalists who defined themselves as politically progressive there were still divisions over particular issues. These tensions in power/subjectivity were played out in different ways within the newsroom.

It is evident that Van Niekerk’s editorship was seen in very different ways. From Wally Mbhele’s perspective,

He conducted himself well as a journalist and also as an editor. He’s one of the few editors I really respect in this country. He’s one of the few editors I’ve worked for whom I still have that great respect. Phillip, *ja*, he was quite a solid journalist, solid editor—but all of us we do have our shortcomings: he was perceived to be close to some people and divorced from others. (Mbhele 2002: 23)

One of his apparent shortcomings was his management of staff. One of Van Niekerk's key decisions, deemed by many to have had deleterious consequences for the paper, was his appointment in 1997 of Howard Barrell as political editor—a key position. Barrell had been an ANC propagandist, and was known to have become dissociated from the organisation. His appointment resulted in a number of problems. The first, acknowledged by Van Niekerk and others<sup>8</sup>, was that he seemed to reflect the views of old style white liberals and others opposed to the ANC, who were now gathered under the banner of the Democratic Alliance (DA), as a conservative opposition. Ironically, Barrell was an economic conservative, who supported GEAR, but as political editor he was responsible for coverage that exposed the changes Mbeki had wrought in the ANC—such as the policy-making processes that were seen as mechanisms for increasingly autocratic rule<sup>9</sup>. As this kind of critique was similar to the DA's, he was seen as representing their interests. John Saul's analysis of the DA's politics is helpful in making sense of Barrell's analyses (2002: 32):

Nationally, the DP [Democratic Party] became the official opposition (albeit with only 11 per cent of the vote compared to the ANC's near two-thirds poll): it did so, significantly, on the basis of a campaign pitched at whites, coloureds and Indians in terms of issues of crime, corruption, and the dangers of the abuse of power inherent in a one-party dominant (also read African-dominant) political system—issues that were tacitly given a racist spin.

The DP was not regarded by the masses as a progressive or legitimate opposition.

According to Lesley Cowling,

Under Phillip, particularly with Howard [Barrell] as political editor, because Howard seemed to have an axe to grind with Mbeki, so he was constantly hammering Mbeki and it didn't help that he hammered with the same kinds of words and criticism as Tony Leon [leader of the Democratic Alliance] did. Eventually people within the ANC turned off; stopped giving info to *M&G* journalists. The *Mail* stopped being able to give an inside view of the ANC. (2003: 9)

But, while Barrell's position on particular issues may have been problematic, and while his past association with the ANC may have made his new political position more

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<sup>8</sup> Other colleagues who shared this view were Sechaba Nkosi, Lesley Cowling, Rehana Rossouw, Stefaans Brümmer—as did Ferial Haffajee a keen *Mail & Guardian* reader who worked under both Anton Harber & Phillip van Niekerk, and is the paper's current editor.

<sup>9</sup> See Gumede 2005, Chapter 6; Gumede 2002, Chapters 3 & 4.

distasteful to the ANC, Roger Southall<sup>10</sup> cautions against what might be called political analysis by association. He refers to Mamphela Ramphele's observation, in a *Mail & Guardian* article<sup>11</sup>, that academics are being silenced by the fear that their critique of the ANC and its policies will be interpreted as "anti-liberation". He argues further that the problem is not only that people do not want to be identified as "anti-liberation", but that they do not want to be identified with critiques which the former Democratic Party have loudly articulated, and claimed as theirs:

This is, perhaps especially so if they (the intellectuals) are white and do not wish to be accused of consorting with opposition parties with whose historical backgrounds and popular constituencies they feel uncomfortable. As a result, criticisms which may have a wider support tend to become the public property of the opposition parties alone. The content of those criticisms therefore becomes blurred by the hurly-burly of insult, exchange, exaggeration and half-truth which, in South Africa as elsewhere, constitutes the negative aspects of party politics. (Southall 2001: 18)

Southall points to the need of separating the premises on which classical liberalism is based, namely that contestation and critique enable more efficient and egalitarian practices, from the institutional or party political mechanisms for achieving these ideals.

A similar problem is encountered in the media, which are seen as one of the institutional mechanisms by which these liberal democratic ideals can be attained—hence the privileging of freedom of expression, freedom of the press, and the notion of the media as a fourth estate and watchdog. The difficulty is that these broad tenets of liberalism are assumed to be the sole domain of parties identified as 'liberal'—and are then rejected on the basis of this association, rather than on their own merit. During the apartheid era the *Mail & Guardian's* critique was directed against the apartheid state. Largely because of this they were deemed part of the 'Alternative Press'—the radical media movement of the time—and not the mainstream (liberal) press. But in the post-1994 period, its same professional ideology was criticised as serving 'anti-liberation' interests. The accusation of racism levelled against the paper does, however, beg the question whether its professional ideology of critique and contestation, which it deploys predominantly in the

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<sup>10</sup> See "Introduction" Roger Southall (2001), *Opposition and Democracy in South Africa*; and Roger Southall, "Robust criticism is good for us", *Mail & Guardian*, 30 June–6 July, 2000: 33.

<sup>11</sup> Mamphela Ramphele, "When good people are silent", *Mail & Guardian*, 10-16 December 1999: 31.

political arena, also serves exclusionary, racial interests—producing a ‘racist ideological effect’, while simultaneously serving democratic interests. What should be contested, Southall would argue, is not the discursive practice or the ideology underpinning it, but its differential use, which potentially leads to different outcomes. It is for this reason that we witness two discourses pitted against each other (‘democracy’ cries the *Mail & Guardian*, ‘racism’ cries its detractors), when in fact they are not mutually exclusive. What is then at issue is the extent to which safeguarding the one impinges on the other—an issue discussed in Chapter 12.

What was troublesome to some journalists was that Barrell’s critiques not only resembled those of the DA, but also those of an ‘opposition paper’—which in their view, the *Mail & Guardian* no longer was. In addition to this, Wally Mbhele felt that the positions Barrell took related to his ideological differences with the ANC when he had been in exile: they represented differences “between Howard and those people, not between the *Mail & Guardian* and those people...but between Howard and those people—I would like to stress that” (2002: 14). Many journalists felt that Barrell’s political column had exacerbated the already deteriorating relationship between the *Mail & Guardian* and the ruling party.

Another critique of Van Niekerk’s editorial regime was that he centralised power around himself (Cowling 2003: 2); that he ran everything (Haffajee 2002: 18). This centralising was effected in a number of ways. A significant problem was the way in which Van Niekerk dealt with the newly created position of deputy editor. Prior to Harber’s resignation as editor in 1997, he was urged by the managing director to create the position of deputy editor (Harber 2005)<sup>12</sup>. Rehana Rossouw, the *Mail & Guardian’s* Cape Town parliamentary editor since 1994, was appointed to the position. With her background in the Cape’s alternative press as a member of the *Grassroots* collective, and later with *South*, she fulfilled the need that new political times called for a black editor.

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<sup>12</sup> Email communication with the author, 3 January 2005.

She was thus appointed as deputy editor prior to Van Niekerk's appointment as editor<sup>13</sup>. But because hers was a newly created position, there was no formal job description, and with Van Niekerk taking control of the news, Rossouw had a position, but no clearly defined job. In Ludman's words, "Rehana was given the job, but not the responsibility" (2003: 22). As this became untenable, Rossouw took the position of news editor when it became vacant, thus becoming both news editor and deputy editor. This was an unsatisfactory situation as the two jobs required different skills and were both crucially important to a second tier of leadership<sup>14</sup>. The news editor, as Haffajee commented "can be a powerful arbiter of the news values of a paper, or it can just be a process job: drawing up the diary, getting copy in, feeding copy out" (2002: 18). In her view, Rossouw played the latter role (2002: 18)—what colleague Steffaans Brümmer likened to a "traffic cop" directing copy flow this way and that, but not actively intervening in what was selected, how issues should be tackled, or editing copy in line with the news values that underpinned these decisions (2002: 13). Haffajee noted that because Van Niekerk got involved in everything, "stuff would go straight from the journalist to the editor" — effectively by-passing the news editor (2002: 16). Not only did this particular form of intervention militate against "the levels of checking and double checking and assumption checking that is so essential...The second eye, the third eye, the fourth eye" (2002: 16), but it was also disempowering to the critical position of news editor (Haffajee 2002: 17). Haffajee believed that Rossouw "shouldn't have been the news editor...because news editing took from her power as deputy editor" (2002: 18). The deputy editorship was potentially important in implementing the paper's vision, playing "a far more formative role in running the opinion features, the letters, in determining editorial [content and policy], in keeping a hand on the lead" (Haffajee 2002: 18). But Rossouw did not fulfil this role either, instead Van Niekerk "ran everything": "Phil unfortunately ran his own show...he didn't give up any section to allow it to breathe with other opinions and thoughts and trust it would get done. He would even do Verbatim<sup>15</sup>, which in the old

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<sup>13</sup> Her appointment was not well received by all, as there had been the expectation that an internal appointment would be made (Rossouw 2003: 3).

<sup>14</sup> It is not impossible for an editor to be heavily involved in the news desk, but the success of such a fluidity of roles depends crucially on both the capabilities (practical knowledge as well as leadership skills) of the person who is 'multi-tasking', as well as the structural conditions in which this happens.

<sup>15</sup> a column which quoted significant political statements ironically.

days...trainees would do that. You know what to look for” (Haffajee 2002: 18, 19). The impact was that it was easier for a particular political worldview and set of news values to become entrenched. Haffajee believes that Rossouw could have been used more strategically within the newsroom than she was ever allowed (2002: 18). Instead, she was marginalised.

This side-lining of Rossouw not only contributed to the structural and editorial weaknesses of the newsroom, it was also personally damaging, as it contributed to

the perception among some senior staff that the only reason I was appointed was because I had a darker skin than them, which was something I had never faced before...It wasn't something I knew how to deal with. It wasn't something I could show. I couldn't even show them that I was capable of doing the job, because I had no job. I was just sitting around—as one of my colleagues said, looking black and pretty. That was a very, very uncomfortable position to be in. (Rossouw 2003: 4)

The unspoken claim of ‘tokenism’ was as damaging as were the claims of racism against the paper that so incensed and offended Van Niekerk. While he took up that fight in the public arena, the in-house dynamics were left to fester. Rossouw’s situation was never resolved. Van Niekerk arranged for her to take sabbatical leave, during which time she went to Berkeley to upgrade her formal journalism education on the understanding it was part of a ‘succession planning’ process to prepare the way for a black editor—which she was given to understand meant her. On her return the acting news editor was confirmed in the position leaving her without a job once more. Later, when there were mass resignations at the online *Daily Mail & Guardian* following its sale by the *Guardian* (London) to local competitor M-Web, she was seconded to it. When they hired new staff, she was made redundant once more, leading her to question whether she was being dismissed because there was no apparent place for her. Van Niekerk asked her to see the CEO, Govin Reddy, who gave her the job of assisting with policy formulation. This was her lot while her formal job description was “deputy editor” (Rossouw 2003: 17-22). Notwithstanding her generous assessment of the experience—“I don’t think anybody should foist a deputy editor onto an editor. I was foisted on both Phillip and Howard and it didn’t work out in both instances. It wasn’t their choice” (2003: 3)—this situation contributed to difficult newsroom dynamics animated by issues relating to gender, race,

and work competencies that appear to have been exacerbated by the editor's leadership practice. This newsroom debacle, revolving around two critically important newsroom positions with their different functions, illustrates the limitations of a functionalist approach to newsroom organisation. It points to the complex relationship between organisational structures, newsroom functions and their ultimate enactment. Simon Cottle suggests that the term "practice" should be used as it "accommodates both a sense of the 'discursive' and the 'administrative' in the enactment and regulation of social processes" (2000: 22). This approach challenges an "organizational functionalism" that ignores agency in the process of news production. In the situation described above one can see how the subjectivity and power of the editor mediate structural positions and editorial functions, affecting how they are practised by journalists whose journalism is mediated by the social construction of the identities, 'deputy editor' or 'news editor'.

Another feature of Van Niekerk's editorship was the development of what Haffajee referred to as "unofficial power blocs" (2002: 18), an "inner circle" (2002: 28), or what Rossouw experienced as "a cabal" (2002). Others simply described it as a "clique" who gathered around Van Niekerk and received differential treatment. Some suggested that because the paper was small, and familial in its newsroom culture, personal relationships were more significant than the conventional newsroom hierarchies in determining news assignments and who was consulted on what issues (Brümmer 2002: 10-12, 16). As Rossouw recalls, "Under Phillip's tenure as editor the relationships, personal relationships with people definitely played a role. Phillip built up a little team of people that he trusted and worked with" (2003: 11). And because Van Niekerk was always 'on the job', work happened in non-work spaces while socialising with colleagues who were also friends. The fluid boundaries between 'work' and 'non-work', and between colleague and friend, shaped newsroom relationships and influenced professional practice. In Ludman's view, the *Mail & Guardian* had always been run along these informal lines:

In 1985, 1986 there was Shaun Johnson, there was Anton, there was Irwin, there was David Dison...and there was Clive...and together they made a lot of decisions that nobody had anything to do with. So they were the cabal. Then later on there were other people who were close to Anton, and they were a cabal;

and then under Phillip there were his old friends and their people who did investigations, and that was a cabal; and under Howard the cabal carried on. There was always something like that. (2003: 8-9)

Ludman further believed that people who joined later “were far more professional than we were. They had been on other papers and came to this one as a job. If you come to this as a job you want to survive, and you want to thrive. You want to rise and you look at the newsroom politics and you think, ‘oh shit, there’s no way I’m going to break into the boys club” (2003: 9). Rossouw agreed that ‘familial’ relationships had always been a feature of the *Mail & Guardian*, but her concern was that under Van Niekerk’s editorship it translated into favouritism in the allocation of stories and beats to certain staff: “you could actually see he was building them. He was giving them space to develop as journalists which is a good thing, but a lot of the time it happened at the expense of other people” (2003: 13). As one of the investigative reporters recalls: “He allowed people like me to do aggressive stories which really went for quite high-profile people. He really allowed us latitude and he looked after us and he encouraged us” (Soggot 2002: 3). This differential treatment explains why staff opinions of VanNiekerk varied.

Although Van Niekerk promoted an inner circle, he also brought in new black journalists. But having been brought into the organisation, they realised that they did not occupy the same space as those in the inner circle. According to Rossouw, “The black staff were quite pro-ANC activist types who were more concerned about the failings in democracy in the paper. They felt that there wasn’t space for them to express their viewpoint, be heard, be taken seriously—who would then get very unhappy with the undemocratic practices in the newsroom” (2003: 14). But not all black staff shared this view. Wally Mbhele, for example, felt that “with Phillip you’d say whatever you wanted to say. No one victimised you for that, for actually taking a different position from the editor’s position. That’s one thing I liked about Phillip: he would give you that space to say what you want” (2002: 7). But he still found himself in a newsroom in which the ideological balance of stories made him uncomfortable. He was allowed to have his say, but important decisions were often made informally.

The political orientation of the new cabal was significant. That the group was white and middle class, and seemingly out of touch with other perspectives and experiences, might explain the increasingly carping tone of the paper. As one colleague noted:

We would joke at the *Mail*... it was the formal white lefties left-out club because they were now sitting at dinner parties in Parkview complaining how nobody recognised how they had been against apartheid, and how they had fought against apartheid...now there's this whole new change and people are being critical of white people, but we fought you know and nobody is recognising that...(2003: 4)

Another noted: "they were all very talented journalists, but I think the problem with creating an inner circle like that, is that all you're getting back are your own views reflected at you. You're not being challenged at all. You're being reinforced, rather than challenged" (2002: 28; Mbhele 2002: 21). Another suggested that one impact of the privileged status of the 'clique' was that it side-lined senior black journalists, and contributed to the growing distance between some elements within the paper and sections of the readership. But Haffajee maintained that this 'racial effect' should be interpreted "in the broader, psychological, cultural sense of the word" (2002: 28). She explained further: "There's a cultural ease of people from similar backgrounds and classes and places in the world...racial in that sense. I don't think it deliberately excluded black people"<sup>16</sup> (2002: 28). These social relations illustrate Whittington's view that "working-class structuration may be influenced by ethnicity and gender, while managerial structuration involves interpersonal contacts, friendships and marriage ties" (1992: 695, based on Giddens 1973: 171). But given the way in which race and class are configured in South Africa, these interpersonal contacts *also* have a racial and class dimension. The operation of a clique thus impacted on the balance of power in the newsroom, effectively reinforcing a consensus that was not always shared, and insulating it from other perspectives that might have resonated more with different sectors of the paper's readership (Brümmer 2002; Haffajee 2002: 28). Part of the problem, according to Haffajee, was that the editor "didn't have the ability to bring others who are not so like

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<sup>16</sup> This was a common view amongst all the interviewees. They were all clear that there was no direct racism at the *Mail & Guardian*—hence Van Niekerk's outrage at the suggestion that the *Mail & Guardian* be 'investigated' for racism.

him into his inner circle...Anton ran a bigger newsroom. Phillip ran a tighter newsroom” (2002:6).

Although there were no clear cleavages along racial lines within the newsroom, there were differences relating to the politics of transition. These surfaced around issues such as affirmative action, which a number of journalists cited as a marker of the conservative turn the paper had taken in its opinion columns (Cowling 2003, Haffajee 2002, Nkosi 2002, Mbele 2002). Haffajee’s objection to this “new inner circle” was not that “new people can’t come in and be part of its ink and so on”, but that there “must be respect for its old...for its institutional memory” (2002: 28). This tension demonstrates the intimate relation between identity and power, and how these shift and play themselves out at different historical moments. Haffajee<sup>17</sup> bemoans the marginalisation of those qualities that were formerly valued and had contributed to the ethos of ‘the *Mail & Guardian*’, but which now only existed as “its institutional memory”.

Although Haffajee acknowledged that there was respect for what “people like Wally [Mbele] and Liseka [Mda], myself, and Rehana [Rossouw]<sup>18</sup> thought about...where the *Mail & Guardian* should be and where it should be going”, there wasn’t “enough of an appreciation” (2002: 12). She conceded that, “there were healthy examples<sup>19</sup> of how he [Van Niekerk] was willing to listen and push and accept ideas and talent, and be very lateral” (2002: 19). But her final judgement was that “in many ways he was too controlling” (2002: 19). Many senior staff felt alienated:

we no longer felt that we had the kind of power in the *Mail*...the kind of influence that we had previously had. I think there were always different levels of power and influence at the *Mail* in the sense that the younger people felt less empowered and people who had been there longer felt more empowered, and some people felt that

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<sup>17</sup> Haffajee started her career as a trainee/intern at the *Mail & Guardian* in 1991: “it was almost a cult paper for a young journalist to go into. And that’s what attracted me. It was campaigning, iconoclastic...cutting edge of culture and you just got steeped in that...and you were challenged every week to come up with three items for the diary...So it honed you as a young person, as a young journalist...When I went back in ’97, sad to say, it had lost some of that” (Haffajee 2002: 5).

<sup>18</sup> It is not insignificant that these are all black journalists who had started at the *Mail & Guardian* as trainees in the late 1980s or early 1990s.

<sup>19</sup> She cited Lizeka Mda’s Johannesburg series, and Van Niekerk’s own coverage of African politics (2002: 19). This view was shared by Sechaba Nkosi, who recalled instances of Van Niekerk being “very open-minded” in allowing different points of view to be aired (2002: 6).

they weren't properly respected by whoever was the editor. But I think that under Anton and Irwin everybody had a level of investment...under Phillip the autonomy that they had over their sections began to fall away. (Cowling 2003: 13)

This "autonomy" refers to the way in which journalists negotiate their own professional identities in relation to the organisational constraints under which they work. Under Van Niekerk the margins for such 'negotiation' were severely restricted for some journalists—while for others he opened spaces (Soggot 2003; Rossouw 2003). We thus see the ways in which the editor's own practice<sup>20</sup> produced a reconfiguration of power/subjectivity in the newsroom, ultimately shaping the content of the paper.

### **'Structural' organisation and textual outcomes**

A key aspect of Van Niekerk's editorial direction was the value he placed on 'a good story', a good lead', a 'good investigation'. Those who praised Van Niekerk were impressed by his journalistic abilities. This, for instance, was Soggot's view:

I'd say one of the hallmarks of Phillip's regime was expanding coverage of Africa...He also encouraged good long pieces of quality writing...And he developed the read, that huge double page spread in the paper which is great for journalists to write. (2002: 3)

Rossouw concurred that the "one thing Phillip did was to make the *Mail & Guardian* a writers' newspaper" (2003: 15). She elaborated:

Subs were not allowed to touch certain people's copy. I have never seen another newspaper where writers had that much power. Phillip called these journalists writers as well—I call journalists, 'journalists', because I think that writing is the last thing you do. It's one-third of your job. Being a reporter or a journalist means getting the story, developing the story; writing is the end result of being a journalist. But Phillip called them writers. (2003: 15)

His particular concern was investigative journalism. This had always distinguished the *Mail & Guardian* from other South African newspapers, but given Van Niekerk's overall news policy, this tradition was continued, with investigative and political reporters being especially prominent (Ludman 2003: 9). The focus on government accountability led to exposés that revealed problems in governmental processes or with particular government

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<sup>20</sup> I use the term "practice" in a Foucauldian sense, as suggested by Cottle (2000: 22).

officials. Examples include the Motheo housing<sup>21</sup>, and the Central Energy Fund<sup>22</sup> scandals—signalled as such because they revealed the ‘inappropriate’ action of government officials. While many journalists recognised that investigative exposés were a key feature of the paper’s identity, Haffajee was critical of the meaning attached to investigative journalism during Van Niekerk’s editorship:

I think ‘investigative’ quickly became synonymous with ‘find corruption stories’. It wasn’t an investigation of the impact of unemployment done in an investigative style. It was about corruption coverage. And that message was put out. (2002: 7)

Politically it would mean finding the renegades and the dissidents. So a story about the ANC facing enormous challenges in the Free State, in Gauteng—those were the two provincial hot spots—would find it into the front page. There was no attempt to understand—to get inside the presidency and illuminate...its character, its key players...Not a lot of policy synthesis and understanding...what the old *M&G* had been about—as well as investigative....It failed to make that balance. Policy analysis just got ‘*gooied*’ [thrown] into Monitor, and then you’d feel that your stuff wasn’t getting played properly and then you’d stop doing a great job on it. (2002: 8)

This narrow view of investigative journalism, which focused on personalities rather than issues, and which often lacked context, resulted in what she called “banana republic reporting”:

That you expected that this is what would become of a new democracy, and you went out looking for it. So investigative journalism was not a cover on why we are losing so many new DGs [directors general]<sup>23</sup>; it was not a cover on inside cabinet on a particularly hot issue of the moment; it was not a story on how the decision on

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<sup>21</sup> See the following articles: Justin Arenstein, Stefaans Brümmer & Mungo Soggot, headlined “Rich pickings in housing for poor”, and a side bar, “Much too close for comfort” (May 30-June 5, 1997: 2); Justin Arenstein & Mungo Soggot, “Scandal thickens in Mpumalanga” (June 13-19, 1997: 4); an editorial headlined “Motheo scandal is another Sarafina II (September 19-25, 1997: 24); Justin Arenstien, “Phosa appoints independent inquiry” (September 19-25, 1997: 2); Mungo Soggot, Andy Duffy & Marion Edmunds, “Auditor general in the firing line” (September 19-25, 1997: 2); Peta Thornycroft & Mungo Soggot, “Cobbet’s chance to tackle Sankie” (October 17-23, 1997: 11); Mungo Soggot & Justin Arenstien, “Motheo: Sanki’s not of the hook” (October 24-30, 1997: 31); Zapiro political cartoon (October 24-30, 1997: 26); Justin Arenstien, “Motheo buddies still in business” (October 24-30, 1997: 5)).

<sup>22</sup> See appendix 7 for the list of articles comprising this exposé.

<sup>23</sup> Headlined “Patel in welfare break-up”, the *Mail & Guardian* reported the early departure of Leila Patel, Director General in the Department of Welfare and Population Development, following what was described as a ‘power struggle’ with the Minister of Welfare, Geraldine Fraser-Moleketi (21-27 November 1997: 6). This was followed by a ‘Second Look’ opinion piece by ex-*Mail & Guardian* editor, Anton Harber, headlined, “Clipping the wings of directors general” which looked more broadly at the appointment of directors general, the role of a civil service, and the relationship between directors general and their Ministers (December 5-11, 1997: 30).

GEAR was made. For me there should also have been key investigations of the paper, like that. (2002: 10)

She linked this kind of investigative reporting to a particular style of journalism which she dubbed 'sensational'. She offered the following example<sup>24</sup>:

Phillip one day let Max du Preez write a double page spread called "I smelled Mugabe in the corridors". And this was about Snuki Zikalala at the SABC. And I thought it was such an untextured approach to something that needed to be done. It was about our public broadcaster and what it was becoming, but I thought it was sensationalist. (2002: 14)

She commented further:

I suppose the headline, its one-sidedness, its assumptions...that the SABC was an unrescuable institution. That it had gone the way of ZBC—that it was a state broadcaster...I think that's where our democracy is. It is not irredeemable. I think as journalists we are at the centre of its upholding—its shaping and its growing. (2002: 14).

By privileging this approach to investigative reporting she suggested that the paper ceased to offer constructive criticism that could aid public debate about policy directions. While some investigations served the public interest, others simply reinforced the impression that the *Mail & Guardian* was anti-government. This resulted not only in a loss of balance in the paper, but also in a strident, carping tone. The changing tone of the paper was not only attributed to story selection (news values), news angle, and textual representation, but also to the changing power relations within the organisation that made these kinds of choices possible.

Another effect of the differential power relationships within the newsroom was that Van Niekerk either let go areas that did not interest him, or they simply "didn't see the light of day" (Cowling 2003: 7). The paper not only came to reflect his interests and attitudes, but also became, in the view of some journalists, increasingly "narrow". Haffajee saw this narrowing reflected in news selection:

I think there were fewer demands on journalists to make diaries that were their own—from their own experience. For me the diaries became more staid and standardised in that period. Less thinking big, less challenging and interrogating

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<sup>24</sup> This article is analysed in Chapter 10.

your ideas. Much more following the news than setting it. (2002: 7)

Cowling experienced the paper in a similar way:

The kind of analysis and opinion pages of the *Mail*, and even the news pages began to narrow down [to] parliamentary and party politics...The *Mail* had moved from an anti-apartheid, critical...advocacy paper, to being more intellectual, opening a window on our society...that closed down. Phillip closed down the business section...we no longer had an economics section just at a time when economics were becoming hugely important" (2003: 6)

This contrasted with the identity of the paper under Harber and Manoim whom she described as intellectuals and thus "able to maintain an interest in a wide range of areas" (2003: 7-8). She noted the support that the paper had had from academics over the years:

It's been supported by advertising by the Universities and Technikons, and the jobs advertised there and the NGOs...I think two-thirds of its readers have degrees...so its been a place for people who are concerned about their society on a wider level than what's happening in parliament...It could be the *New York Times*...or the *New Yorker* or the *Atlantic* of our society...because Phillip centralized things, if he wasn't interested in something, it wasn't interesting. Simple as that. (2003: 8)

In her view, this narrowing of the paper was also evident from the closing of sections such as economics, and the media (Cowling 2003: 11). Most of these sections were run by women editors, and she attributes their closure to Van Niekerk's drive for 'centralising' power. Ludman also identified an underlying sexism in the newsroom that had been there from the beginning (2003: 22)—it was not insignificant that the female deputy editor was undermined, nor that sections run by women were cut, nor indeed, that "he gutted the subs desk" (Cowling 2003: 13), "didn't hire experts and pay well, and then used their inexperience to control them and the desk" (Cowling 2003: 13; Rossouw 2003b: 17). The 'subs desk' was also undermined by allowing "the reporters' deadlines to become so elastic that on the production side we were throwing pages together in half an hour or an hour before deadline, so there was no time really to engage with what was going on in those pages" (Cowling 2003: 13). The downside of empowering writers was that "the debate about what should be going into the paper at that senior level was not happening" (Cowling 2003: 13). This was exacerbated, in Haffajee's view, by the absence of "a layer of assistant associate editors who may be very different from you, who challenge you—who write very differently from you; who ask the difficult

questions...but this was not allowed” (2002: 15). This had a knock-on effect: the “newsroom balance that’s so important in a newspaper...its checks and balances...that went out of the window” (Cowling 2003: 18). Another consequence was that experienced staff left the paper: “people were leaving like flies...it wasn’t only because we were having political problems. It was also because we were being offered great jobs” (Haffajee 2002: 23). But the crux was that the paper had changed:

It is a paper which the staff believed it owned; which its readers think they own; which its owners think they own. So you go there and you almost expect to be in on key decisions...to be a formative part of how this product is made. You’re in its blood and in its ink. And when that doesn’t happen, it’s doubly disappointing. At the *FM* [*Financial Mail*] I don’t feel that way. I love it; I respect it—but I don’t feel like I’m in it—that my soul’s tied up in it. At the *M&G* you did. So that when that didn’t happen you felt doubly betrayed. I think readers felt a similar way. They were being alienated from something which they felt they had a stake in—which many in fact did...a physical stake. (Haffajee 2002: 20)

The overall impact, commented on by several journalists, was that the political identity of the paper changed. Haffajee described the paper as moving “from left to centre and occasionally to the right” (2002: 13). There was unreserved praise for the hard news stories, and for the investigative journalism undertaken under Van Niekerk’s direction (Cowling 2003: 19; Nkosi 2002, Brümmer 2002, Mbhele 2002). But Cowling suggested that these would have ‘played’ better, if they had been located within the broader perspective of South Africa’s new democracy, and if they had not been overshadowed by opinion pieces which were often highly critical of the new government:

I’m saying that a wider vision gives more perspective. So you can see that the government is making mistakes and that certain people are corrupt and some things are wrong, but you can see that in a context where some things are also going right. Monitor<sup>25</sup> was supposed to do that, but the news was in the front and the Monitor section was right at the back...it was approached in a different way. (Cowling 2003: 19)

Van Niekerk established Monitor in order to address these differing news values. He believed that its containment in a specialised section afforded it “protected space for the kind of stories that the other newspapers are not running at all” (Van Niekerk 2000: 11). Cowling and Haffajee concurred that the genesis of the Monitor was the realisation that

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<sup>25</sup> The Monitor section was created by Van Niekerk as the space dealing with ‘development news’.

the paper needed to provide more than a simple critique of the government, but they both believed that ghettoising this kind of news was not the best way to achieve the paper's aims:

Previously that sort of stuff would have been in the paper, perhaps under other sections, or within the news or feature sections, but the effect of it being another section and it being a sort of throw away section—being there to get advertising...government advertising...meant that it didn't have the same impact as the news section and as the political section. So certain impressions were created. (Cowling 2003: 9)

Haffajee had a similar view: “but afterwards it became, ‘oh that will go in the Monitor section’...It didn't really have its own editor...at times it had brilliant editors like Barbara Ludman and it became what it should be. But often it was that's where you dump stuff that the main body doesn't want” (2002: 9). Haffajee described the paper's identity as “schizophrenic”: “Because on the one hand it would have this very standard market coverage and on the other it would cover very left of centre pieces. Now I'm not saying that you can't have a diversity of views, but I think a paper has to come from somewhere and cover it from that perspective” (2002: 13). It had lost its way: “I think it got lost. I think the paper—being in a partnership with the *Guardian*, was a left newspaper. And it kind of got a bit lost” (2002: 13). This loss of direction she attributed to the editor:

I think it's personal politics. And the editor stamps that authority... As I perceived it. I think the politics of the editor changed. As did that of many white South Africans ... The editor began to believe what the paper said it had become. That this was approaching a basket case country—inherently corrupt and that the ANC was becoming quickly authoritarian. (2002:14)... I don't think he was a closed minded person. He would defend it... But that's just my perception of what the paper came to represent. (2002: 13-14)

But Soggot saw this change in positive terms:

I think [the *Mail & Guardian*] became much more...I suppose if it had any kind of theme to it, it was holding the new government accountable and maybe applying similar standards to those which were applied before. (2002: 2)

Although Brümmer believed “he [Van Niekerk] couldn't take criticism”, he did maintain that

people tended not to disagree so strongly with him because we all had a lot of respect for his principles and ethical idea. He would reason things out morally. So even when I felt he was wrong, I still respected what he was doing. I don't think one felt too often that he was wrong. (2002: 12)

These differing perspectives again show up the different constituencies in the newsroom, and the editor's different relations with them—resulting in a paper that some journalists regarded as fine, but that others felt “had lost its way”.

### **Conclusion**

The foregoing discussion demonstrates the complexity of a news organisation—constituted as it is by external forces such as the changing political environment, by its ownership, and by its internal structures. Structuralist accounts of news production foreground these aspects. In contrast, I have drawn on post-structuralist insights to focus instead on the editor who mediates the way in which understandings and roles are taken up—thus shaping newsroom practice. I have tried to show that occupational positions are also social constructions, which get taken up in particular ways, depending on the play of discourses that constitute an organisation. The editor's position is the most powerful within the newsroom—though I have also shown how editorial decisions tend to be in tension with financial considerations. By probing the editorship from a post-structuralist perspective, I have shown how subjectivity and power mediate news practice in uneven ways. What emerges are the quite different ways in which Van Niekerk's editorship was experienced. For some journalists he was open and willing to listen to differing views, for others he was closed; for some the paper became ‘narrow’, while others saw it as providing a ‘good mix’.

The two most criticised aspects of Van Niekerk's editorship were the narrowness of his editorial vision<sup>26</sup>, despite his acknowledged excellence at hard news; the other was his impact on newsroom politics. Haffajee summed up the situation:

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<sup>26</sup> This was a key theme in Cowling's view of the changes in the *Mail & Guardian* under Van Niekerk's editorship, and was attested to by Haffajee and Brümmer, but not all journalists interviewed either commented on this aspect of his editorship, or viewed his editorship in this way. It is evident from the journalists' responses that it is a relational concept: Van Niekerk was considered—by some—as ‘narrow’ in relation to Harber and Manoim, but more open to debate and critique than Barrell.

you begin to know what an editor likes, and then you begin to offer up diary items and story ideas that will get you good space, firstly. Secondly, it's in who the inner circle is, and how that inner circle will take decisions away from the normal scheduled meetings, on its own, and quietly. And I think that did disempower a lot of us senior black writers. Because what happened...knowing that you were going to challenge it in certain ways, sometimes the editor and the inner circle would make decisions on their own, and then you would see it when published. All of which was enormously disempowering, because what we were used to—the culture of the *Mail*—was that you would have a say in those things. And we would fight tooth and nail afterwards, but I think one by one people started leaving. (2002: 11-12)

This is a very powerful statement describing what is usually called 'the socialisation' of journalists. Haffajee's description of the changed dynamics and organisational practices at the *Mail & Guardian* under Van Niekerk support Sigelman's (1973) findings that the organisational processes of recruitment, socialization, and working arrangements produce what he calls 'bias': the 'newspaper's' preferred political position—regardless of the political views of most of its journalists. A focus on subjectivity and power within the newsroom offers a view of the mechanisms by which this 'socialisation' happens. It highlights how subjectivity and power relations are constituted in practice, shaping the identities of the participants—and the identity of the organisation itself.

In contrast to some opinions about Van Niekerk's editorship, Brümmer viewed his decision-making as principled: "I didn't always agree with him, but his principles were very, very important. I think that's really what drove his judgements. You don't attack for attacking's sake, but if there's something that needs criticising, then that's your duty" (2002: 7). Ludman shared this view, but also saw another, sexist, side that showed up Van Niekerk's less than rational and principled decision-making:

I think he was brilliant—mad, but brilliant. The direction he gave...there was a lot of resentment. First, he was deeply into investigations, so he had this little group of investigators who suddenly were very, very important. More important than they had been with Anton ...There was that, and he was very into sophomoric sex...So it was a strange combination of deep investigation...very serious investigation...and some of this sophomoric humour. (Barbara Ludman 2003: 6)

Van Niekerk defended his news priorities and the tone of the paper in terms of setting out a clear editorial position, and argued that in doing so there was more of an acceptance by

the government of the need for exposes of corruption at the end of his tenure as editor, than there had been in the beginning<sup>27</sup>. He compared the government's response to the Motheo Housing and the Central Energy Fund stories in 1997, to their contemporary response that corruption should be exposed. He thus suggested, despite the criticisms by some, that the paper still served a valuable public interest function—the *raison d'être* of newspapers in a liberal democracy. But, this view is premised on a humanist understanding of selfhood that produces 'autonomous', 'self-derived' action—which Foucault would argue is necessarily socially conditioned and subjected. From this perspective, the more the editor protested his and the paper's independence and autonomy, the more the paper under his direction reproduced the paradox of modernity: it produced normalising discourses that espoused freedom (of action, speech, and journalism), but, ironically, also produced discourses that were interpreted as promoting racism (or sexism), and other forms of domination—explored in later chapters which analyse *Mail & Guardian* news stories and editorials. Because many journalists operated within the paradigm of humanist dualism, they necessarily constructed an antithetical 'Other'—the basis of 'adversarial' journalism. A good number of *Mail & Guardian* journalists themselves took issue with the power relations constructed by Van Niekerk, and the kinds of discourses that emanated from the paper. Although they were clear that the accusation of racism by the BLA and the ABASA against the *Mail & Guardian* was disingenuous, many were uncomfortable with the direction the paper was taking, and yet found it very difficult to intervene in any meaningful way to address the configurations of power that were established in the name of autonomy and freedom of speech. Using a post-structuralist analysis of how power operates within newsrooms, and in particular how the power and subjectivity of the editor shapes newsroom practice, I show how this was possible.

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<sup>27</sup> What Van Niekerk omits is that during this period the New Economic Plan for African Development (Nepad) was being developed, and along with it was the concept of the 'peer review' that would form the basis of future Western aid and trade. Two important elements of the review were its analysis of the extent of 'political freedom' and corruption within the participating countries. And as Mbeki was one of the key 'authors' of Nepad, an ANC-led government became obliged to take a firm public stand against corruption.

## CHAPTER 7: Power and subjectivity in Howard Barrell's editorial regime, 2001-2002

There's this lovely line at the end of TS Eliot's Four Quartets: "and the fire and the rose are one"<sup>1</sup>. (Barrell 2002: 37)<sup>2</sup>

Definitely changed under Howard. Good God. (Ludman 2003: 5)

...philosophical liberal is what I'm talking about, I'm not talking about the kind of ...the rhetorical liberal stuff. The very best of philosophical liberal values of debate, of lively artistic output and mutual tolerance, eccentricity...All those sorts of things. I mean that's the fire, that's the fire, I think. (Barrell 2002: 37)

Oh please, he [Phillip Van Niekerk] gave more space to people than Howard ever did. Howard talked a good game, but he made the decisions himself. (Ludman 2003: 23)

He's [Howard Barrell] the most tactful, classy guy I have ever met. If you are the sweeper and you do something well, he calls you to his office and he says you're the most wonderful person on this earth. When the proofreaders caught something that the subs should have caught and somebody pointed it out, he would call them at home and he would say, 'thank you, thank you so much'. Phillip wouldn't do that. In the end what he did, what he wanted... the paper was Howard. The paper reflected Howard. All that anger was reflected. (Ludman 2003: 25)

They want criticism and a multiplicity of voices and then they say but we don't want voices that criticise the ANC. Get real. It's one or the other...If we're going to have a condition of freedom we're going to have the Tony Leons of this world, and the Howard Barrells of this world, and the Gatsha Buthelezis of this world, and the guys that piss in the street and all sorts of things like that. And you've got to get real. That's what it's about. It's a condition of freedom. And so the *Mail & Guardian* is just one condition of freedom. That's all it is. (Barrell 2002: 38)

I have juxtaposed the utterances of Howard Barrell with those of Barbara Ludman, who started at the *Mail & Guardian* at its inception—as the *Weekly Mail*—and continued there till 2002, thus experiencing the editorships of Harber and Manoim, Harber by himself, Van Niekerk, and finally Barrell. Both sets of utterances hint at the complexity of the person who succeeded Van Niekerk as editor in January 2001, and left in October

<sup>1</sup> See Eliot's "Little Gidding", the last of the Four Quartets (1963: 223).

<sup>2</sup> Appendix 3 lists the interviewees, and references to their testimonies in the text are indicated by the date of the interview and the page number of the transcription.

2002. This chapter, like the previous one, also looks at how power and subjectivity mediate the practices of the *Mail and Guardian* during the regime of a particular editor. In this chapter, the focus is on Howard Barrell's editorship. In the previous chapter we saw how relations of power and subjectivity shape the identities and practices not only of the newspaper's staff, but also of the paper itself. What emerge are the mechanisms (Foucault's 'technologies of power') that shape the paper during a particular editorship. Chapter 6 revealed a picture of Van Niekerk as an editor driven by his commitment to the 'watchdog' role of journalism—that it should hold government accountable to its electorate.

In this chapter we see how Howard Barrell's extreme belief in the power of rationality and critique shaped his vision for the *Mail & Guardian*, regarding them as a 'failsafe' basis for producing journalism that could contribute to debate, which he considered the *sine qua non* of a liberal democracy—and thus as an ethically 'flawless' basis for journalism. Barrell's views exemplify the ideals of Habermasian critical theory, premised on the existence of an autonomous, rational agent "whose choices are guided only by an un-coerced formation of will that is persuaded solely by the force of a better argument" (Willmott 1994: 116). But Ludman perceived Barrell as "a very angry man" (2003: 13). She recounts how "Howard would say, 'tell me what you want, I'll listen to you' and in the end what went in was what he wanted" (Barbara Ludman 2003: 25). This suggests that his practice did not live up to his ideals of rational debate and participation.

The chapter draws on both Giddens's view of the social constitution of the agent, and on Foucault's critique of the modern subject's 'autonomy' and freedom. Foucault shows how subjects are 'subjected' to the discourses that constitute them—thereby fatally compromising the independence and freedom from constraints of various kinds that is the basis of the libertarian ideal of modernity. Foucault's decentred subject is not only constituted by power/knowledge matrices, but also acts within a field that is constituted in this way. He refers to "governmentality" to describe

modes of action, more or less considered and calculated, which were destined to act upon the possibilities of action of other people. To govern in this sense, is to structure the possible field of action of others. (Foucault 1982: 221)

This chapter's focus on subjectivity/power aims to show how Barrell's agency mediated newsroom practice: its organisation, news values, representations of the world, its tone, and consequently, the paper's relationship with its readers. In these terms, agency is seen as "the socially constituted capacity to act" (Barker 2000: 182), and is determined in various ways: socially, economically, politically, psychologically, and linguistically.

Because Barrell was particularly concerned about the economic well-being of the paper—having inherited the *Mail & Guardian* with losses of R9m—this chapter also looks at how the economics of the paper, and its ownership by the UK *Guardian* mediated newsroom practice during his short tenure as editor.

### **Barrell's entre to the *Weekly Mail*, and *Mail & Guardian***

Howard Barrell's association with the *Weekly Mail*/*Mail & Guardian* began at its inception in 1985 when he started writing from Zimbabwe about the ANC in exile. He was an "ANC propagandist" (Barrell 2002: 3), "nominally under ANC military intelligence" (Barrell 2002: 2). In 1988 the ANC procured a scholarship enabling him to study at Oxford University where he completed a PhD on the ANC<sup>3</sup>. During this period, he severed his links with the organisation: "I'd been under a lot of strain for a long time, so I didn't want anything to do with the ANC or indeed South African journalism while I was in Oxford...so I drifted away from the ANC" (Barrell 2002: 2). On completion of his studies he worked for the *Financial Times* and the *Guardian* (Barrell 2002: 2). On a chance visit to South Africa in 1998 he stayed with an old friend, Phillip van Niekerk, then editor of the *Mail & Guardian*. According to Barrell, "Phil said, 'I've been looking everywhere for the last six months for a political editor...don't you want it?'" (2002: 3). After much consideration, Barrell decided he did, and was appointed political editor from August 1998 to December 2000, succeeding Van Niekerk as editor in January 2001.

### **The editor's vision: the *Mail & Guardian's* role in relation to its political milieu**

Barrell took over a paper that was making heavy financial losses and was at loggerheads with the ruling party. His one vision as editor was to turn the paper around (2002: 32);

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<sup>3</sup> Howard Barrell (1993) "Conscripts to their Age: ANC Operational Strategy, 1976-1986", unpublished D.Phil. thesis, University of Oxford.

the other was to build a paper that could contribute positively to the new democracy. He was deeply influenced by Karl Popper's philosophy of science, the essence of which, for Barrell, was a commitment to critique. According to Popper, challenging or being able to falsify previous knowledge was a crucial means of moving forward intellectually—of going beyond what is already known. For Barrell, having come from an environment of underground struggle where secrecy, restricted information, and “ceding one's judgement” (2002: 6) to a commanding officer were the basis of action, Popper's philosophy was inspirational<sup>4</sup>. Although he attributed his separation from the ANC to its “quasi religious character” (Barrell 2002: 3) and the insistence on blind and total loyalty, his image of Popper was no less religious: “my guru”, “my rabbi” (2002: 19) were terms Barrell used to describe his reverence for Popper's thought (2002; 2003). Critique was thus a means of ‘liberation’ for Barrell: “criticism is an act of loyalty to the people” (2002: 10). This view is significant in the contemporary context in which there was debate about whether the media should play a ‘critical’ or ‘patriotic’ role in the new state (Berger 2001: 169; Williams 1998: 195). Barrell collapses the either/or distinction, seeing critique as loyalty, not disaffection. This view was also expressed by Mandela, who urged the media “to become part of the new South Africa in word and deed”, and to act as “a watchdog to make sure that our famous revolutionaries remain on course” (Cape Times 20/11/1996)—although a year later, at the ANC Mafikeng congress, he slated “the ‘white’ press...as agents of counter-revolution and destabilization” (Williams 1998: 195).

Barrell saw his philosophical approach as following the *Mail & Guardian* tradition established by his predecessors (2002: 9). According to Barrell, the impulses that moved the paper's founding journalists were a deep sense of having been “very, very badly let down by previous generations of journalists” (2002: 12). “With notable exceptions”, he described mainstream South African journalists as “a bunch of useless, craven cowards...who'd done nothing to ensure that we could bring about change” (Barrell 2002: 12)<sup>5</sup>. This thinking ran counter to a new generation of journalists who believed that journalism could (or should) be used as a means of social change.

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<sup>4</sup> Popper, K. (1963) *The Open Society and its Enemies*.

<sup>5</sup> For similar views, see Les Switzer 1995, Ken Owen 1998, and Martin Williams 1998.

Barrell believed that Van Niekerk was “completely supportive of what the ANC was doing, but he [Van Niekerk] was going to make damn sure that he could hold the ANC to its policies and ensure that policy was interpreted to the maximum benefit of the poorest and most needy” (Barrell 2002: 13). He (Barrell) simply ‘slotted in’ to this critique mode—albeit from a position that was different from Van Niekerk’s: “When I come in, there’s a slight break with ANC politics, because my point of entry is a more decidedly liberal one” (Barrell 2002: 13). He described himself as having a “disposition towards liberal issues like freedom of debate” (Barrell 2002: 18) that had made him both critical of apartheid censorship, and had initially drawn him to the ANC because it represented a force in opposition to such restrictions. The “poetry of the freedom charter” (Barrell 2002: 13) is what had attracted him to the organisation. His frustration with its “quasi-religious character” contributed to his later disaffiliation from it, and in part explains his embracing Popper’s notion of the function of critique. While remaining committed to the ANC’s objectives, his editorial vision was one of “protecting the forums of debate, keeping those debating points open all the time, and hitting as hard as possible at anybody who seeks to close them off” (Barrell 2002: 13). This attitude, together with his self-confessed “psychological propensity to fight with anybody”, “to cross the road to look for a fight” (Barrell 2002: 8), helps explain his editorial approach.

It is clear that the identity of the *Mail & Guardian* has been constituted by changing political conditions, as well as by the dispositions and political views of its editors. A key concern during Barrell’s tenure as political editor, and later editor, was his perception of the changing nature of the state under ANC rule. Two factors stand out: the role of Mbeki, and the impact of the return of the ANC exiles. Van Niekerk and others (Marais 1998) have commented on the impact of the returning exiles on the political milieu. Barrell described the culture of the ANC in exile as ‘quasi-Leninist’, according to which democratic centralism implied disciplined membership. This meant following the party line: compliance without dissent (Barrell 2002: 6). Barrell was disturbed by Mbeki’s “centralising control over the ANC and its various bodies, and with it the debate in the ANC, to quite a dramatic degree” (2002: 19). Other critics have commented on the way in which Mbeki transformed the presidency while he was deputy president, and then incorporated the office of deputy president into a single office of the presidency (Davis

1999, Jacobs 1999, Gumede and Haffajee 2000, Keeton 2001, Chothia and Jacobs 2002). Barrell viewed the impact of Mbeki's rule as contradictory: "I see what economists talk about as market Leninists...you know...to be in the ANC now you've got to be both liberal and Leninist. It's a bit difficult" (2002: 19). This comment is in line with Chothia's and Jacobs's comparison of Mbeki's politics with Tony Blair's:

Both Blair and Mbeki were somewhat insecure while rising to the pinnacle of power, as their new vision for social democracy based on privatisation, fiscal discipline, and fewer rights for workers was strongly challenged by left-wingers within their parties. Both Blair's Labour Party and Mbeki's ANC had historically been the political home of the trade union movements in their respective countries, which had helped to shape policies, finance party activities, and lead their electoral campaigns. As newly styled social democrats, Blair and Mbeki set out to challenge the traditional nature of their parties. They were starting a 'revolution', and for this they needed to strengthen their hold over their respective parties and governments on a larger scale than their predecessors. (2002: 154)

The paradox was that the ANC's macro-economic policy (GEAR) was firmly neo-liberal, while its internal politics and workings were still based on Leninist principles. While Barrell approved of the neo-liberal thrust, he was concerned about the Leninist tendency: "the problem, among other things of Leninism, is the difficulty in achieving renewal. Because debate or criticism is only ever kept within such limited constraints, you can never achieve renewal" (2002: 19). One impact of this political culture on journalism was that senior ANC politicians would often only "talk on the basis of anonymity". So the *Mail & Guardian* often carried stories based on 'unnamed sources':

I never liked it, but having myself been a political editor in Cape Town, and having lots of contacts there, and knowing how vulnerable they were, and knowing what happened to one or two of them when the shit hit the fan, you have to respect that. (Barrell 2002: 33)

This political culture drove Barrell's commitment to 'opening things up' and challenging the perception that "if somebody criticises his or her movement, it doesn't mean they're disloyal to the movement, as Jeremy Cronin<sup>6</sup> was said to be. It can be, in fact, an indication of loyalty to the movement that they are bringing forward these awkward criticisms" (Barrell 2002: 33). The paper's critique of the government marked its commitment to building democracy in South Africa. But Barrell was aware that the

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<sup>6</sup> Jeremy Cronin, a prominent member of both the ANC and Communist Party, had been publicly slated for his criticism of government policies.

practice of using un-named sources was a journalistic weakness (2002: 33). In this political milieu, and the SAHRC inquiry into racism in the media, Barrell's chief concern "much of the time was keeping these debates open, making sure that any spaces for debate were defended as strongly as possible, and making sure also that the paper became a place for all kinds of points of view on its pages—at the same time as trying to make sure that on the paper itself there was a culture of debate" (2002: 19).

### **Power in the newsroom and its impact**

Because of Barrell's avowed commitment to open debate, he invited everybody to editorial meetings and "expected all—interns, editors, and assistant editors to participate on equal terms" (2002: 20). He admits this was not easy: "There are some people who will take to it very easily, but others are shy and don't like talking in those sorts of situations... There are some people who don't quite know how it's going to be taken if they do participate" (2002: 20)<sup>7</sup>. In his view he was successful in making the *Mail & Guardian* "a highly participatory newspaper" (2002:20). But this was not a view shared by many of his colleagues. He recalled one reporter in particular, Wisani wa ka Ngubeni, who often expressed a contrary view, and "was prepared to tackle the very tricky issues of race, and to state that he thought at times that our criticism, our willingness to criticise the government with such alacrity was uncalled for" (2002: 20). Barrell contended that these debates were allowed to take their course, but on being probed about the outcome of Ngubeni's dissent it turned out that Ngubeni's view was never acted on. Instead, "after we had long battles like that I used to go to Wisani and say, 'for fuck's sake, don't ever give up on those things, okay'". Barrell is self-aware enough to realise that his response could be seen as patronising (2002: 20). In discussion about the different basis for his and Ngubeni's views, he was not keen to consider Ngubeni's views as being valid because they represented "public cultural truth"<sup>8</sup> (2002:23). Although Barrell conceded that "Wisani has a different set of cultural values from what I have, and he's in touch

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<sup>7</sup> See Michael Schudson's (1997) discussion of different kinds conversation and their relation to democracy. He argues "Why Conversation is not the Soul of Democracy", noting that "An individual must have 'cultural capital' in order to participate effectively in conversation" (1997: 298).

<sup>8</sup> White (1995) draws on a Foucauldian view of 'regimes of truth', which he interprets (positively) as being constituted by the values of the multiple interest groups who shape the values which become recognised as the 'common sense' values of a society, and which he maintains should be the basis of 'the truth' enunciated by the media. See Chapter 12.

with people who have different cultural values from what I have” (2002: 23), he maintained that

As an editor of this newspaper I’ve got to go for, I’ve got to try to, I’ve got to make decisions which are inevitably going to be very substantially dictated by my own outlook, however conscious or not. And what I’ve done is I’ve invited my colleagues here to discuss it, to discuss a particular issue and to give their particular outlooks, and Wisani’s one of them, and Wisani finds himself at odds with that consensus. (2002: 23)

But Wisani Ngubeni was not a lone dissenter. Another senior journalist, Sechaba Nkosi, offered his view of how Barrell responded to disagreements, and consequently how this shaped newsroom culture during his tenure as editor:

He saw it [disagreement with his views] as a personal affront...Under his regime I doubt if that culture was encouraged or was expressed as it was under Phillip van Niekerk... We would debate on Friday and then if we wanted to put an alternative view across, we would be given space. But gradually it narrowed. Some of the stories that we wrote would not make it to the paper. (2002: 7)

Pushed for an example of how these interactions mediated what went into the paper, Nkosi recalled the 2000 local government elections over which he and Barrell had differing interpretations of the significance of the increase in Democratic Alliance votes in the Johannesburg inner city. For Barrell, this was a sign that the ANC was losing support, whereas Nkosi argued that the strong support for the ANC in Soweto disproved Barrell’s analysis. He described the outcome of the disagreement:

We wrote two stories, different interpretations...and to an extent the one story, like the line I was arguing became a sort of sidebar, and not part of the main story...I confronted him afterwards and I said, ‘Look, I mean this is not acceptable. At the least, the best you could have done would have been to play one story and then place the other and then let the people judge’. (Nkosi 2002: 9)

But Barrell justified his decision, arguing that his interpretation was supported by independent research (Nkosi 2002: 9; Barrell 2002). Incidents like these led assistant editor Barbara Ludman to note that “Howard would say, ‘tell me what you want, I’ll listen to you’ and in the end what went in was what he wanted...” (2003: 25).

Investigative journalist Stefaans Brummer interpreted Barrell’s actions differently: “it’s a kind of corporate democracy. It’s formal democracy—let’s call it boardroom democracy. But also a bit of here and there, twisting, tweaking something to get his own way in spite

of the appearance of democracy. And I say that with the greatest respect” (2002: 6). One example of this ‘boardroom democracy’ was Barrell’s willingness to initiate discussion on his decision to run with the ‘Is Thabo fit to rule’ story as a front-page lead, against the advice of Brummer and Soggot. Brummer recalls the incident:

Mungo started telling him, ‘No you can’t do that. You put an editorial full page on the front page if war is declared or if the president dies—not easily at any other time.’ The end result was that Howard called a meeting of all the staff, and Howard said this is what I’m going to do. There was very lively debate. Now Howard’s liberal instinct was that he has to consult and there is some kind of internal democracy. Anyway, he was talked down a lot and it wasn’t quite as strong as he had originally wanted, but he still got half his way. (2002: 5)

What he wanted was seen by many on the paper as narrowing down (Nkosi 2002: 10) to a DA or an anti-Mbeki position. While many journalists spoke about Barrell’s DA leanings, Stefaans Brummer was cautious in describing how Barrell’s views mediated *Mail & Guardian* copy:

I don’t think it’s a secret that he personally supported the DP (sic), but he was a good liberal... so he wouldn’t steamroller other people. He wouldn’t try and interfere, so the spectrum was still there, but... there were interventions that would swing something in a DA (sic) friendly way. (2002: 4)

According to Brummer, one way in which Barrell shaped the direction of the paper was by leading with what were essentially ‘opinion pieces’—instead of hard news stories—which reflected a DA view<sup>9</sup>:

Tony Leon<sup>10</sup> ...made a speech in parliament where he harped on the same three issues [arms deal, Zimbabwe, HIV/AIDS] which we came out with on the front page...so people saw us as having followed a DA script. (Brummer 2002: 5)

Notwithstanding Barrell’s ‘liberal’ instincts, it still became clear to journalists what kind of copy their editor preferred: “I think anything that would be seen to be anti-ANC, Howard really liked. And anything that could be interpreted as pro, Howard didn’t like” (Nkosi 2002: 11). He elaborated:

We became too obsessed with Mbeki the man, rather than Mbeki a leader of a political party... It defeats the very point of journalism...Because if you’re a social mirror, then your focus should be on something Mbeki does that has an impact on your society...I agree wholeheartedly that under Mbeki the ANC changed and the government changed. Centralisation of power is worrying a lot of people. The

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<sup>9</sup> He also cited a piece he and Soggot had done on the arms deal; the ‘Is Thabo Fit to Rule’ rerun.

<sup>10</sup> Leon was then leader of the Democratic Alliance, the liberal party as it had evolved in South Africa.

crackdown on dissent is worrying a lot of people. But I also think that it's not Mbeki the person, it's his regime that should be questioned. And we were not opening up any space for debates when we attacked the person...the *M&G's* stance was initially noble...with its background, its history, it was the most well-established institution to take on [the ANC]...but it became a battle between what Mbeki would say and how the *M&G* would respond. (Nkosi 2002: 17 & 18)

Barrell also shaped the direction of the paper through his staff appointments. One of the most remarked upon appointments to the *Mail & Guardian* was that of Siphon Seepe<sup>11</sup>. Although he had been appointed by Phillip van Niekerk as a columnist, Barrell made him associate editor. What outraged a number of journalists was that Seepe had been a signatory to an open letter to the *Mail & Guardian*, criticising its anti-black stance, by ten representatives of the 'black intelligentsia'<sup>12</sup>:

We needed to engage the establishment much more critically than just cry racism. So I think their strategy was ill-timed. It was based on anger and it was narrow-minded. One of the people, ironically, who first wrote that to the human rights commission, happened to be Siphon Seepe, who ended up being an associate editor of the *M&G*, which at the time had moved itself to a point where it was perceived to be anti-establishment. So you know there's an irony in all that...

When he was employed by Howard. We all said but how, how dare you. It was an insult to black journalists...that we could not write, we could not think, we could not say anything. (Nkosi 2002: 5)

Harber was also critical of Seepe's appointment because of the impact it had on the editorial mix, and more importantly, on what the 'up-graded' position of assistant editor signified vis-à-vis Seepe's relationship with the paper:

He was a voice of a certain kind of criticism of the government which became more and more prominent in the paper. So, editors make decisions about who they hire and who they get to write, and how they pay them and what problems they give them, and whether they have the honour of associate editorship or they're treated as an outsider and given an opinion piece...It is one thing to have an opinion piece, but it's another for him to be writing a regular [column] as an associate editor. You're... you're changing his relationship to the paper. (2002: 18,19)

Although Brummer thought that Barrell maintained a spread of views, many maintained that the balance had tilted away from a critique from within 'the left' or 'the liberation movement' to a DA-style critique. Yet another shift in position was the demise of the

<sup>11</sup> See Chapter 8, which gives a quantitative analysis of texts, including columns by Seepe.

<sup>12</sup> See letter to *The Citizen* (24 February 2000: 12), which is dealt with in Chapter 12.

business section, and its subsequent transformation into personal finance sections (for example, Rands & Cents), rather than a focus on social organisation and the distribution of wealth<sup>13</sup>.

Because of Barrell's dominant position some journalists felt increasingly alienated from the paper, and embarrassed by its stance. Sechaba Nkosi expressed his difficulties with the paper:

It's easy to defend something that you're part of. It's easy to defend policies that you would have argued and agreed on. But if you're caught by surprise and then you seek clarity, and don't get it anywhere, it leaves you in an awkward position where, if you're asked outside, you would say, 'Look, I mean I was not part of that, that's not really part of the newspaper'...people were themselves embarrassed sometimes about how the stories would come out. (2002: 17, 21)

Barrell was not unaware of this:

Black staff at times did feel awkward about some of the positions we took. In their communities they were coming under quite a lot of fire at times. For example, when we said that Peter Mokaba<sup>14</sup> died of AIDS, some people were a bit upset about that. (Barrell 2002: 21)

Despite his belief in his 'participatory newsroom', the internal critique was never acted on: that there was argument or dissent, seemed to have been enough for Barrell. Another consequence of the paper's critical stance was that it represented South African reality in generally negative terms. Recalling the negative views about South Africa of two foreign students whose only source of information was the *Mail & Guardian Online*, made Brummer realise the impact of its reporting: "If people rely only on us they are going to get a distorted view... You need those publications, but God forbid people think that's all there is" (2002: 8).

Regardless of the internal dissent, Barrell continued on his path, secure in the view that "All these things were discussed. You know, in the end a newspaper's a dictatorship. All I managed to do, was marginally, or somewhat, to democratise what remained a dictatorship. I'm afraid that's just the nature of newspapers as we know them" (Barrell

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<sup>13</sup> See the next chapter which looks at the changing shape of the paper in terms of how sections changed.

<sup>14</sup> Mokaba was a prominent leader of the ANC Youth League at this time.

2002: 21). But this 'democratised dictatorship' (which ironically is quite similar to the ANC's paradoxical 'market-Leninism') shaped the newspaper's content, which numerous journalists saw as a rightward shift under Barrell (Nkosi 2002: 22; Brummer 2002: 9). Barrell's view of his editorial authority as 'democratised dictatorship', indicates that his notion of 'democracy' and 'participation' remained at the level of form—which is ironic, given his views about the need for dissent, and the role of the media as a forum for all views, including dissenting ones. Reflecting on our discussion about White's notion of 'public cultural truth' as an index of a culture's articulation of its values, Barrell was concerned that journalists' role became one of reflecting or promoting consensus:

I rather sense in it an idea that journalists should somehow seek to avoid conflict of one kind or another, cultural or other, with the society at large or with their particular readerships. And I think that's a very, very dangerous deadening road to go down...and I am terrified of the notion that somehow journalism should not be involved or reflect conflict. (2002: 24)

In this view mainstream journalism's mission of serving the public interest is only interpreted in terms of its adversarial role. While Barrell recognised that "In their [black staff] communities they were coming under quite a lot of fire at times", he was unable to take their political position as an indication of "public cultural truth", and thus as a starting point for social critique. Barrell's view of critique was reified. His belief in the 'rightness' of his position, and perhaps a fear of the 'mass view', blinded him to critiques of his perspective and praxis. Brummer's comment about Van Niekerk not being interested in criticism for criticism's sake seemed to be an implied critique of Barrell's view.

While on the one hand there was a feeling that Barrell always got what he wanted, and that he shifted the direction of the paper so that it became more DA friendly, on the other, there was a view that journalists had a lot of autonomy, as "he relied on people's formal positions – the investigations editor, the news editor and so on to make things work" (Brummer 2002: 17, 18). Brummer described a news process, beginning with the "collection of news diaries" on a Friday by the news editor, who simply asked—rather than allocating or directing—journalists what stories they had in mind. The trainees were "subject to direction", but other journalists were left "to go on our own steam" (2002: 14). Because the organisation was small, and role hierarchies were mediated by informal

relationships, how a story was 'played' depended on interpersonal factors. Although formal structures were in place, with a regular Wednesday evening leader page meeting, a Thursday heads of department meeting ("pretty much everyone") and a Friday post-publication analysis meeting, editorial decision-making was more fluid than in newsrooms where hierarchies are entrenched:

Heads of department meetings...on Wednesdays and another on Thursday morning again. They will direct the news editor [who] will decide on things like the page lead and secondary story. But heads of department conferences can overturn that and frequently do...[and] decide the front page headline and posters and so on. (Brummer 2002: 14)

Brummer elaborates on how subjectivity/power shapes newsroom relationships and publication decisions:

At the *Star* or whatever, there it is really who you are in the hierarchy that decides your power. Here no-one would think twice about walking into the editor's office to say, 'look I really think my story deserves more space. Or go to the news editor, and say...and it probably depends more on personal factors and how much access you have to...

Your ability to sell your story or how well you get on with the editor or the news editor and how much they trust your ability...When I was news editor, if Mungo [Soggot] comes to me and says he will have that story and can I reserve a full page for him, I will do so. If someone else came, I will be more sceptical. And so it's personal factors like trust, opinion, track record, estimation—that kind of stuff. (2002: 14)

While this system works well for established or connected journalists, it is more problematic for those who are outside of the decision-making circle, or whose stories are not consistent with what the editor wants. Asked to reflect on the contradiction between the apparent autonomy of journalists, and Barrell's power, Brummer commented:

"Maybe that's why their autonomy is tolerated: because there is so much consensus" (2002: 15). The 'consensus' he referred to was the 'party political' consensus at the *Mail & Guardian*: that most reporters saw the ANC as their "political home", albeit an "uncomfortable political home". But despite their personal politics they regarded the paper as party politically neutral. Barrell upset this as his DA leanings were seen as tilting the paper in that party's direction (Brummer 2002: 15). One of the consequences of Barrell's pro-DA stance, as Sechaba Nkosi explains, was that critique shifted from within the ranks of the liberation movement (broadly conceived) to the DA, which is regarded by many as an old 'apartheid party'. He used the example of the *Mail &*

*Guardian's* coverage of the racism conference which included the DA's position paper even though they had not participated in the conference. While acknowledging that their view as the largest opposition party was important, he believed that the views of other parties such as the Pan African Congress (PAC), Azanian People's Organisation (AZAPO), the Inkatha Freedom Party (IFP) were critically important because they represented black people's views about racism. Despite raising these issues at the Friday meeting, they were not acted on, becoming a reason for his disaffection from the paper, and finally leaving (2002: 6). Barrell's position thus facilitated a rightward shift in the paper resulting in the exclusion of black voices. The black staff—in particular—were trying to articulate a position that could be critical of the ruling party, but one that was framed within the politics of the liberation movement. Nkosi's and Wa Ka Ngubeni's newsroom battles were over a majority voice that they felt was being excluded. It was in relation to this perspective that I raised the issue of public cultural truth with Barrell, as I believed that it offered a way of articulating a different 'centre of gravity' for social critique.

### **Barrell's impact on the *Mail & Guardian's* identity**

A key concern of mine was the relationship between the *Mail & Guardian* and its readership—and the ways in which this was shaped by relationships within the newsroom, particularly between the editor and journalists. Barrell was not an insensitive editor. His liberalism enabled him to defend the rights of all to express their views—but the weakness of this position is that it is unable (or unwilling) to interrogate how power works. When challenged on the ways in which he used his prerogative as editor to exclude voices, his fallback position is conservative: "I'm afraid that's just the nature of newspapers as we know them" (Barrell 2002: 21). His stance as editor helps explain the contradiction between, on the one hand, his dictum that everybody has the right to have her/his say, and on the other hand, the editorial practice of severely limiting the perspective of what might be considered rank and file ANC supporters. His stance, in part, also explains how particular newspapers become associated with the voice of a particular kind of reader. In this case, the *Mail & Guardian*, originally regarded as the voice of the white left, was becoming increasingly associated with white liberalism, an historically conservative voice enunciated by the Democratic Party/ Democratic

Alliance<sup>15</sup>. The *Mail & Guardian* became in the eyes of many representative of the white middle class. The conflicts in the newsroom, and the criticism of the paper by BLA/ABASA, indicate that five years into the new democracy the political identity of the *Mail & Guardian*, and also its political *bona fides*, were being challenged.

Based on earlier discussions about 'Othering'<sup>16</sup>, I asked Barrell to consider the processes of 'Othering' within his newsroom, and how this impacts on the construction of 'Others' in the paper's content. His response was that on at least two occasions he had offered 'dissenting' journalists the opportunity to write a 900-word opinion piece (2002: 25). This was his way of showing that "the newspaper did not require the same uniformity of views amongst its members" (2002: 25). Perhaps aware of the puniness of his efforts, he deferred to the difficulties of the editor-journalist relationship, inferring that there was the presumption that the 'boss' was unapproachable and that particular requests would be denied, rather than granted (2002: 25). Although he was aware that power relations within the newsroom, and journalists' different abilities to speak out, challenge, and push for different views and story angles affect what becomes 'the *Mail & Guardian*', it seems that the only resource on which he had to draw was a philosophical liberalism:

I don't think there was ever a problem about expressing different views and I think in a number of occasions we carried different views. People may not have understood that as clearly as...I should have made it much clearer. Because how do you un-Other the Other? (2002: 25)

That is indeed the question facing the *Mail & Guardian* in particular, but also South African journalism in general. It is to Barrell's credit that he could see the issue in these conceptual terms, even though he was limited—not least by his philosophy—to find an answer. Probed about the increasingly DA slant in the paper, and the marking of other views (the columns 'Left Field' or 'Crossfire') that indicated their 'otherness' or departure from the norm, he answered, "I'm trying to sell newspapers" (2002: 26). Although the earlier discourse had been about free speech and the individual right to express one's views, when the shortcomings of this view were pointed out, the discourse changed to an economic one: the bottom line. According to Barrell, one way in which the bottom line impacts on news output is "how much space you can give to anything"

<sup>15</sup> An example of a DA/liberal discourse is the 'colour-blind' position in relation to affirmative action.

<sup>16</sup> I interviewed Barrell in Johannesburg on 3 October 2001 on the cultural and political implications of Americans and Europeans never having been 'Othered'.

(2002: 27). It is obvious that what is selected is crucial, but although he acknowledged that “the news agenda never obtrudes neutrally”, he was adamant that it was impossible to devise a theory for “how the news agenda obtrudes” (2002: 27). In his view, story selection and story assignment are completely random, depending on the competencies of various journalists, and who is available (2002: 27). But other *Mail & Guardian* journalists did have views about how “the news agenda obtrudes”. Brummer, for example, pointed to Barrell’s penchant for “commentary”-type stories and the use of opinion-type front page leads; Nkosi spoke of the weighting of stories, so that, in Brummer’s words, a “DA friendly” position would be foregrounded. Many spoke of Barrell’s approval of stories that were anti-ANC or anti-Mbeki, thereby setting a particular political tone for the paper.

### **The impact of the *Mail & Guardian’s* changing identity on its relationship with its readers**

Barrell viewed the identity of the paper as a paradox: “the *M&G’s* popularity/credibility derives from its willingness to offend. That is what distinguishes the *M&G* from another newspaper: its willingness to offend and to do so with some relative intelligence” (2002: 8). This characteristic was the basis of his editorial approach, and the basis on which the paper was marketed (Barrell 2002: 9). He was thus unperturbed by criticism—regardless of its content or the constituency from which it emanated.

One source of criticism was the ANC, but despite public censure, Barrell believed that it was still read by many politicians:

Senior individuals in government claim they never read the *M&G*. I see them reading the *M&G* every Friday when I fly down to Cape Town...It’s that kind of paradox of being loved because you are hated. Needed because you are really ‘*hardegat*’<sup>17</sup>. (2002: 9)

Colleagues suggested that Barrell’s ‘anti-ANC’ stance was a contributing factor to the deteriorating relationship between the party and the paper. While Barrell conceded that his kind of “acerbic criticism” might have added “a little bit more ballast”, he had a different view of the reason for the deterioration. First, he attributed it to the changing relationship between the intellectual elite and a liberation organisation once it has gained

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<sup>17</sup> An Afrikaans term meaning ‘hard-arsed’—implying stubbornness.

power. Second, he attributes this change to the role of the media: “the *M&G* has been at the vanguard of decoupling sections of the intelligentsia...whether Marxist or rightwing liberal”, which produced “a growing scepticism amongst the intellectual elite” towards the ruling party or “the ability of politics or public policy to address society’s deeper ills” (2002:4). This scepticism was exacerbated by Mbeki’s positions on HIV/AIDS and Zimbabwe.

Barrell’s understanding of the role played by the *Mail & Guardian* is significant. He suggests that it had helped constitute the intelligentsia against the apartheid regime, and now was spearheading its scepticism towards the ruling party. The choice of phrase “at the vanguard” is especially significant, as it suggests that the paper is not only the place of open debate and critique that Barrell defends—but that it also articulates<sup>18</sup> (expresses and constructs) a particular set of class interests and concerns. While on the one hand Barrell defends this role in terms of the normative role of the media in a democracy, on the other, he challenges the possibility of a rational explanation of how a newspaper does this (2002: 27).

Barrell also suggests that the intelligentsia are now cynical of the “*ability* of politics or public policy to address society’s deeper ills” (emphasis added)—which it had not previously been as the *Mail & Guardian* had been able to articulate its view against the apartheid state. That the paper can no longer do so suggests perhaps a fracturing of this class, some of whom are now cynical of the “ability of politics or public policy to address society’s deeper ills”. If this assessment of the *Mail & Guardian’s* role is valid, then it begs questions about why this same intelligentsia should have lost faith in the ability of politics or public policy to address pressing social issues. At least three questions flow from this: first, is this scepticism articulated as a critique of government policies, government processes, or government lack of achievement (the discourse of ‘delivery’)? Second, does this class fraction see the private sector as the vehicle for public policy solution? Third, is it possible that the *Mail & Guardian’s* cynicism of the government’s policies or lack of achievement in particular areas could be seen as being anti-

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<sup>18</sup> The term is used here both in its common meaning ‘to express’, as well as in its theoretical sense. See Jennifer Daryl Slack’s (1996) discussion of the complex ways in which ‘articulation’ can be understood.

democratic—against ‘the electorate’—thus providing a basis for sections of the public to criticise the paper?

The period of growing cynicism amongst a section of the *Mail & Guardian's* readership coincided with the government's focus on ‘affirmative action’ in all areas of public life: education, sport, employment, the arts, the professions (law, medicine), business. These were the areas of public life that many *Mail & Guardian* readers occupied, so this strategy of social transformation was one that significantly affected them. The paper's representation of this policy and its impact on different areas of social life would have been critical to different publics' responses to the paper<sup>19</sup>. The accusation of racism by two black middle class organisations was one such response. But for Barrell, the aim of their critique and the subsequent SAHRC inquiry into racism in the media was no more than an attempt “to take the word ‘racism’ and so recast it that it could be used against anybody who stood up and said ‘this is bullshit’ or ‘that aspect of government policy is bullshit’” (2002: 6). The paper took up a ‘colour-blind’ position, articulating the interests of the white middle classes expressed in terms of liberal democratic values that privileged individual choice and anti-government ‘interference’. In contrast, the black middle class focussed on another liberal value—the right to equity, which it framed in the discourse of race. While both white and black sections of this class had provided a ‘united front’ against the apartheid regime (with the *Mail & Guardian* championing its collective project), in the post-apartheid state they took different positions vis-à-vis particular policies of their elected party, the ANC. It is not surprising that these positions were expressed in racial terms, given the way in which class and race have been constituted over time in South Africa.

Ultimately, the paper took up the interests of the white middle class—perhaps because their claims or critique were made in the name of democracy (the discourse of all), which coincides with the professional ideology of journalists and their view of their political role. It did not represent the interests of the black middle class because its claims were articulated on the basis of race, which could be interpreted as blatant self-interest. But as Dyer argues, whiteness “is a speaking position that does not acknowledge itself as

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<sup>19</sup> See analysis of affirmative action and the appointment of black judges in Chapter 11

'raced'...whereas the Other is often 'raced' (2000: 540). Because this speaking position is not acknowledged, it enables it to be taken up, or read in different ways. The *Mail & Guardian's* speaking position also attracted "a whole lot of f...ing white reactionaries" (Barrell 2002: 15)—people for whom "our criticism is an immensely gratifying racist experience" (2002: 15). For Barrell that was "one of the unintended consequences of our criticism" (2002: 15). This problem raises issues of media responsibility and the basis on which and the processes by which they can be held accountable.

The foregoing analysis is instructive for considering the role of the media in a liberal democracy in a time of social transition. It is evident that the independence of the paper did not apply to class. The discourse of liberal democracy, free speech, and open debate, masked its own class position—which also has a racial dimension. The contradictory position of the ANC as a party of 'market Leninists' was no less true of the *Mail & Guardian* as a paper which Tomaselli and Louw<sup>20</sup> have described as social democratic: supporting market capitalism in broad terms, but critical of particular class elements or some government policies. In this way it can claim for itself independence and the role of facilitating public debate and open critique. Reflecting on the paper's orientation, Brummer noted:

I mean how to get away from the fact that when your focus is government and the government happen to be majority black then unfortunately most of your targets are going to be black. There is probably an argument to be made that many of the wrong doers – the powerful people in this country are not actually in government they are in business, and they happen to be white, and why aren't we taking them on in the same way? Then we come back to what I said from the start – the *Mail* was anti-establishment in one sense, and also in criticising in terms of race, but not so much in terms of class. The *Mail and Guardian* pretended, at times, I think, to be left in terms of class, but I don't think it ever really was that. So, in a way, well, big business just never became a target as much as your formal powerful people. It's also sexier in a way, in terms of story value, I think to be criticising a politician rather than some big businessman...It never saw itself as doing battle on the class front. (Brummer 2002: 9)

Sechaba Nkosi expressed a similar view:

Under Howard the *M&G* shifted to the right... You see, had that been the approach, and not only looking at the government privatisation programme, looking also at the group who were benefiting. I mean the private sector for example would have been

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<sup>20</sup> See Chapter 3. Though one could argue that during Barrell's editorship the paper shifted from a once social democratic to a liberal one.

responsible for installing taps in rural areas and they were supposed to derive mechanisms by which people would be able to pay for services delivered. We focused more on what the government did and forgot that this was a partnership between government and capital. So in a way when I say the *M&G* shifted itself to be focusing more on what the government is failing to deliver, it sort of forgot the concept of partnership in those privatised institutions. And maybe the government is to blame, but not wholeheartedly so. There are other elements. And I think that's what we should have focused on. If the taps that were installed in Warmbad were not working because the council decided to do certain things with a certain company, and the company's failing to live up to expectations, surely you cannot blame that wholeheartedly on the government? (Nkosi 2002: 23, 23)

It was from a similar perspective that Joseph Hanlon considered the *Mail & Guardian* the most conservative of the newspapers in the Guardian Media Group, and could understand why it was accused of racism:

There's always that relationship between political and economic power everywhere...and to the extent to which the *Mail & Guardian* chooses to attack political power, which is black, and not attack economic power, which is white, I think does leave it open for charges of racism. And I think I see no reason, considering the parent company, why the *Mail & Guardian* is under any pressure not to attack white capitalist power, since its parent newspaper is indeed doing that all the time. The *Mail & Guardian* comes across as being the least progressive of the Guardian group. And I think that is because they have not understood the political and social importance of economic power. (2001: 5)

### **Dealing with the Guardian Group: the impact of ownership on/and management**

Barrell's commitment on taking up the editorship was not only to contribute to building democratic values, but also "to turning the paper around" (Barrell 2002: 32). He thus had a personal interest in the economic success of the paper, driven by his belief in its cultural importance, and by his fear that "Father Christmas isn't going to be there all the time" to bail it out (2002: 33). "Father Christmas" referred to the U.K Guardian Media Group, owned by the Scott Trust. This form of ownership is different from mainstream corporate media ownership<sup>21</sup>—especially with regard to the Trust's commitments to "profit-seeking", as opposed to profit-making, and "promoting the causes of freedom in the press and liberal journalism, both in Britain and elsewhere"

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<sup>21</sup> When CP Scott, owner-editor of the *Manchester Guardian* died, the family transferred all the business assets into a trust, the Scott Trust (1936). The Trustees were tasked with ensuring the continuation of the Guardian's journalistic legacy. The only mandate given by the family to the trustees was that the newspapers should "be carried on as nearly as may be upon the same principles as they have heretofore been conducted" <http://www.gmgplc.co.uk.gmg/scotttrust/inscottwetrust/2>.

(<http://www.gmgplc.co.uk/gmg/scotttrust/trustrole>). This meant that although they were shareholders of a multi-million pound news company, the Trust's fiduciary responsibilities were interpreted in terms of the liberal politics of its founders, expressed in the Scott family's mandate that the newspapers "be carried on as nearly as may be upon the same principles as they have heretofore been conducted"  
<http://www.gmgplc.co.uk/gmg/scotttrust/inscottwetrust/2>. The principal way of ensuring that this mandate was fulfilled was by ensuring that the Trust be a "self-perpetuating body"<sup>22</sup>. Trustees thus appoint "people who will understand what the purpose of the Trust is". In the UK, the members' understanding was that they would not appoint "Thatcherite right-wingers", but rather those who shared "the *Guardian's* basic spirit of liberalism, taking account of the deprived and needy, and staying in the political middle ground"<sup>23</sup>. By selecting trustees on this basis, they ensure that the editors and the group chairman were "broadly in sympathy with the *Guardian's* outlook"<sup>24</sup>. Having selected an editor the Trust had a policy of not intervening in editorial decision-making, even if to the company's financial detriment<sup>25</sup>. Here was an owner prepared to take financial losses in order to maintain the political integrity of a paper it believed espoused appropriate political and journalistic values.

Although many at the *Mail & Guardian* regarded the *Guardian* as the ideal owner, Barrell was concerned that its 'generosity' encouraged a lack of financially responsible management. When he took over the paper it was running at a loss of about R9m (2002: 29). He blamed this on the way in which the *Guardian* (UK) exercised its responsibilities as owner:

The *Guardian* was an absentee landlord. The *Guardian* was, sort of, just nowhere. They used to rock up for a board meeting once a quarter, sometimes not even that. We'd go through the same old thing. This was once I was on the board as editor.

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<sup>22</sup> For the appointment of trustees, see <http://www.gmgplc.co.uk/gmg/scotttrust/appointees/1>.

<sup>23</sup> See <http://www.gmgplc.co.uk/gmg/scotttrust/appointmenttrustees/2>.

<sup>24</sup> See <http://www.gmgplc.co.uk/gmg/scotttrust/management/2>.

<sup>25</sup> When Alastair Hetherington criticised the Eden government's ultimatum to Egypt during the Suez crisis in 1956, leading to a loss of readership and advertising, the Chairman, Laurence Scott simply said: "If you believe your policy is right, stick to it. Don't be put off. It may be economically painful for a time, but we shall have to live with that and you must not be influenced by it". Another example of this attitude was evidenced in 1974 when the chairman, Peter Gibbins, was warned by the editor that they were going to expose the starvation wages paid by some major British companies in South Africa, and would likely suffer a loss of advertising. His response was that "there was no point in running the paper at a loss unless it does this kind of thing" (<http://www.gmgplc.co.uk/gmg/scotttrust/editorsrelationship/2>).

We'd go through the same old thing: 'well, the loss is getting worse. Oh this is not good enough, is it? So what are you chaps going to do'? And we'd draw out some plan and we'd say, 'we're going to do this'. 'Are you going to do this'? And we'd say, 'yes, we'll do this'. At the next meeting: 'Oh, the loss has gone up. Oh, not good is it?' 'No, no it's not good'. 'What are you chaps going to do'? It was like that every time. It just went on and on. And that was a real problem. (Barrell 2002: 28)

Rather than seeing this as part of the *Guardian's* political commitment to independent, social democratic journalism, Barrell described this kind of ownership as a colonial relationship: it was "effete" and "absent", and created dependency, so that ultimately, "we just became this huge loss-maker" (2002: 30). The consequence was that the *Mail & Guardian* management felt unable to take any decisions—because ultimately, they had to report to the *Guardian*. Hoosain Karjieker, the newly appointed financial manager<sup>26</sup>, took a different view:

This paper received a lot of attention, so no-one can actually accuse the *Guardian* of being neglectful in terms of their responsibilities. There was continuous feedback in terms of the performance: on a weekly basis on the revenues, targets that were being achieved on a weekly basis, the pagination, the ongoing activities of the company... They were always kept abreast. They were always interested in it. And they came down to brainstorm what we could do to overcome the problems of low revenues. We did get a lot of attention. (2002: 9)

Anton Harber's view is that there was a change in the relationship between the UK *Guardian* and the *Mail & Guardian*—accounting for the different views of Barrell and Karjieker—arising out of a change in the leadership at the UK *Guardian*:

The earlier leadership had had a much more hands-off attitude than the later leadership which came in under Phillip, [and] was much more aggressively, interfering, controlling. That to me was a defining shift that accounts for a lot of the problems that the newspaper has had in the period since then. (Harber 2002: 13)

Bob Phillis took over from Jim Markwick as the new CEO of the Guardian Media Group, becoming the new chair of the *Mail & Guardian* Board in 1999. A key strategic decision flowing from this change detrimental to the *Mail & Guardian*, in Harber's view—was the appointment of Govin Reddy as the new CEO of the *Mail & Guardian*—against the wishes of local board members (2002: 13). Reddy's appointment was attributed in part to his friendship with Bob Phillis, who had the power to 'push through' his preferred

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<sup>26</sup> Karjieker was appointed Financial Director in 2000, following Reddy's appointment as CEO in 1999.

candidate (Barrell 2002: 31-32)<sup>27</sup>. The main criticism of Reddy's tenure as CEO was that he did not control costs, leading to estimated losses of R9m in 2000, rising to R12m in 2002 (Barrell 2002: 33)<sup>28</sup>. Mike Martin believed that Reddy wanted "to take the paper to a new level", and expanded the business side, hiring new staff, but "there just was not the revenue to back it up" (2005: 16). During Martin's term of office "there was no circulation manager, or admin. manager—we were very thinly spread" (2005: 5).

Harber<sup>29</sup> summed up the difficulties experienced by the *Mail & Guardian*:

The root cause [of the conflicts] was that its losses were just getting bigger and bigger... a lot of that is about weak management. (2002: 15)

For Barrell, a practical consequence of the relationship with the *Guardian* was that

we were living way beyond our means. We were publishing, we were growing in circulation, at an ever-diminishing return...we'd be printing say 65,000 copies, to get 43,000 circulation...and we were having 40% returns. Now there's no way on God's earth that you can run a newspaper on those sorts of economics. Likewise, Phil had insisted, on a 30% advertising to 70% editorial ratio. There's no way in God's earth you can allow that. ..That should never have been allowed...Also, our editorial staff was much too large. ..It couldn't work. It was unsustainable. (2002: 30)

Barrell's personal commitment was to the sustainability of the *Mail & Guardian*. That the Guardian Media Group enabled the *Mail & Guardian* to operate at a loss, with a generous staff complement and editorial to advertising ratio, was not welcomed by Barrell.

An additional problem for Barrell, was a "lack of organisational will at the top". Without this the editor and financial manager "did not have the means to make things happen" (2002: 29). For this he blamed both Govin Reddy, and the owners for their neo-colonial, 'hands off' approach (2002: 30). Barrell felt hamstrung as an editor, and eventually

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<sup>27</sup> It was also suggested that the appointment of the new CEO was delayed in order to wait for Reddy who was embroiled in a court case with the SABC—as he'd accused them of racism in appointing Hawu Mbatha instead of him (Martin 2005: 18). As Martin recalls: "So it is also fair to say I had already vacated the seat if you like, and was just caretaking for them while they found somebody. They did not say they had found somebody, they just said we need to find somebody. So that was not a healthy position for me or the paper to be in" (2005: 18).

<sup>28</sup> Requests to verify this financial information were turned down.

<sup>29</sup> Harber was a member of the *Mail & Guardian's* Board, and thus privy to its financial situation.

spoke out at a board meeting<sup>30</sup>. When probed about why the Guardian Group should continue to support the loss-making *Mail & Guardian* Barrell explained it in terms of the “very close relationship between Govin and Bob Phillis”, and the Group’s “moral vanity” (2002: 31-32), rather than to its founding commitment to assisting freedom of the press around the world:

We were this sort of toy... Well they could sort of say, ‘well you know among our good works is to keep this kind of fighting newspaper in South Africa alive’. I think it’s that kind of stuff... It’s a kind of moral vanity. (2002: 31)

Barrell criticised the Group’s ownership because he believed in the important role of the *Mail & Guardian*, and feared that the paper was becoming financially unviable, which would result in its eventual closure or sale to owners who would not respect the paper’s independence (2002: 32). Regardless of the implications of the deficit, financial manager Hoosain Karjiekier defended the Group’s actions as motivated by their support for the *Mail & Guardian*’s kind of journalism—witnessed by the allocation of resources to editorial budgets (hiring more staff, increased pagination), rather than on financial and administrative overheads, or advertising (2002: 8). Deputy editor, Rehana Rossouw was equally impressed with the owner: “They were the best bosses in the world. They came to Joburg four times a year, sat in a meeting for half a day, and then left again. I mean what better bosses compared to Dr. O’Reilly<sup>31</sup>? Bob Phillis was a Godsend. No cuts were ever suggested by them, they just came to check every year” (2003: 51). But Martin had a less sanguine view. In his view, “the minute Bob Phillis came in as CEO he wanted to pull out”—suggesting that the new CEO was set on divesting the Group of the *Mail & Guardian* (2005: 12).

In 2002, with the losses continuing, Barrell’s outspokenness, and the deteriorating financial situation of the parent company in the UK, the Group finally indicated its intention to sell the *Mail & Guardian* (Barrell 2002: 30). They tried to find a buyer who

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<sup>30</sup> Harber commented on the relationship between a CEO and editor in the running of a small company such as the *Mail & Guardian*. Regarding his relationship as editor with the then manager, he noted: “I guess power relations were different, because the manager then, Mike Martin... we had brought him in... so the power relations were very different, firstly, and secondly, we worked together. We had our disagreements, but we were never at each other’s throats. You know you can’t run a newspaper where editors and managers are killing each other. Not a small one like this” (2002: 17).

<sup>31</sup> Tony O’ Reilly is the owner of Independent Newspapers which owns most of the daily newspapers in South Africa’s largest towns.

would meet with the Scott Trust's mandate to support journalism based "upon the same principles as they have heretofore been conducted". But a new private owner had no obligation to follow through on this once s/he became the major shareholder.

The impending sale worried journalists. They were concerned that the paper should be sold to a buyer who would respect the paper's political ethos. The search also highlighted political tensions in the newsroom. In January 2001 Govin Reddy was tasked with finding a suitable buyer in six months (Rossouw 2003: 48). Newsroom speculation about potential new owners was rife: that Moletsisi Mbeki, the President's brother, was interested in buying the paper; that the ANC was interested in the paper so that they could turn it into a pro-ANC vehicle (Rossouw 2003: 48). In March Reddy announced at a staff meeting that he was in discussion with Nail, the black economic empowerment owners of the *Sowetan*. Drew Forrest, a newly appointed senior journalist, wrote a column slamming the potential sale to Nail, fearing that its CEO, Sakkie Makazoma, an old ANC cadre, would not be able to guarantee the paper's editorial independence. This angered the ANC supporters on the paper, polarising the staff. After some months, Barrell announced that he was looking for a foundation, similar to the Scott Trust, to buy the paper—further infuriating the CEO whose task it was to find a buyer (Rossouw 2003: 50). The Open Society Foundation<sup>32</sup> was mooted. A later rumour was that Helen Suzman, former anti-apartheid Democratic Party MP, was helping to set up a foundation. This caused further unhappiness because of Barrell's acknowledged DA support. Then Reddy, having mooted the idea with the Independent Development Corporation (IDC), called a meeting of senior black staff to suggest a 'management buy out'—consisting of himself, the deputy editor, the sales manager, an advertising rep, and the production manager (Rossouw 2003: 51). It appeared the editor was mobilising white staff to support an independent trust, while the CEO was rallying the black managers (Rossouw 2003: 51).

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<sup>32</sup> The Open Society Foundation (South Africa) is "committed to promoting values, institutions and practices of an open-non-racial and non sexist, democratic civil society". <http://www.osf.org.za/home>. Accessed 12/12/2006.

The intention to sell required putting the paper on a financial footing that would make it attractive to potential buyers. Some staff vainly believed they could stop the sale. A couple suggested salary reductions—which was not well-received. The sale necessitated cutting back, which was done tentatively at first, but as sale negotiations became imminent, the cutbacks became more drastic. Barrell cut the budget drastically by losing seven senior reporters and cutting the print order—among other things—thereby transforming a R12m loss in March 2002 to a surplus in December (2002: 30)<sup>33</sup>. In June 2002 the Guardian Media Group, then owners of 97.5% of the company, sold 87.5% to New Trust Company Botswana Ltd (Karjieker 2002: 1), keeping a 10% stake. The new owner, a Zimbabwean media proprietor, Trevor Ncube, also acquired M&G Media's 35% share in *Mail & Guardian Online*, the newspaper's Internet business—the other 65% is owned by M-Web, the Internet service provider, and “largest player in the South African dial-up subscriber market” (*Mail & Guardian* 19 July 2002). Announcing the sale after a two-and-a-half year search for a new owner, Phillis stressed the Group's commitment to finding a buyer who would support the *Mail & Guardian's* brand of independent journalism (*Mail & Guardian* 19 July 2002). It was to the Group's credit that it waited for, and finally sold to, “somebody who was going to value the newspaper's ethos as an independent operator” (Barrell 2002: 30). Barrell confirmed Phillis's trust in the new owner, adding that he would give “the newspaper a more decidedly African commitment” (*Mail & Guardian* 19 July 2002). He believed that the impending sale to Ncube was finally responsible for setting the paper on a new financial course. He also believed that Ncube's support for the drastic budget cuts and the consequent turn-around of the paper, vindicated his (Barrell's) own view of the paralysing role the Group had played:

Trevor came. Well, he can take decisions. He's tough. He's ruthless. We could all take decisions all of a sudden...Because we had clear organisational will and a clear strategy, and we could believe that here was somebody who was seriously going to drive us and the newspaper to profitability. So the *Guardian* created in us the very worst kind of third world dependency relationships. (2002: 30)

The editorial to advertising ratio was reduced from 70:30 to 60:40, with a far tighter control on pagination. In addition, a new local advertising director was appointed.

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<sup>33</sup> According to Barrell, “the business plan under the sale from April [2002] to March next year, was for a R3m loss” (2002: 30).

Previously the advertising director had been a British national unfamiliar with the political terrain. The financial manager believed that improving advertising—and addressing other costs in relation to revenue—was the key to sustaining the core business of the paper. He saw the new owner’s commitment to expanding the paper regionally as another profit-making strategy (Karjiekker 2002: 2). Although he maintained that the *Guardian* had not been remiss in its management of the paper, he believed that the “ideas and the influences that Trevor has, have reaped some benefits” (Karkieker 2002: 3).

Karjiekker attributed the past losses to poor management of the advertising department. Part of the problem was the paper’s deteriorating relationship with government, and the consequent loss of government revenue from their recruitment advertising. Although he believed that the advertising in the Friday section and supplements was satisfactory, and yielded “better margins” (because of a higher advertising to editorial ratio—50:50 or 60:40—than in the main part of the paper), he was concerned that the main body of the paper was short on advertising—which could be attributed to the legacy of “corporates not wanting to advertise in the paper because of its association with controversy” (2002: 5 & 6). But, he pointed out that in the contemporary period the paper was getting more of this kind of advertising: “the Investecs, the banks—everybody’s coming in, so it’s difficult to say people were shying away from the paper because of its types of editorial” (2002: 6). Rather, it seemed to him that the prior absence of this advertising could be attributed to the shortcomings of the *Mail & Guardian’s* advertising sales department (2002: 6)<sup>34</sup>.

Karjiekker noted the perception, both internally and externally, of the *Mail & Guardian* as a “type of non-governmental organisation (NGO) funded by some Danish company” (2002: 5), and was concerned that this perception should be eradicated. He was pointing to the historical relation between the paper and its publics, and the paper and its owners. The former depended on the political ‘fit’ between the paper and its readership, which became more complex following the demise of the apartheid state. The ‘NGO-type’

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<sup>34</sup> See Catherine Lebesse, “The relationship between advertising and alternative (sic) press prior to the 1994 elections: A case study of the *Weekly Mail*, 1985-1994”, unpublished Masters thesis, University of the Witwatersrand (2004). The thesis examines different strategies needed to generate advertising, and the kinds of advertisers who supported the paper during this time.

ownership arrangement was vital during the apartheid years in keeping a particular kind of oppositional or alternative voice alive. It provided a blank cheque for a kind of journalism that was only sustainable with a benign owner. During the apartheid period, international social democratic support (in the form of the Scott Trust) was indispensable to the existence of the paper that was politically alienated from local advertisers. Then, the paper and its supporters had a common 'enemy', and the journalistic expression of the 'war against the enemy' was information and critique. The negative consequence of this financial support was a 'colonial', dependency relationship, alleged by Barrell, or, in Harber's view, a poor understanding of the local context (2002: 14). In the post-apartheid era the old enemy has been vanquished. The new relationship is between the paper and its publics: on the one hand, the paper and private companies (some with new owners and management) through their advertising departments and advertising agencies; and on the other hand, the paper and the new state—which represents both the traditional target of stories and potential advertising revenue. But during Van Niekerk's editorship the paper's relationship with both the private and state sector was weak: operating in the shadow of apartheid politics local advertisers were wary of an 'oppositional' paper; and the paper's perceived anti-government thrust lost it government advertising. The result was the soaring debt that was translated formally into the Guardian Media Group's increased ownership of the *Mail & Guardian* (62% in 1998 (Berger 2001: 153), to 97.5% at the time of its sale). The sale of the paper in 2002 was a withdrawal of this international support. For the new owner, for whom the *Mail & Guardian* was primarily an economic investment, it was necessary to gain financial stability through advertising—which necessitated renegotiating the paper's relationship with its internal publics (readers, advertisers, company owners, government)—as well as attending to the economics of news production: the relation of costs to revenue. Staff costs accounted for 70% of the company's operational costs: "And of staff costs, editorial costs were around 60%-65%, and the rest were advertising people" (Karjieker 2002: 6). In this context Barrell released seven senior newsroom staff and also cut back on the exorbitant print order (Barrell 2002: 31). This improved the company's financial situation, but it also "affected the ability of the editorial team to produce quality stories and to do quality investigations. The guys are quite strained now. But it has paid dividends" (Karjieker 2002: 6). Despite the Guardian Group's reduced investment in the paper (down to a 10%

shareholding), it continued to support the internship training programme, consisting of four interns and a dedicated trainer (Karjieker 2002: 11)—evidence in Karjieker's view of its commitment to "promote this kind of journalism...and to see the paper flourishing" (2002: 9).

Even economic factors are mediated by the identities of, and power relations between, those responsible for negotiating the terms of the economic engagement. Inside the *Mail & Guardian* newsroom the relations between the editor, CEO, financial manager and the advertising department shaped decisions that impacted on the editorial staff—and ultimately on the owners, who eventually jumped ship. Although Barrell's resignation was motivated by his own personal circumstances, he was also sensitive to the new owner's desire for a black editor whom he hoped would be able to forge more amicable—though no less critical—relations with the new ruling elite in all spheres of South African society.

### **Conclusion**

This chapter illustrates how agency (editors, journalists, CEOs, financial managers) shapes 'structures'—either externally conceived as ownership, political milieu and audience expectation, or internally conceived as newsroom routines and structures. The analysis is informed by Giddens' (1984) notion of structuration: "the way agents produce and reproduce social structure through their own actions" (Barker 2000: 180). Agency is "the socially constituted capacity to act" (Barker 2000: 182). Giddens's conception is particularly useful as it brings into focus the interplay between individual identity (as social agent), and the structures, or "regular patterns of activity" (Barker 2000: 180), through which identity and agency are forged. Foucault's contribution is his understanding of the inter-relation between power and subjectivity, consequently offering a different account of the subject. He uses the term "governmentality" to describe "the way in which the conduct of individuals or of groups might be directed...To govern in this sense, is to restructure the possible field of action of others" (1982: 221). I have thus used the conceptions of both theorists (one structuralist, the other poststructuralist) as a way of understanding the processes through which journalism as a practice was accomplished at the *Mail & Guardian*. These are both useful. As the *Mail & Guardian* is

a small and young organisation it is still possible to identify the ways in which the subjectivity of the editor, shapes the “possible field of action of others”, thereby contributing to the constitution of the organisation and its culture.

What is most significant about Barrell’s editorship was the shift to the right noted by many. His professed adherence to philosophical liberalism, and to his ‘guru’, Karl Popper, fundamentally shaped his interactions with his staff, the paper’s direction, and ultimately, its relationship with its various publics—including the ruling elite. While this was the intellectual tradition in which he located himself, his social practice highlighted the contradictions and weaknesses of this ‘high’ modernist<sup>35</sup> emphasis on the value of rational, critical debate. His editorship was thus experienced in contradictory ways. On the one hand, he professed his commitment to openness, participation and critique, on the other, he simply ignored views that were different from his own. Thus some found him ‘controlling’ while others described him as a ‘distant editor’.

His legacy was that the paper became more ‘DA friendly’, characterised by his acerbic tone and critique of the ruling party and the president. But the *Mail & Guardian* was also more than this. As one journalist noted, “even if Howard had wanted to use it purely as a tool to attack the ANC, to weaken the ANC, I think the *Mail* has enough organisational momentum and memory and tradition not to become that purely because of one person, even if it is the editor” (Brummer 2002: 7). While there is some truth in this view, Knights and Willmott remind us that “subjectivity...[is] both a medium and outcome of power relations and ...a response to problems which are compounded by the individualisation of subjects in modern society” (1989: 538). This chapter highlighted some of the discourses which both ‘produced’ Barrell, and to which he responded, shaping his practice as editor. And, as Willmott notes, “Without the peculiar reflexivity of human agency, organizational phenomena could not be enacted *and* contested” (1994: 87 emphasis in the original). What we thus observe from the chapter is how the editor’s subjectivity ‘restructures’ the field—both internal and external organisational relationships—resulting in various kinds of contestations. Harber describes the

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<sup>35</sup> See Lash and Friedman (1992: 5).

consequences for the paper as the “subtle shifts”, and “nuanced” differences, that are “completely critical, but very hard to put your finger on” (2002: 18).

## CHAPTER 8: An overview of the *Mail & Guardian's* approach to weekly news

As we judge and criticize the news media and the ways it represents the nation and the world to us, it is important to see the press whole, to understand what forces enable journalists to celebrate the progress of their own profession at the same time that this 'progress' contains so much that cultural observers, including journalists, find appalling. (Schudson 1999: 1007)

This thesis uses the complaint of racism against the *Mail & Guardian* as a starting point for examining the paper's practice. The complaint of racism, which the *Mail & Guardian's* editor challenged at the SAHRC hearings, can be read as symptomatic of a general dissatisfaction with the paper's journalism by a sector of its readers. One way of assessing a paper's output is to consider its institutional processes, practices and pressures (Shoemaker 1987; Shoemaker & Reese 1996). This was done in the previous three chapters. In this chapter I focus on the outcome of these processes, the texts that constitute the *Mail & Guardian* as a weekly newspaper<sup>1</sup>. In examining the paper from 1998 to 2001 what struck me was how varied the paper was. This raised questions about *how* one evaluated a *weekly* newspaper. That it is a *weekly* is especially pertinent, as this genre of publication has to find a balance between providing critical commentary on key news issues of the week, as well as catering for the varied interests of its readers. The *Mail & Guardian* had also established a reputation as not merely a news commentator, but as breaking news stories, particularly those based on investigative reporting. These are more costly and are often used as a 'serialised' story. In this respect the *Mail & Guardian* shares some similarities with the local *Sunday Times*. The *Mail & Guardian* has defined its readership as middle class and highly educated, with a fairly even black/white and male/female split. It is different from other local newspapers in that it has focused on a small 'niche' market of more educated readers—hence the longer pieces, the substantial international news section, the variety of columns and discussion forums, and the range of content. This market sector is also evident in the kinds of advertisers who support the paper—local and off-shore banks, insurance and investment companies (e.g. Midlands Offshore, Royal Bank of Scotland, Britannia International, Old Mutual, Equitable Life Insurance, Syfrets). This revenue base was also under-written by

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<sup>1</sup> The *Mail & Guardian* is similar to the London *Observer*, or *Die Zeit* in Hamburg. See note 2.

the paper's former owners, the Scott Trust, who were prepared to support a loss-making venture.

On what basis can one evaluate the paper? Can one evaluate the paper as a whole?

There are problems of 'reading' or interpretation. My approach is to take different 'snapshots' of the *Mail & Guardian* that are pertinent to the criticisms directed at the paper: the sectional organisation of the paper, and the way this changed under different editors; a quantitative analysis of stories in the 'News' section; a quantitative analysis of the editorials and key columns (Over a Barrel and Worm's Eye View); and a selective reading of the letters.

### A 'Sectional' view of the *Mail & Guardian*

Over time the founding editors of the *Mail & Guardian*, Harber and Manoim, established a basic concept for the paper that combined news, investigative reporting, commentary, and a range of formats for 'opinion' and debate<sup>2</sup>. By 1996, this took the following form: a main news section, that was divided into three sub-sections: *South Africa* (which carried the bulk—12 pages on average), *Africa* (usually one or two pages), and *World* (about six pages); *Context* (about 15 pages) consisting of a variety of forums, such as page-long discussion pieces by guest writers, the editorial, letters, *Review*, *Movie Guide*, *Cutting Edge* which dealt with a range of science issues, as well as 'regulars': a column on the law (*Serjeant At The Bar*), satirical cartoons (*Madam & Eve*, *Zapiro*), satirical formats such as a weekly 'letter' from the office of the 'President' to his friend Walter, which starts 'Dear Walter' and is signed 'Nelson'; and *Krisjan Lemmer*, a column of social and political observations from a supposedly bemused Afrikaner. It also had a separate *Business Mail* section divided into subsections such as *Business* (about five pages of business or economics news—including labour issues), *Antenna* (two to three pages) which focused on the changing media landscape, *Appointments/Courses* (the bulk of the

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<sup>2</sup> In the main, this is a pattern established by the *Observer* under James Louis Garvin's editorship (1908-1942). John Stubbs writes: "'Garvin's most remarkable achievement was in creating a new pattern of Sunday newspaper for the educated reader'...The 'fundamentals' of this pattern were described by Garvin in some notebook jottings as: 'Half a newspaper: half a magazine or serial. Left-hand Half a review; Right-hand Half [a] newspaper'. The balance is sought by *The Observer* between 'views absolutely independent, and...news absolutely impartial' ...(1978: 325).

section, about 10 pages, carrying advertisements), and finally *Sport* (a mere two or three pages). This main paper was supplemented in various ways. For example, *Open Africa* was a monthly review of tourism and nature; *Reconstruct* was a quarterly development-focused supplement; and *PC Review* was a monthly insert on various aspects of computer usage. The paper thus provided a dense read that covered key areas (politics, economics, media, law, science), and dealt with them informatively, critically, and satirically. It identified itself as the ‘thinking person’s paper’<sup>3</sup>. It prided itself on its hard, critical edge, combined with a sassiness evident in its satirical debunking of holy cows. In the *Weekly Mail* phase of its history there was a playfulness in the way that the paper jibed at the establishment of the time: the apartheid state. It was perhaps this youthful quality—the paper was produced by journalists in their 20s and early 30s—that prevented the paper from appearing to be moralising, or self-righteous: in this sense, it appeared not to take itself more seriously than others. It simply offered up a voice of opposition to the apartheid state.

### **Sectional changes 1997- 2001**

#### *Phillip van Niekerk’s editorship (1997-2000)*

Subsequent editors stuck to this general format, although Van Niekerk changed the paper in significant ways soon after taking over in March 1997. One important change was to abolish the *Africa* section, and to include reporting on Africa into the main news section, which was simply divided into *News* (South Africa and the Continent) and *World*. The news section was also enhanced by the employment of Lizeka Mda as a special features writer, and Wally Mbhele as senior political reporter covering the ANC. This news-feature approach was complemented by the introduction of the *Who is...* column that offered a biographical sketch of key figures in the new socio-political landscape.

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<sup>3</sup> The paper reported on the findings of the All Media Products Survey (AMPS) of its readership: that the racial split is 50/50; it has more black professional readers than similar (niche) papers such as *Business Day* and *Sunday Independent* (14,000 black professionals of 41,000 readership, compared with 2,000 for *Business Day*, and a negligible number for *Sunday Independent*). It quotes John Farquhar, editor of *Advantage* magazine that targets the advertising and marketing industries: “Your amps figures show there is reward in properly niched products. The *M&G* covers the intellectual spectrum, does things in depth and combines informed opinion” (August 8-14, 1997: 19).

Another change was renaming the *Context* section, 'Inside'. This enabled the rationalisation of the *Inside* pages: *Inside Opinion*, *Inside Science* (instead of *Cutting Edge*), *Inside Books*, and later *Inside Economics*<sup>4</sup>, replacing *Business Mail*. This section promised to

focus on macro-economic trends and markets and markets locally and internationally; the big debates between government, business and labour, and the issues around globalisation and the struggles to overcome poverty in the Third World, especially on our own continent. Business news—especially the issues around labour, black empowerment and the political struggle over the economy—will be incorporated into the main news section to bolster our existing coverage. (24-30 October 1997: 10).

But this ostensibly left-wing approach to business and economic issues was watered-down or balanced (depending on one's political position) by the introduction of a new column, *Loose Cannon*, by Robert Kirby, and the employment of Howard Barrell as political editor. Described at its introduction as "a humorous column itching to take on the pompous and the vain" (*M&G* July 4-10, 1997: 3), *Loose Cannon* was viewed by many as itself pompous, acerbic, centre-right, and lofty in its humorous treatment of issues. A special *Friday* insert was also added with an overall leisure focus, but was divided into *News*, *Feature*, *Lifestyle*, *Stories*, *Antenna* (the media section), *Leisure* and *The Guide* (television listings).

In February 1998 two other key changes were made. Van Niekerk introduced *Monitor*, to "track issues of development, governance and transformation during a crucial period in the country's history" (February 6-12, 1998: 3). It was coupled with a section called *Notice Board*, to "give an added quality of display to tender notices and tender advertisements in the paper" (February 6-12, 1998: 3). Although mostly dealing with important issues, some of the journalists viewed *Monitor* as an unsuccessful innovation as it ghettoised development news. Situated at the back of the paper, some saw this as a place to dump articles that could not be located elsewhere in the paper, and often it only consisted of one or two pages<sup>5</sup>. Another change was the introduction of *Smart Money*, which replaced *Inside Economics*. This was an important change, as it focused on

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<sup>4</sup> This section started in November 1997.

<sup>5</sup> Interviews with journalists Lesley Cowling (29 March 2003) and Ferial Haffajee (12 December 2002)

personal finance and investments, as opposed to large socio-political issues related to economic policy. The *Inside* section also changed, with Van Niekerk dropping *Crossfire*, a successful space for debates which often related to socio-economic policy and the politics of the tripartite alliance, after a six-month run (from February to July 1998). Frequent participants were Jeremy Cronin (South African Communist Party) and Pallo Jordan (an ANC MP regarded as being on the left wing of the party)<sup>6</sup>. Amidst criticism of the paper, one reader offered his evaluation of this section:

For the past few weeks, during which the front pages of the *M&G* have been crawling with allegedly corrupt politicians and the accompanying headlines, *Crossfire* has been the only part of the newspaper worth reading and one that remains evocative of the *M&G*'s past. (Nkuleleko Lebogo, Pimville, 12-18 June, 1998: 22).

This lively debating space was replaced by *Over a Barrel*, the new political editor's (Howard Barrell) column. His first column, "Pissing on the communists' parade" (10-16 July, 1998: 23), set the tone which was largely critical of the Alliance, pro-GEAR (the ANC's neo-liberal economic policy), and acerbic. He called for rational critique and debate which he feared was being quashed by an increasingly centralised ANC ruling elite<sup>7</sup>. This column, taken together with *Loose Cannon*, fed a popular perception that the paper was becoming more stridently 'anti-ANC'. But columns like *Right to Reply* provided an open space for critical responses to the paper.

Other significant changes in 1999 were the introduction of *Frontiers*, an 'environment' focused section dealing with 'science'; *A Second Look* which was another open space for debate within the paper; *Letter from the North*, a column by Ghanaian journalist, Cameron Duodo; and the *David Gleason Column* on economics. In 1999 *Over a Barrel* was alternated with *Worm's Eye View* by Steven Friedman, a social policy analyst. Friedman's column was informative and engaging, providing a 'policy' approach to

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<sup>6</sup> For example, see their debate on the new bourgeoisie: Pallo Jordan, "New role models or new Randlords" (*M&G*, 6-12 March 1998: 22); Jeremy Cronin, "Neo-colonials and mint imperials" (*M&G*, 13-19 March 1998: 20); Pallo Jordan, "Soul-brother talk or empowerment?" (*M&G*, 20-26 March 1998: 26); Heribert Adam, "Empowering the black fat cats" (*M&G*, 9-16 April 1998: 22); Pallo Jordan, "Class differences without division" (*M&G*, 23-29 May 1998: 31).

<sup>7</sup> This issue was explored in the paper by different writers, and is shared by William Gumede (2005) in his book, *Thabo Mbeki. The Struggle for the Soul of the ANC*.

issues, rather than being stridently partisan. In 2000 Van Niekerk re-introduced *Crossfire*, added *Another Country*, a column for *Guardian* journalist David Beresford, and *Body Language* by columnist Mercedes Sayagues, on the politics of the body—which some regarded as a space for sexual titillation as it was often flagged by the image of a woman in some provocative pose.

#### *Howard Barrell's editorship (2001- 2002)*

When Howard Barrell took over as editor in January 2001, he continued the tradition of editors making their mark on the paper by renaming the sections and making new appointments. The paper divided into three main sections: *National*, *International*, and *Comment & Analysis*, which had some significant changes. *Smart Money & Technology* (which had become a single section) was dropped for *Rands & Cents*, and *Gigs & Bytes*—focusing respectively on private consumerism and financial affairs, and computer technology. Local liberal commentator, Siphon Seepe<sup>8</sup>, replaced Ghanaian Cameron Duodo, with his column, *No Blows Barred*; and veteran journalist, John Matshikiza followed in his father's<sup>9</sup> footsteps writing his own column, *With the lid off*. Circulation and money-enhancing changes included *Wheels & Deals*, a motoring section, which did not last long, and *Travel*, which was more successful.

Some journalists have bemoaned the 'narrowing' of the *Mail & Guardian* during this five-year period<sup>10</sup>. There was certainly a shift, especially in matters relating to economics, from a broader focus on questions of economic policy and labour issues, to personal finance and investment advice. Reading the *Mail & Guardian* no longer provided access to the changing economic landscape, and the politics of the players in the landscape. The change from science, broadly conceived, to *Gigs & Bytes*, is also indicative of this perceived 'narrowing' of the cultural frame of reference, making it more technicist and 'masculinist'. Although *Body Language* dealt with issues of sexuality, it

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<sup>8</sup> He had been one of the black professionals who had written the letter of critique to the *Mail & Guardian* which was subsequently published in *City Press*, and produced 'in evidence' in the BLA/ABASA complaint against the *Mail & Guardian*.

<sup>9</sup> His father was the famous *Drum* journalist, Tod Matshikiza, whose column was also called 'With the lid off'.

<sup>10</sup> See interviews with journalists Lesley Cowling (29 March 2003) and Ferial Haffajee (12 December 2002).

did not offer a feminist perspective and could thus be read as providing a titillating, voyeuristic space for a masculine audience. The inclusion of *Loose Cannon* and *No Blows Barred* in the opinion sections certainly offered a more liberal or centre-right perspective than the *Mail & Guardian* had previously had. Despite these changes there were still other spaces for opinion and comment that enabled the constitution of a left of centre/liberal public sphere. For the detractors of the paper, the political character of this public sphere was becoming increasingly liberal, or associated with readers who identified with the Democratic Party (later Democratic Alliance)—as opposed to the ANC<sup>11</sup>.

### **Quantitative analysis of news stories**

To gain another picture of what constituted the *Mail & Guardian's* construction of 'news' or what it considered noteworthy about South African society during this period, I used a simple content analysis of the local news section (variously called 'News', 'South Africa' or 'National', which included news of Africa, but excluded what was called 'World' or 'International' news). Gans (1980) set himself a similar task vis-à-vis America and its national news media, as constituted by leading television channels and newsmagazines. He focussed on what he called 'actors in the news', which he divided into 'knowns' and 'unknowns', and 'activities in the news', which he divided into eight categories<sup>12</sup>. Using this approach, based on my own reading of the *Mail & Guardian* over a number of years, I constructed a frame to illuminate the *Mail & Guardian's* conception of news. My frame combined actors and activities, and my selected activities were narrowed to focus on those that could clarify the claims about the paper's focus on corruption and scandal. The table below is a record of the findings.

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<sup>11</sup> But on the basis of the ANC's economic policy, GEAR which was the South African form of a structural adjustment programme, it can be argued that it too is increasingly becoming a liberal organisation.

<sup>12</sup> Gans' 8 categories of activities in the news: government conflicts and disagreements; government decisions, proposals, and ceremonies; government personnel changes, including campaigning; Protests, violent and non-violent; Crimes, scandals, and investigations; Disasters, actual and averted; Innovation and tradition; Rites of passage—births, weddings, and deaths, Biographies (in newsmagazines), Unusual activities; Other (1980: 16).

**Table 1: Analysis of selected news categories as a percentage of the number of stories appearing in the news section of the *Mail & Guardian*.**

Category	1998 as percentage	1999 as percentage	2000 as percentage	2001 as percentage
Government performance: Information	14.2	14.5	10.3	10.9
Government performance: Critique	11.1	5.4	6.4	10.7
Alliance: internal politics	1.0	0.0	0.9	1.6
Alliance: conflict with ANC	0.6	0.6	0.4	3.2
Mbeki	1.1	1.2	1.7	1.4
Other parties	2.9	4.0	3.1	4.8
Ordinary people/social situations	12.4	13.8	10.7	9.7
Apartheid 'old guard'	3.5	2.0	1.5	0.4
Transformation: positive/information	1.6	0.3	0.6	0.7
Transformation: sceptical	0.1	0.3	0.0	0.0
Judiciary	1.7	1.0	1.4	1.6
Media	5.2	5.4	5.0	2.9
Africa	11.9	11.6	13	3.9
Transgression: regional government	1.2	1.1	1.3	4.2
Transgression: central government	1.0	1.5	0.6	2.8
Transgression: police (or military or NIA)	3.0	3.5	3.2	1.8
Transgression: private/corporate	5.9	8.4	5.0	6.3
Transgression against women or children	1.3	2.9	2.2	1.3
Corporate (business/gold price)	3.4	2.8	4.3	4.3
Other	10.1	18	24.4	20.9
Education	6.8	1.7	4.0	6.6
Total number of stories	930	882	1043	1030

*Key findings: Van Niekerk's editorship (1998-2000)*

*News 'makers': the 'knowns'*<sup>13</sup>

News actors were divided into six categories: government members or agencies; the tripartite alliance<sup>14</sup>; Mbeki; other parties—the minority parties; the apartheid old guard<sup>15</sup>. The figures show that the largest percentage of news stories concerned government officials or government agencies: 25.3% in 1998, 19.9% in 1999, and 16.7% in 2000—indicating a decline in each successive year of Van Niekerk's editorship. These were divided into positive stories or ones that were simply informative of government processes and activities, and those that were critical of government performance. Those critical of government dropped from 11.1% in 1998, to 5.4% in 1999, with a slight increase to 6.4% in 2000. But in all years, there were more straight information stories, than critiques of government—which is surprising, considering the perception that the paper was overwhelmingly critical of government. The minority parties constituted the next biggest category of news actor—but they occupied a relatively small news focus. There was also surprisingly little news on the alliance partners (1.6% in 1998, 0.6% in 1999, 1.3% in 2000), although this can be accounted for by the fact that issues relating to alliance politics often appeared in the opinion sections of the paper (*Crossfire, Second Look, Right to Reply, Monitor*). The proportion of stories that focused on Mbeki was also miniscule: 1.1% in 1998; 1.2% in 1999, 1.7% in 2000. This indicates that Mbeki has not been a visible president (in news terms)—but rather a 'behind the scenes president', or 'backroom president'<sup>16</sup>.

*News actors: ordinary people or 'ordinary' social situations*

This category allowed me to see what percentage of news dealt with non-government organisations, and social issues not formally recognised as 'politics'. In Gans' 1980 study, the people involved in these are referred to as 'unknowns', and occupy a small portion of American news. In contrast to the US trend, stories that focused on ordinary

<sup>13</sup> Gans (1980) uses the categories 'knowns' and 'unknowns' to differentiate different kinds of people prominent in US news. In his study, the 'knowns' dominate the news by at least 4:1, and in 1975 by 8:1 (Gans 1980: 9).

<sup>14</sup> This refers to the alliance between The ANC, the SACP and COSATU

<sup>15</sup> Many stories dealing with the apartheid old guard emerged during the Truth and Reconciliation Commission which started conducting its hearings in 1998.

<sup>16</sup> See editorial, "Back-room presidency" (December 10-16, 1999).

people and ordinary social situations were next in quantity to those on government, constituting 12.4% of stories in 1998, 13.8% in 1999, and 10.7% in 2000. However, relative to all the categories of 'known' political actors (government, alliance partners, Mbeki and other political parties), the 'unknowns' or 'ordinary people' occupied a much smaller percentage of the coverage: 30.9% v 12.4% in 1998; 25.7% v 13.8% in 1999, and 22.8% v 10.7% in 2000. So the paper followed the mainstream conception of news as dealing with the activities of the politically powerful.

### *News content*

As I wanted to get a sense of what issues were important, I selected those that seemed dominant on a casual perusal of the paper (such as Africa, the media, education, and the judiciary), those that were popularly associated with the paper's coverage (e.g. 'corruption'); and business or corporate power. Africa was the dominant focus: 11.9% of news coverage in 1998, 11.6% in 1999, and 13% in 2000. The media were also an important area—which is significant, as the media landscape was changing with demands for their 'transformation'—in terms of ownership and management. Levels of coverage remained remarkably stable: 5.2% in 1998, 5.4% in 1999, and 5% in 2000.

Because there was a popular perception (evident in the letters section) that the *Mail & Guardian* was mostly concerned with government corruption, I used the term 'transgression' to refer to various breaches of ethical behaviour by state officials. I also divided the category into regional and central government. Because the police and the National Intelligence Agency (NIA) figured prominently in many stories in my initial survey, I made this a separate category. What is significant about this division is that the police and the NIA are often associated with the 'apartheid old-guard', and it is important to separate their activities from those of newly elected officials. State transgression made up 5.2% of coverage in 1998, 6.1% in 1999, and 5.1% in 2000. Of this, NIA, police, or military transgression accounted for 3.0% in 1998, 3.5% in 1999, and 3.2% in 2000. Most of the corruption reported was in the 'armed forces' of the state, not in its 'civilian-directed' bureaucracies. A more substantial part of the reporting was focused on non-governmental transgression: private, and corporate crime accounted for

7.2% in 1998, 11.3% in 1999, and 7.2% in 2000. Of this, 1.3% were crimes against women and children in 1998, 2.9% in 1999, and 2.2% in 2000. Because education was a key site of apartheid discrimination and regarded as a key institution for promoting social change, I also tracked its representation in the news. It amounted to 6.8% of coverage in 1998, 1.7% in 1999, and 4.0% in 2000. Though there was a separate business section, I also tracked business-related stories in this main news section, as I wanted to see what space it occupied within a broad conception of news. It was not dissimilar to the reporting of education: 3.4% in 1998, 2.8% in 1999, and 4.3% in 2000. Another key apartheid institution was the judiciary. Based on a casual reading of the paper, my perception was that it received quite substantial coverage. But the figures do not bear this out: 1.7% in 1998, 1.0% in 1999, and 1.4% in 2000. What is also significant is that my 'other' category, those areas that were not the main focus of the *Mail & Guardian*, grew between 1998 and 2000, representing 10.1% of coverage in 1998, 18.0% in 1999, and 24.4% in 2000—which indicates a definite shift in news selection in later years.

#### ***Key findings: News during Barrell's editorship (2001)***

##### *News 'makers': the 'knowns'*

The most significant difference in news coverage during the first year of Howard Barrell's editorship was the increase in coverage of the government from 16.7% in the last year of Van Niekerk's editorship (2000), to 26.6% in 2001. Of this, the most significant increase was in critiques of government performance: 6.4% in 2000, to 10.7% in 2001. There was also an increase in coverage of the alliance, from 1.3% in 2000, to 4.8% in 2001. Again, the more significant increase was in coverage of conflict between the ANC and its alliance partners: 0.4% in 2000, and 3.2% in 2001. From 1997 onwards, there had been increasing conflict between on the one hand, COSATU and the SACP, and on the other, the ANC, over economic policy (GEAR), HIV/AIDS policies, and Mbeki's silent diplomacy in Zimbabwe. It is surprising that there was a slight drop in the focus on Mbeki himself, from 1.7% in 2000 to 1.4% in 2001. There is also a more significant increase in the coverage of 'other parties' (which would increasingly be the Democratic Alliance, which represented the main opposition party), accounting for 3.1% of stories in 2000, and 4.8% in 2001.

### *News actors: ordinary people or 'ordinary' social situations*

With the concomitant increase in the coverage of 'knowns', there was a decrease in the coverage of 'unknowns'—ordinary people—and the Apartheid old guard, who became less significant as time passed.

### *3. News content*

Another significant shift in the news focus from 2000 to 2001, was the coverage of state transgression, broken down into regional government transgression, central government transgression, and transgression by the military and security apparatus. The composite figure for 2000 was 5.1%. This went up to 8.8% in 2001, with significant increases for regional and national government transgression, 4.2% and 2.8% respectively, up from 1.3% and 0.6% in 2000. There was also a decline in the reporting of transgressions within the military and security apparatus: 1.8% in 2001, compared with 3.2% in 2000. Private and corporate crime reporting was similar to 2000. But there was a major decrease in the coverage of Africa in the main news section, down from 13% in Van Niekerk's last year, to 3.9% in Barrell's first year. There was also a significant decline in coverage of the media: 5% in 2000, to 2.9% in 2001. But there was a significant increase in education coverage: 4% in 2000 to 6.6% in 2001. This could be accounted for by the changes in the school curricula, as well as the transformation of tertiary institutions.

## **Quantitative analysis of editorials, and columns, 'Over a Barrel' and 'Worms Eye View'**

### *Editorials during van Niekerk's editorship (1998-2000)*

The editorials in a newspaper are regarded as 'the voice' of the paper. In trying to get a sense of the paper's voice, I thus undertook a quantitative analysis of the editorials during Van Niekerk's editorship, starting in 1998. Because the paper was also popularly regarded at this time as being down on the government, anti-ANC (despite its supporting the ANC in the 1999 elections), and anti-Mbeki, I used these as the main criteria, and added politics in general, and 'other' to cover the spectrum of issues dealt with in the

editorials. I broke down the government, ANC, and Mbeki categories, further to those that were positive or informative, and those that were critical of government or government agencies, the ANC and its members, and Mbeki. The following table illustrates the results:

**Table 2: The coverage in editorials and the columns, *Over a Barrel* and *Worms Eye View*, in percentage terms.**

Gov - negative view of government, government agency or government personnel  
 Gov + positive view of government, government agency or government personnel  
 ANC - negative view of ANC, or ANC personnel  
 ANC+ positive view of ANC, or ANC personnel  
 B+ positive view of Mbeki  
 B- negative view of Mbeki  
 P politics in general (includes issues dealing with the Alliance i.e. SACP or Cosatu)  
 O other

*Re Columns:* B = Howard Barrell's *Over a Barrel*  
 F = Steven Friedman's *Worms Eye View*  
 S = Siphoo Seepe *No Blows Barred*  
 C = Richard Calland *Contretemps*  
 T = TOTAL

Year	Editorial								Columns							
	Gov+ %	Gov- %	ANC+ %	ANC- %	B+ %	B- %	P %	O %	Gov+ %	Gov- %	ANC+ %	ANC- %	B+ %	B- %	P %	O %
1998	2.6	10.3	0	3.8	0	1.3	43.6	38.4	B4.8	9.5	4.8	0	0	4.8	71.3	4.8
1999	2.6	14.5	1.3	1.3	1.3	3.9	40.9	34.2	B 8	4	0	4	4	0	54	6
									F 0	2	0	2	0	2	10	4
									T 8	6	0	6	4	2	64	10
2000	9.2	14.5	0	6.6	1.3	9.2	17.1	42.1	B 0	4.2	0	4.2	4.2	10.7	12.8	10.7
									F 4.2	8.5	0	0	2.1	0	27.7	10.7
									T 4.2	12.7	0	4.2	6.3	10.7	40.5	21.4
2001	2.2	22.5	0	9.0	0	9.0	27	30.3	S	12.5		6.2	0	8.3	20.8	4.2
									F	0		2.1	0	27.1	6.2	
									C	0		0	0	6.3	2.1	
									B					2.1	2.1	
									T 0	12.5	0	8.3	0	8.3	56.3	14.6

What is significant about these figures is that in 1998 commentary on the government's performance in editorials amounted to only 12.9% of coverage, but 10.3% of this was critical of its performance. Commentary on the ANC and Mbeki was negligible, whereas the greatest proportion of coverage was on 'politics in general' (43.6%), with slightly less falling into the 'other' category (38.4%). This suggests that the editorials focused on broad issues of democracy, rather than simply attacking the government, the ruling party, or Mbeki. A similar pattern is evident in 1999, although with slightly more coverage of government (17.1%) and Mbeki (5.2%)—which is not surprising in an election year—with correspondingly less coverage falling into the other two categories (politics 40.9%, and other 34.2). In Van Niekerk's last year as editor, there was a similar increase in editorial coverage of the government (23.7%), ANC (6.6%), and Mbeki (10.5%), reflected in a decline in the politics in general category (17.1%); the 'other' category increased (42.1%). In these three main categories, 20.3% of the coverage was critical, as opposed to only 10.5% that was positive or merely informative. As a fifth of the editorials were thus critical of the government and the ruling party, it is not surprising that a popular perception emerged that the paper was turning away from the government and the party that it had supported during the apartheid era and prior to the first democratic elections in 1994.

#### *Editorials under Barrell's editorship (2001)*

Of significance for 2000 was the dramatic increase in editorials that were critical of government: up from 14.5% in 2000, to 22.5% in 2001. There was also an increase in editorials critical of the ANC: 6.6% in 2000, to 9.9% in 2001; but only a slight increase in editorials critical of Mbeki: 9.2% in 2000, and 9.9% in 2001. Also significant was a huge increase in editorials dealing with politics in general: up from 17.1% in 2000 to 27% in 2001. One explanation for this could be the changes in ANC structures and policy-making procedures, and growing concern about the increasingly 'authoritarian' nature of the Mbeki state, and the erosion of a political culture of debate and contestation within the ANC. To this could be added the HIV/AIDS crisis, and Mugabe's treatment of popular dissent in Zimbabwe. These concerns were articulated as a more general concern about the nature of democratic politics, than about the specificities of a particular party's

processes and policies. There was a concomitant decline in the 'other' category, from 42.1% in 2000 to 30.3% in 2001, indicating that politics, broadly defined, occupied two-thirds of editorial comment.

#### *Columns under van Niekerk's editorship (1998-2000)*

In addition to the editorials, I also looked at two columns that represented a key space where political opinion was aired. These were *Over a Barrel*, written by Howard Barrell, and *Worm's Eye View*, written by an independent policy analyst, Steven Friedman. *Worm's Eye View* was only introduced in 1999, and the split in column space was 72% for *Over a Barrel*, and 19% for *Worm's Eye View*. In 2000, the columns alternated, reflected in a 46.8 to 53.2% split in favour of Friedman's column. In 1998, of Barrell's 47 *Over a Barrel* columns, 14.3% dealt with the government, 9.5% of which were critical; 4.8% dealt with the ANC, of which all were positive or informative; 4.8% focused on Mbeki, all of which were critical, and 71.3% dealt with democratic politics in general. In this year, on balance, there was thus more critical commentary on the government, the ruling party and the deputy president. In 1999, when Mbeki was elected president, *Worm's Eye View* was introduced. Of the two columns together, 14% focused on the government (of which 6% was negative), 6% dealt with the ANC and Mbeki respectively, 64% dealt with democratic politics in general, and 10% of coverage fell into the 'other' category. In this year, most of the coverage was not directed towards the government, the ruling party and Mbeki, and only 12% of coverage dealt with them negatively. In 2000, the two columns alternated, and although there was not a significant shift in the coverage of the government (16.9%, as compared with 14% in 1999) and the ANC (4.2%, compared with 6% in 1999), there was a substantial increase in focus on Mbeki—up from 6% in 1999, to 17%. There was a concomitant 20% drop in the coverage of politics in general, and a 10% increase in other issues. There was almost a doubling of negative coverage of Mbeki—attributable to Barrell's column, as was all the critical commentary on the ANC (4.2%)—whereas a slight increase in negative coverage of the government surfaced in Friedman's column. Combining these two columns, 27.6% of the commentary regarding the government, the ANC and Mbeki was negative.

It is therefore not surprising that the paper was popularly regarded as being hostile to both the ANC and Mbeki.

*Columns under Barrell's editorship (2001)*

In 2001, under Barrell's editorship, *Over a Barrel* was dropped as a regular column—appearing only twice—and was replaced by Sipho Seepe's *No Blows Barred* (24 columns). Political commentator Richard Calland<sup>17</sup> wrote four columns under the title *Contretemps*, and Steven Friedman's *Worm's Eye View* appeared seventeen times. Sipho Seepe's views were numerically predominant in 2001. Significantly, he was responsible for most of the negative coverage of the government (12.5%) and of Mbeki (8.3%), amounting to just over a fifth (20.8%) of the columns. Of the 8.3% negative coverage of the ANC, he was responsible for 6.2%, making him overall, the leading critic of the government, the ANC and Mbeki. It is not insignificant that he was hired by Barrell, confirming the power of editors in shaping the ideological orientation of their publications by their power to hire and fire writers. It is also interesting that Seepe was one of the ten black professional signatories to the letter complaining about the *Mail & Guardian's* treatment of black professionals—which was cited by the BLA/ABASA in their complaint of racism against the *Mail & Guardian*. This illustrates the difficulty in identifying political allegiances based either on the person's race or class, enabling a political over-simplification of who is a 'legitimate' representative of particular interests<sup>18</sup>.

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<sup>17</sup> At the time the columns appeared, Calland was head of the Political Information Monitoring Services (PIMS) at the Institute for Democracy in South Africa (IDASA).

<sup>18</sup> The black liberal is seen as a political conundrum, popularly articulated as a 'coconut': black on the outside, white on the inside. Thami Mazwai, publisher of *Enterprise* magazine and leading proponent of a Black press, used this metaphor to describe his concern for black journalists involved in 'non-racial' media organisations: "No black journalists can survive in these non-racial organisations unless he becomes a coconut...I hope Moegsien [Williams, then editor of the *Cape Argus*] knows the difference between blacks and coconuts" (Haffajee 1997: 10).

A simple summation of the percentage of both columns and editorials reveals the following:

Year	Gov+	Gov-	ANC+	ANC-	B+	B-	P	O
1998	7.4	19.8	4.8	3.8	0	6.1	114.9	43.2
1999	10.6	20.5	1.3	7.3	5.3	5.9	104.9	44.2
2000	13.4	27.2	0	10.8	7.6	19.9	57.6	63.5
2001	2.2	35.0	0	17.3	0	17.3	83.3	44.9

In 1998 and 1999 (Van Niekerk’s editorship) politics in general and other issues far outstrip the focus on government, the ANC and Mbeki. Generally, the negative coverage of the government is double the positive coverage, and increases fairly substantially with each successive year. A similar trend can be seen in the negative coverage of the ANC and Mbeki. It is only in 2000 that the combined coverage of the government, the ANC and Mbeki (78.9) outstrips the coverage of politics in general (57.6), although it is still considerably more than any of them taken individually. When Barrell takes over in 2001, the existing trends continue, although there is no positive coverage of Mbeki, nor of the ANC, which could support the perception that ‘the *Mail & Guardian*’ was hostile to both the ANC and Mbeki.

**Readers’ critiques: What the letters tell us**

Given the problem of making sense of a newspaper as a cultural response to its place and time, I was drawn to looking at the vibrant ‘Letters’ section. Apart from providing responses to issues raised by the paper, it also gives some indication of readers’ responses to the paper itself. The letters are selected in a way that promotes the identity of the paper as open to criticism, and fair in revealing not only praise for the paper, but also criticism of it. Although the letters published are those that have passed ‘the gate’ of publication, they are nevertheless a useful indicator of some readers’ concerns. Many of them deal with journalistic concerns: the accuracy of reports, or the (mis)representation of particular people and issues: “Your headline ‘White males face the chop’ (6-12 March 1998) and key elements of the accompanying article give a completely misleading impression of our

employment equity policy”, writes Dr Mamphela Ramphele, vice-chancellor of the University of Cape Town (13-19 March 1998: 16). “Your coverage of events happening around the continent is Eurocentric, and you have fulfilled the goal of the colonialists by adhering to their division of the continent based on language and sphere of influence”, writes a Yeoville reader (13-19 February 1998: 34). Achmat Dangor upbraids the paper for its treatment of his sister, then Gauteng MEC, Jesse Duarte:

The headline, worthy of the ‘best’ of British tabloids, states categorically what the text of the story merely alleges (that Duarte and Babalazi were lovers). You do not say who made the allegation, and on what basis. Why did the *M&G* commit this most blatant act of prejudice, a sin that even the most amateur journalist is wary of?... The answer, in unemotional terms, is that this kind of reporting is part of the *M&G*’s strategy to establish a market niche for itself. Now that the more mainstream papers have stolen your ‘brave voice’ mantle (a cursory glance through *Sunday Times* and the *Sunday Independent* show oppositional stories of greater substance and supported by more in-depth analysis), you have no choice but to out-bitch, out-slur and out-innuendo your opposition... What’s next in the Dirt Avenger series? Jacob Zuma’s trouble with his dentist account? (13-19 February 1998: 30)

This critique picks up on a couple of the key issues that the *Mail & Guardian* became criticised for under the editorship of Phillip van Niekerk. First, “The Mail & Guardian’s descent into sleaze”—as the headline for the Dangor letter proclaimed—was how its approach to covering institutional corruption was perceived. Second, he criticised its coverage of incidents or issues ‘by association’, rather than on the basis of direct evidence and proof. Dangor attributes this to the paper’s need to establish itself in a changed political environment, and to the loss of its ‘brave voice’—its claim to fame during the apartheid era. The very headline for the letter demonstrates the uncowed attitude of the editor—as does his response: “As for Jacob Zuma: if he was heading a Masahkane campaign urging the poor to pay their dental bills, it would be a news story for us if he defaulted on payments for his gold-plated dentures” (13-19 February 1998: 30). Many of the editorial responses to letters during Van Niekerk’s editorship reveal a brazen, in-your-face, ‘we’ll have the last word’ attitude.

The letters also reveal the varied responses of readers, and the disputation between readers—although constructed by the paper’s selection and publication process. One series of exchanges illustrates this. It begins with an article by investigative journalist,

Stefaans Brummer, in *Second Look*, an opinion space, which criticises the government's response to alleged corruption. The issue is taken up by letter writer, Karl van Holdt<sup>19</sup>:

Maybe the reason the government ignores the *M&G* is because the watchdog barks too much. Virtually every cover story is about corruption, mismanagement or incompetence in government. Most of the stories on your news pages shout about the same issues. (5-11 June 1998: 24)

He goes on to suggest approaches to reporting that might stimulate the interest of ordinary readers, professionals, decision-makers and government officials, and so break their perceived 'silence' that Brummer complains of:

Does the *M&G* provide a halfway accurate picture of the complex and contested changes we are living through? Are there, for example, no government departments or leaders who are trying to gain control over corruption in their departments? Where is the sober assessment of the difficult choices faced by the government in different spheres, of the trade-offs, compromises and contradictions of governing? The informed and critical discussion of new policy initiatives and their successes and failures? The intelligent analysis of public service delivery, race relations, urban and rural development, education, health and so forth, which we would expect to find in "Africa's best read"? And what about life outside government—in communities, rural areas, on streets, in business, in the workplace? (Van Holdt 5-11 June 1998: 24)

Van Holdt proposes a different model of journalism: one that might be equated with some form of development journalism<sup>20</sup> or civic journalism<sup>21</sup>, that foregrounds civic and governmental processes and policy evaluation, rather than 'bad news', that in the liberal tradition of watchdog journalism, is considered 'good news'. He concludes that this approach "should not be construed as an argument for ignoring corruption, but a plea for balance and perspective". Instead of seeing this critique as a valuable contribution to the problem of how to cover the complexities of South Africa's apartheid legacy and its transition to democratic rule, the editor responds testily:

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<sup>19</sup> Van Holdt is a relatively well-known left-wing activist.

<sup>20</sup> Development journalism was widely debated in the context of the New World Information and Communication Order (NWICO), as offering a counter to the western agenda for journalism that focused on political, but not economic issues. It was critiqued by some as a means of promoting an official, or government agenda in developing countries—what was sometimes called 'sunshine journalism' (see Ogan 1982 for a brief, but good over-view of the key issues).

<sup>21</sup> Civic journalism was initially an urban American response to a declining interest in politics and the media. Its aim was to reconnect media with the constituencies they served by making them and their interests/concerns the focus of the news agenda (see Glasser 1999).

Karl van Holdt appears to have misread Brummer's piece...If cynicism and pessimism have 'encrusted' these circles, it is more likely caused by the way that the government has handled scandals such as the Emanuel Shaw/Don Mkhwanazi saga, to name but one, than the fact that the *M&G* has brought attention to them. Van Holdt is welcome to his opinion about the *M&G*, but he appears to be indulging in a bit of exaggeration himself. (5-11 June 1998: 24)

Van Niekerk may well be right that political apathy or silence is in part caused by the government's apparent failure to act against transgressors, but the response is more a 'defence' that shuts down communication, and less a participation in a dialogue that might result in valuable insights which might benefit the *Mail & Guardian's* reporting strategies. The following week another reader takes up the issue, responding to both Van Holdt's letter and the editor's reply: "Karl van Holdt...may have misread Stefaans Brummer's piece...but his observations are perhaps more true of the *Mail & Guardian* itself" (Nkululeko Lebogo, Pimville. 12-18 June 1998: 22). While acknowledging the value of the *Mail & Guardian*, and the need for a vigilant and critical press in a democracy, he criticises the way in which the paper covers issues of corruption:

The sensationalisation of these issues does not, in my view, form part of this brief. I do know that it is possible for the *M&G* to constructively engage us in debate towards nation building because it has done so in the past...(Nkululeko Lebogo, Pimville. 12-18 June 1998: 22)

While Van Holdt's contribution is to offer an alternative view of potential content, this reader is critical of the linguistic style and tone of the reporting—what he describes as "sensationalisation". Without the term being defined, or examples given, it is hard to know exactly what the reader is referring to, but it is not an uncommon criticism of the paper's reporting style during this period. Another reader also responds to Van Holdt:

Wow, the question here is: on behalf of whom is myopic, stereotyped and naïve Van Holdt speaking, because I am in no doubt that any sensible and intelligent person who buys a newspaper wants to be informed about the world in the way this paper does...This government wants to rule over spineless and complacent people who'll sing 'hallelujah' to it, and therefore independent papers are a necessity. (Tim Singiswa, Hillbrow, 12-18 June 1998: 23)

That these readers criticise the paper in the way that they do, suggests that they have a sense of commitment to the paper, and are concerned by what they perceive as a

deterioration in its approach to news. This is made explicit by the last writer who questions, “on behalf of whom?” Van Holdt is writing. This question of the legitimacy of the view or voice, or who is represented by the paper is a fundamental problem that the paper encounters. A very different voice from those above observes:

You’re so blinded by socialist nonsense fantasies, elitism, arrogance and support for the African National Congress that you’re incapable of seeing that greater well-being of the people will be achieved by real freedom and self-reliance, not social engineering. (Anonymous. 10-16 July 1998: 22)

The 1994 election was the first time every citizen had a vote. When disenfranchised, many took a common position against the apartheid state. In the new state, without the ‘common enemy’, there was a need to define positions more carefully, and issues of legitimacy, authenticity, and truth, are confounded by the validity of different interpretations. The letters reveal the diverse ways the paper was perceived by its varied readership. One also gets a sense of an engaged readership, and in this respect, the ‘letters’ section is another ‘space’ that the paper creates for public debate. Haffajee has a different view of the paper’s relationship with its readers. Although there was a steady increase in the paper’s circulation figures<sup>22</sup>, she believes that the character of the readership has changed:

It wasn’t a readership that felt a sense of ownership. It was a readership that felt it had to read the *M&G* for other reasons. I would see parliamentarians sneakily reading it. Not holding it proudly under their arms, and so would not own up to reading it...And it became ...its core readership...[those] for whom it began to confirm their worst fears about South Africa. (2002: 22).

Without a reception study of the paper, it is impossible to make conclusive statements about how the paper is read, and the place it has in the lives of its diverse readers.

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<sup>22</sup> The *Mail & Guardian* kept its readers informed of its readership figures: in 1998 it reported readership figures of 120,000 per week, with “55%...black, coloured and Indian, and 42,000 professionals” (20 November 1998); in 1999 it reported 174,000 weekly readers: “Black readers total 81,000 (47%), with black, coloured and Indian readers totalling 55%. *M&G* readers are well-educated professionals, who are young and upwardly mobile” (6 August 1999); and in 2001 it reported 230,000 weekly readers: “Some 60% ...are African, 31% are white and 9% are from the coloured and Indian communities, suggesting that *M&G* readers are united by mindset rather than any specific demographic aspect” (24 August 2001). In all cases it cited the latest All Media Products Survey (AMPS) figures, provided by the South African Research Foundation (SAARF)—which reported 198,000 weekly readers in 2000. [http://www.mg.co.za/artleddirect.aspx?articleid+210625&area=%farchives\\_print](http://www.mg.co.za/artleddirect.aspx?articleid+210625&area=%farchives_print) retrieved 12/12/2006.

Ultimately, the disputes about the nature of the *Mail & Guardian's* journalism—whether deemed to be sensationalist or overly focused on government corruption—are about the politics of its practice: its place in the South African media and political landscape. What kind of political space is occupied and created by the paper? Is it a singular space or does the paper open up different kinds of spaces? Whose interests, or what interests, are served by this publication? A sectional analysis of the paper reveals that the news feature approach allows the *Mail & Guardian* to offer a variety of spaces for different kinds of voices. But the tone of the editor's voice that comes through the responses to the letters is certainly defensive, unyielding, combative, and needing to win in any exchange. This begs the question about what is being defended or protected: is it the *Mail & Guardian's* brand of journalism—standing for 'Universal Journalism' in the abstract—or the editor's ego? Or both? This begs further questions about journalism as a public resource, and the ethics of the journalistic stance that is taken.

### **Conclusion**

Peter Bruck offers a useful description of the various kinds of writing that one finds in newspapers, suggesting that they can only be understood in terms of their own genres and conditions of production:

Newspaper writing consists of various types of narratives and formats, which follow different rules and conventions of composition and subject treatment...The different formats can be ordered by their proximity to the discourse of the established powers on the following continuum: news briefs, news reports, editorials, features, backgrounders, columns, editorial cartoons, and letters to the editor...Differences in the discursive processing of events can thus be demonstrated to be related to formal elements in the production of daily newspapers. In other words, the symbolic reproduction of the dominant structures has to take place through the specific logics of media production that are associated with news formats. (1989: 114-116)

Newspapers constitute a multi-textured and multi-discursive space of public expression that is often reduced in the popular imagination to constituting a singular or homogenous entity—most likely because we read selectively, and caricature the whole paper in terms of the parts we “like” or disapprove of.

This overview of the content of the *Mail & Guardian* between 1998 and 2001 reveals that the paper changed over time. There appears to have been a definite increase in negative news reporting of the government in Howard Barrell's first year as editor (2001). There was also a significant increase in articles about government transgression—corruption of one kind or another—and a significant decline in covering Africa, which had been a mark of Van Niekerk's editorship. Although critiques are made of 'the *Mail & Guardian*', the content analysis reveals that there are significant differences in the paper under these two editors. Related to these changes in news coverage, is the stance of the paper revealed in its editorials. Again, under Barrell (in 2001), there is a significant increase in editorials critical of the government, and to a less extent critiques of the ANC—both of which grew under Van Niekerk's editorship, but peaked in 2001. As a columnist during Van Niekerk's editorship, Barrell was responsible for all the negative Mbeki commentary in 2000; but in 2001, as editor, he replaced his column with one by Siphos Seepe, who produced much of the anti-Mbeki commentary. Seepe was largely responsible for the anti-government and anti-ANC commentary, confirming the importance of those who have the power to hire: editors, and boards of directors.

The changes in the paper's sections under the two editors are also indicative of the changing 'character' of the paper. The identity of the paper was shifting, and some readers, and on occasion, its journalists responded to these changes. This analysis of the *Mail & Guardian's* textual expression reveals helpful insights into the changing patterns of *Mail & Guardian* journalism under two different editorial regimes. In so doing, it offers possible pointers to why the *Mail & Guardian* was accused of racism.

## CHAPTER 9: The *Mail & Guardian's* hallmark: investigative journalism

...irony does not merely operate within the constraints imposed by the conventions of journalistic objectivity; it transfigures those conventions into a moralistic vocabulary for the condemnation of the villains to whom we have foolishly entrusted our public affairs. (Ettema and Glasser 1994: 11)

Journalists, ...are not ultimate ironists but rather naively moralistic ironists. They regularly use irony to parody their villain's foolish characterizations of reality but never to call into question their own characterizations. (Ettema and Glasser 1994: 8)

I'm basically saying that the way in which the stories, and the Emmanuel Shaw story in particular was approached, it was not user-friendly to someone who's not in journalism. (Nkosi 2002: 25)

This chapter, and the next two, examine selected texts in order to probe the validity and meaning of the complaint of racism against the *Mail & Guardian*. I have selected texts that report on the governance of public institutions such as the South African Broadcasting Corporation (SABC), the National Prosecuting Authority and the judiciary. These texts speak to broader issues of social restructuring and redressing the apartheid exclusion of black people in prominent organs of state. The stories typify the social issues that characterised the *Mail & Guardian's* selection of news. Another reason that I selected these texts is that some of them were praised as examples of excellent journalism, whereas others were criticised as offering a perspective that perpetuates white privilege.

In this chapter I examine the reporting of Emanuel Shaw II's employment by the Central Energy Fund (CEF)—a major piece of investigative journalism undertaken by award-winning journalist, Mungo Soggot<sup>1</sup>. By examining this series of 45 articles as an example of a typical investigative series that characterised the *Mail & Guardian's* identity, I elucidate two main issues. First, how investigative journalism, regarded as the pinnacle of neutral, dispassionate, or objective reporting, does, nevertheless, express the

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<sup>1</sup> In 1998 Mungo Soggot won the prestigious Foreign Correspondents Association Press Award for his coverage of, amongst other things, "corruption in the Central Energy Fund"—as did Wally Mbhele for "the scandal surrounding the arrest of Robert McBride" (M&G 27 November –3 December 1998: 2).

journalist's moral position—in so doing, I will show how Soggot constructs the story to vindicate his own outrage on behalf of his readers and the taxpayer. Second I probe how the story's positioning could be read as racist—as suggested in a full-page 'advertisement' by Don Mkhwanazi, then Chair of the Central Energy Fund, who employed Shaw II. The saga also exemplifies two aspects of the BLA/ABASA complaint. First, that

in exposing alleged corruption in the public, private sector, NGO sector and educational institutions, the *M&G* unfairly targets Black (sic) professionals, civil servants and other role models. The focus seem (sic) to be specifically on those Black (sic) people who are high profile and role models. (SAHRC 2000a: 11)

Second, that the *Mail & Guardian* 'diminished the dignity' of black people through reporting regarded as "relentless and repetitive": "Once a person is targeted his/her alleged corruptness or incompetence is serialised" (SAHRC 2000a: 12).

#### **Investigative reporting: Emanuel Shaw II, Don Mkhwanazi, Penuell Maduna and the Central Energy Fund.**

This story consists of 45 articles, mostly written by Mungo Soggot, between November, 1997<sup>2</sup>, and April 1998. The story itself is made up of a number of sub-stories, so the end depends on which trajectory one is referring to. The main story tells of how Don Mkhwanazi, then chair of the Central Energy Fund (CEF), employed a Liberian, Emanuel Shaw II, as advisor to the chair and the CEF, at a salary three million rands, "without going through tendering procedures and without the knowledge of the Minister of Minerals and Energy, Penuell Maduna" (7-13 November 1997: 2). In addition to this, Shaw's employment "had taken place without the approval of the board" of the CEF (7-13 November 1997: 2). Shortly after this initial exposé, Soggot reported that the minister had ordered a full investigation into Shaw's appointment (14-29 November 1997: 2). This panel recommended that the CEF board be replaced—effectively axing Don Mkhwanazi—that Shaw's contract be terminated, and that an attempt made to reclaim some of the money paid to him (30 January-5 February 1998: 3). However, when the report was tabled in parliament, Maduna described it as "flawed" and "unhelpful in the resolution of this saga" (20-26 February 1998: 13, 32). Both Soggot (20-26 February

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<sup>2</sup> The *Mail & Guardian* ran a front page headline, "Shady Liberian gets R3m state salary", followed by the page 2 story headlined "R3m for shady Liberian" (7-13 November 1997). See Appendix 6 and 7.

1998: 13) and the *Mail & Guardian*<sup>3</sup> (20-26 February 1998: 32) interpreted this as Maduna's support for Shaw and Mkhwanazi. Nonetheless parliament blocked an attempt by the minister to retain Mkhwanazi as Chair of the CEF, and Mkhwanazi was obliged to resign (3-8 April 1998: 3). This resignation concludes the main story. A sub-story, which continued until late 1998, dealt with the actions of Maduna in relation to the CEF: the suspension of its chief oil trader, Kobus van Zyl; the resignation of Dr Gordon Sibiya and a key financial officer (5-11 December 1997: 2); and the sacking of his aide, Thulane Gcabashe (13-19 March 1998: 8).

### **Investigative Journalism and the Moral Order<sup>4</sup>**

In order to make sense of this investigative series, I draw on the seminal work on investigative journalism by James Ettema and Theodore Glasser<sup>5</sup>. The thrust of Ettema's and Glasser's argument is that although investigative journalism is seen as the apogee of journalism, regarded by journalists and the public as a disinterested or objective record of the facts, it is also a moral discourse about the world. They explore the paradox of journalism, as both "custodian of conscience" and "morally disengaged" voice (Glasser and Ettema 1989: 5). Within journalism's paradoxical self-identity as both adversary of the powerful and objective reporter, the special contribution of investigative journalists is to identify actions they think society deems morally wrong. In so doing, they "articulate the moral order by showing that transgressions are, in fact, transgressions" (Glasser and Ettema 1989: 2). They elaborate:

This objectification of moral standards, we conclude, is the special contribution of investigative journalists to the ongoing cultural process by which morality is not only reinforced but also defined and refined through application to new and ever-changing conditions. (Glasser and Ettema 1989: 3)

They make their argument in three ways. First, they examine the paradox of adversarial and objective journalism; second, they consider how narrative, as a form, enables meaning-making in relation to the moral order; and third, they discuss the use of irony as a means of subjective commentary in an apparently factual discourse.

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<sup>3</sup> See its editorial, "Now the cover-up".

<sup>4</sup> This is the title of an article by Glasser and Ettema (1989)

<sup>5</sup> See Glasser 1984; Ettema and Glasser 1985, 1988, 1994, 1998; and Glasser and Ettema 1989, 1993.

### *The paradox of adversarial and objective journalism*

Glasser and Ettema locate the apparent paradox inherent in the combination of adversarialism and objective reporting in American journalism's move in the 1830s from being the voice of the mercantile and political elite to the mass circulation penny press (1989: 4)<sup>6</sup>. This independence of the penny press "enabled this new journalism to pursue what was then an entirely novel approach to reporting: 'surveillance of the public good' (Schiller 1979: 47)" (Glasser and Ettema 1989: 4). By identifying itself within the public at large, journalism could define itself as free of special interests, and therefore more reliable in what it reported. A shift was apparently effected from a journalism based on vested interests, to one based on 'facts'. This became the basis of what is now regarded as the foundation of journalistic professionalism:

With straightforward fact-filled reports, journalists, like scientists, could position themselves and their work as value free. The ideal of objectively reported fact was soon rationalized into journalism's dominant paradigm: 'a canon of professional competence and an ideology of professional responsibility' which conveyed a 'reassuring sense of disinterest and rigor' (Carey 1969: 33,36). (Glasser and Ettema 1989: 5)

Because journalism was now seen as disinterested, the 'facts' recorded "helped to realize a vision of public interest by telling stories which exemplified and defended that interest" (Glasser and Ettema 1989: 4).

Glasser and Ettema argue that the *paradox* of mainstream journalism developed through this historical change: from special interest to public interest, articulated through the hegemonic discourse of science (the disinterested observer). Indeed, they suggest that without the disinterested stance, articulated through the conventions of scientific observation and fact-finding, investigative journalism—the 'journalism of outrage'—would neither be credible nor possible (1989: 5). They argue, "if the triumph of objectivity as the professional ethic of journalism has worked to make muckraking credible, it has worked also to further obscure the very values upon which it depends" (1989: 5). They point to the central contradictions of mainstream journalism as a social discourse: first, its contemporary news values (what to report) were born out of a

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<sup>6</sup> See also David Mindich's (1998) book, *Just the Facts. How 'Objectivity' Came to Define American Journalism*.

recognition of contested views about what was going on in the world<sup>7</sup>; second, its ideology of being ‘in the public interest’ was a means of validating its selection/construction of news; third, its presumed objectivity protected it from owning up to which side of the social contestation it took<sup>8</sup>; and finally, its focus on *events* (facticity) enabled it to sidestep the structural conditions which produced the events—thus producing a discourse based on ‘common norms and values’—which was the basis of the social contestation in the first place.

Theorising the position of mainstream journalism, Herbert Gans argues that it is conservative, because in concerning itself with events rather than structures, there is a conflation of journalism’s values and social values—making it possible for journalists to claim that their work is value free (1980: 197)<sup>9</sup>. It is these tensions that underpin investigative journalism:

Investigative reporters thus can set aside explicit consideration of the normative ‘ought’ and concentrate instead on documentation of the empirical ‘is’ by limiting their investigative stories to violations of widely shared values. (Glasser and Ettema 1989: 2)

Investigative reporters effect this change in focus from an unspoken ‘ought’ to an explicit empirical ‘is’ in two ways: first, by highlighting a wrongful act; and second, by referring to external standards for judging the act as ‘wrongful’ (1989: 2). As Glasser and Ettema note:

By appealing to standards external to journalism, investigative reporters are able to treat questions of right and wrong as questions of fact. And because this objectification of moral claims...necessarily upholds, not challenges, the prevailing moral order, Gans (1980: 293) posits a fundamentally conservative role for an adversarial press: it conserves the moral status quo insofar as it ‘reinforces and relegitimizes dominant national and societal values by publicizing and helping to punish those who deviate from the values’. (1989: 2)

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<sup>7</sup> See Mindich’s (1998) argument in Chapter 1.

<sup>8</sup> See Tuchman (1972), “Objectivity as Strategic Ritual: An Examination of Newsmen’s Notions of Objectivity”.

<sup>9</sup> It is this relationship that informs discussions about ‘radical’ or ‘alternative’ media (see John Downing 2001). See my discussion in Chapter 3 which examines Tomaselli & Louw’s analysis of the ‘Alternative Press’ in South Africa. The contemporary form of the debate is articulated in relation to questions about what constitutes “transformation” in the media. For these debates see Tomaselli (1997), Berger (1999), Barnett (1999), Boloka and Krabill (2000), Steenveld (2004).

But they challenge Gans' conclusion that investigative journalists simply reiterate dominant values. They suggest his argument is problematic because he assumes a stable, unchanging 'moral consensus' that investigative journalism simply reflects (1989: 2).

Instead, they argue,

While there may be 'enduring values' upon which the claim to objectivity depends (e.g. antipathy to hypocrisy), such values are not consistent, and their application to the situation at hand is seldom clear. Appropriate objective standards are rarely self-evident, and the task of 'empirically determining' them is rarely simple. (1989: 2)

On this basis Glasser and Ettema argue that the special contribution that investigative journalists make is less a matter of uncovering wrong, than one of participating in a social process in which moral values are re-negotiated and re-established:

Journalists themselves must articulate the moral order by showing that transgressions are, in fact, transgressions...they...locate, select, and interpret the standards that can be used by the public to make such judgments. (1989: 2-3)

They argue that investigative journalism's special role is less its watchdog function of protecting a particular governing regime, than its market place of ideas function<sup>10</sup>.

Although both functions confirm the media's importance to maintaining a democracy, the market place of ideas rationale is philosophically more important to the status of journalism.

### *Narrative form as a meaning-making instrument*

Investigative journalists participate in the process of establishing and confirming the moral values of a social order by telling stories about the world in which they live. These are not found, as commonly believed: they are constructed. Ettema and Glasser (1988:8) remind us of Tuchman's comment that "news is a selective reality" with "its own internal validity" (1976: 97), and it is its *narrative* form that provides its "internal validity" and local coherence. As 'history' and 'journalism' are both discourses of the real, they draw

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<sup>10</sup> Neisser notes: "its [market place of ideas] emphasis is not on the accuracy or quality of the end-product but on the breadth and quality of participation in the process" (1994: 345). See further arguments in Chapter 12. This view also links to Downing's (2001) argument that 'radical' media can take different forms, and that determining what makes media radical, depends crucially on context. Hanlon (2002) makes the same point when he describes the *Mail & Guardian's* provision of information in the 1980s as 'progressive'.

on Hayden White's work<sup>11</sup> on the construction of history through narrative, which he calls "an apparatus for the production of meaning, rather than...a vehicle for the transmission of information about an extrinsic event" (1984: 19; qtd. Ettema and Glasser 1988:9). White makes two key arguments. The first is that it is the narrative form that produces our understanding of reality. Form is not extrinsic to content, but gives meaning to what we perceive as 'mere content':

In historical discourse, the narrative serves to transform a list of historical events that would otherwise be only a chronicle into a story. In order to effect this transformation, the events, agents, and agencies represented in the chronicle must be encoded as 'story-elements'...When the reader recognizes the story being told in an historical narrative as a specific kind of story, for example, as an epic, romance, tragedy, or farce, he can be said to have 'comprehended' the 'meaning' produced by the discourse. This 'comprehension' is nothing other than the recognition of the 'form' of the 'narrative'. (White 1984: 20; qtd. Ettema and Glasser 1988: 10)

Applied to investigative journalism, the journalist's injunction that 'the facts speak for themselves', should be interpreted not as the transparency of the content, but as a pointer to the kind of story that is being told. The story form makes the facts comprehensible:

This means that the *shape* of the *relationships* which will appear to be inherent in the objects inhabiting the field will in reality have been imposed on the field by the investigator in the very *act of identifying and describing* the objects he finds there. (White 1978: 95. Emphasis in original; qtd. Ettema and Glasser 1988: 10)

The import of this for investigative journalism is that the logic of the story is constituted by both the form of its telling, and the journalist's description of the relationships between the elements of the story. Found elements—the facts—are those the journalist identifies as possible elements constituting the story s/he wishes to tell. In articulating these elements and the relationship between them in particular ways, the journalist constructs the tale s/he wishes to tell.

White's second key argument is that the narrative as form, is not only "an 'instrument' of comprehension or cognition", but also "an instrument for the assertion of moral authority" (Ettema and Glasser 1988: 10). In other words, history—as a social discourse—becomes an accepted authoritative account of the world. The telling of history

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<sup>11</sup> See White, H. (1978) *Tropics of Discourse: Essays in Cultural Criticism*; White, H. (1981) "The Value of Narrativity in the Representation of Reality"; White, H. (1981) "The Narrativization of Real Events"; White, H (1984) "The Question of Narrative in Contemporary Historical Theory".

is the scientifically recognised validation of the real—in much the same way as investigative journalism is. The basis of both history's and investigative journalism's authority, is that they are deemed to offer up reality itself. But, argues White, history is not reality: it is a story<sup>12</sup>. What drives the story, or the account of the real, in Ettema and Glasser's words, is "an essentially *moral vision* of events...it is the *moral force* of a story that provides the semblance of reality" (1988: 10, my emphasis). This moral consciousness shapes the story, enabling an account to start at a particular point, and end at another, thus elucidating a "passage from one moral order to another" (White 1981: 22; qtd. Ettema and Glasser 1988: 11):

It is the 'moralizing impulse' that endows facts with relevance and stories with closure and coherence—the very features we use to judge the value and truth of the stories we hear and tell. (Ettema and Glasser 1988: 11)

White concludes that the narrative form should be regarded as a metaphor:

It functions as a symbol, rather than as a sign: which is to say that it does not give us either a *description* or an *icon* of the thing it represents, but *tells us* what images to look for in our culturally encoded experience in order to determine how we *should feel* about the thing represented. (1978: 91 emphasis in original; qtd. Ettema and Glasser 1988: 11)

This view is echoed by James Carey in his consideration of journalism as a particular discursive form:

Like all literature journalism is a creative and imaginative work, a symbolic strategy; journalism sizes up situations, names their elements and names them in a way that contains an attitude to them...Journalism provides audiences with models for action and feeling, with ways to size up situations. (1974: 245)

Carey argues that it is journalism's stylistic conventions that "not only report the world but bring a certain kind of world into existence" (1974: 246). Thus, while a descriptive account conveys the impression of the real, it also offers a moral attitude to the real.

### ***Making judgments***

The contradiction facing journalists is that their professional ethic is based on a presumed objectivity, implying a stance that is non-judgmental, and yet their *political raison d'être*

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<sup>12</sup> He writes: "The events that are actually recorded in the narrative appear 'real' precisely insofar as they belong to an order of moral existence, just as they derive their meaning from their placement in this order. It is because the events described conduce to the establishment of social order or fail to do so that they find a place in the narrative attesting to their reality" (1981: 22; qtd. Ettema and Glasser 1988:10).

is to serve as the fourth estate<sup>13</sup>. But Tuchman argues that objectivity is a strategic ritual enabling journalism *not* to take responsibility for the judgments that it offers (1972: 676). There are two main ways in which this paradox (making judgments without the individual journalist, editor or publisher having to take responsibility for them) is resolved: first, by locating journalism's values within an assumed social consensus; and second, by referring to external sources which set the criteria for making judgments<sup>14</sup>. Key amongst these are: the law, codes of ethics, formal guidelines, appeals to norms attested to by experts, statistical data, and appeals to common decency (Glasser and Ettema 1989:10). Each of these sources defines a different kind of social obligation in relation to its observance, and is associated with different kinds of redress for breaching the obligation. At the one end of the continuum, the law represents fixed standards with legislated punishments for breaches thereof, at the other end of the continuum, common decency depends on the individual's own sense of obligation—with no set sanction for such breaches. This provides a framework against which journalists make judgments—which are deemed to be not their own, but those of the society.

Investigative journalism is thus driven by the imperative of defining morally outrageous actions, and in so doing, it has to make evaluative judgments about the level of transgression, and what the redress ought to be in order to re-establish the moral order. Because both the levels of transgression and the criteria for judging them are socially and historically determined, the progressive function of investigative journalism is that it enables the re-examination and re-negotiation of the moral order. As Glasser and Ettema put it,

This objectification of moral standards...is the special contribution of investigative journalists to the ongoing cultural process by which morality is not only reinforced but also defined and redefined through application to new and ever-changing conditions. (1989: 3)

In a social situation in which power and values are contested, making judgments about the kind of transgression and how it should be judged, are not unproblematic.

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<sup>13</sup> Classical liberal theory validates journalism's role as the watchdog of the public interest. The term 'fourth estate' is derived from the "estates of the realm. The traditional three are the Lords Spiritual (clergy that sit in the House of Lords), the Lords Temporal (other peers) and the House of Commons" (Franklin *et al.* 2005: 84). According to Franklin *et al.*, the idea is attributed to a number of thinkers and writers including Edmund Burke and Richard Carlyle.

<sup>14</sup> Cook makes the same point (1998: 105).

Glasser and Ettema also draw attention to another aspect of the paradox: journalists make moral judgments, but because they do not acknowledge that they are doing so, they “are denied by the canons of objectivity the opportunity to explicitly make and, more important, analyze and defend such judgments” (1989: 3). The problem is that although the media are supposed to be a public forum for discussion, the issues that most pertinently need discussion are ruled out of court by the ideology of ‘news’.

*Irony: facts as a statement of ‘moral position’*

In addition to referring to external sources as a means of commenting on the world they are ostensibly describing, journalists also comment on the world by using irony. It is a form of “double-layered” expression in which the surface level describes the situation as experienced by the victim of the irony, and the upper level as it appears to the ironist. The two levels are contradictory, with the upper level undermining, or calling into question, what appears to be stated on the surface (Ettema and Glasser 1994: 9). It thus depends for its proper reading (as ironic, and not literally) on shared assumptions, values, and an historical understanding of that which is being described (Glasser and Ettema 1993: 325). Booth describes irony as an invitation “to join the wise and the just in looking down on repudiated worlds” (1974: 42-42). In this way it creates a “knowing dialogue” between the author and her/his audience and “builds rapport with readers by acknowledging their sophistication” (Glasser and Ettema 1993: 333).

Irony effects this relationship between journalist and reader using the conventions of objective reporting: a “carefully documented ‘web of facticity’, an incisive selection of direct quotes, and an earnest attempt to balance the story” (Ettema and Glasser 1994: 11). By juxtaposing carefully gathered facts, or the quotations solicited, the journalist shows up the contradiction between “what is, and what appears to be; or what is said and what is meant” (Ettema and Glasser 1994: 11, 14). It is thus through the ironic deployment of the essential tools of reporting that the journalist is able to make moral judgements:

The genius of the ironic imagination in this context is that it transfigures the conventions of journalistic impartiality into a means of condemnation. Irony and objectivity do not merely coexist; irony exploits objectivity to work its effect. Irony, especially situational irony, instructs the investigative journalist where to find damning facts and how to assemble them into compelling narratives; and yet it

requires, not merely allows, journalists to present the facts in an objective style that lends them credibility. (Ettema and Glasser 1994: 11)

Because irony enables the journalist to comment on a situation, its “chief role is an evaluative one...Irony enables authors to disavow a proffered judgment and/or to render their own judgement where, ordinarily, it would be inappropriate to do so” (Glasser and Ettema 1993: 324). In Rosteck’s words, it inflects “the genre of journalistic discourse with alternative meanings and so position[s] itself between objectivity and accusation” (1989: 295; qtd. Glasser and Ettema 1993: 331). The ironist is able to comment in this way by “cutting out all the obscuring irrelevancies so as to reveal a clear and close confrontation of incompatibles” (Muecke 1969: 82; qtd. Ettema and Glasser 1994: 10). Irony reveals a contestation over the moral order—it challenges the unspoken assumptions that are the basis for action. Indeed it is the victim’s confidence that s/he holds the moral high-ground—is the secure interpreter of what is right and wrong—that so offends the ironist, invoking her/his use of irony to bring the offender into line. Irony is used to establish, or test, the moral order based on a consensus which the ironist shares, but that the victim has breached.

The ultimate aim of the investigative journalist in using irony is to further the cause of “civic reform” and thus enhance democratic governance—the key legitimising role of journalism in a democracy (Ettema and Glasser 1994: 12). Journalism does this by holding various stakeholders to account. But Ettema and Glasser suggest it also does more: it helps to maintain the ideals of democracy and justice by promoting a culture that is sceptical of authority (1994: 24). But having created a world in which officials are not to be believed, they question whether journalism has not undermined the possibility of creating the kind of world that it is ostensibly trying to bring about<sup>15</sup>:

Are we able to believe in its possibility? Haven’t we been told insistently that it is an ironic joke? Shouldn’t we dismiss any mention of it with—Yeah, right!—ironic knowingness? (Ettema and Glasser 1994: 24)

It is arguably this response that the *Mâil and Guardian* has evoked in some of its readers with its weekly coverage of government corruption. But it is also precisely this response

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<sup>15</sup> Paddy Scannell makes a similar argument in his discussion of language based on an ontology of suspicion (of the world) or language based on an ontology of trust (being in the world) (1998: 261 ff.).

that angers others who still believe that their democratically elected government offers their only hope of creating the better world they desire. What we then witness is a clash of claims and legitimacy: who speaks for the people—journalism or government?

### **Invoking the moral order: Analysis of the Emanuel Shaw II story**

I will now use the analytical framework described above to show how Soggot constructed the Emanuel Shaw II story, and in so doing enabled the *Mail & Guardian* to participate in renegotiating South Africa's post-1994 moral order.

The element of the Emanuel Shaw II story that makes it 'newsworthy' is that a government official, Don Mkhwanazi, employed a person whom the newspaper portrays as a rogue at great cost to the state without following proper procedures. Mkhwanazi is seen as guilty of flouting the government's employment guidelines and code of conduct. *Mail & Guardian* investigative journalist Mungo Soggot constructs this story by examining the characters involved—Emanuel Shaw II, Don Mkhwanazi, and Penuell Maduna—and by probing the relationships between them. He recounts the scandalous story of a state official (Mkhwanazi) using his authority to employ a person (Shaw II), not on the basis of his qualifications or expertise, but because he (Mkhwanazi) can benefit personally from such a deal. Thus the *moral logic* of the story is that a crook was employed at the taxpayer's expense because he was a friend of a state employee who benefited from his employment.

### ***Defining the breach of the moral order: the characters and their relationship to one another***

#### ***Emmanuel Shaw II***

The story is initiated with a screaming<sup>16</sup> front-page headline: "Shady Liberian gets R3m state salary". A smaller italicised subhead elaborates: "Samuel Doe's finance minister given key South African oil post" (7-13 November 1997: 2). The initial descriptions of the character establish a moral attitude towards him. The page 2 story is elaborated, with the lead paragraph tying together the two front-page descriptors: "A confidant of two of

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<sup>16</sup> The large bold type used in the headline is a typographical means of conveying the paper's outrage (*M&G* 7-13 November 1997: 1).

Africa's most notoriously corrupt leaders has landed an extraordinary R3-million a year contract as an adviser to South Africa's state-run oil company, the Central Energy Fund" (7-13 November 1997: 2). Shaw's association with two "notoriously corrupt leaders" calls his moral worth into question. The matter of having "*landed* an extraordinary<sup>17</sup>" contract further confirms how he uses such associations for his own monetary gain. This article and subsequent ones establish Shaw II as a rogue in a number of ways. First, he is shown to have been an intimate of notorious Liberian dictators:

Shaw II served as Liberia's finance minister under the comic-opera dictator Samuel Doe<sup>18</sup>. In addition to the South African post, he was recently appointed ambassador extraordinaire by Liberia's current President Charles Taylor. Shaw is also economic and financial adviser to Taylor, a former warlord and fugitive from justice in the United States, where he is wanted on fraud charges. (7-13 November 1997: 2)

Second, he is shown to be a thoroughly dishonest businessman. In an article headlined "Oil man's CV of sleaze", Soggot uses the term 'CV' ironically to demonstrate Shaw II's record of business deals which all show how he abused his political position for improper personal gain (14-20 November 1997: 2). Drawing on correspondence between Shaw II and his partner, Kouwenhoven, described by Soggot as "the Godfather of Liberia", he gives the reader factual evidence:

Shaw details how he gave Kouwenhoven the BMW dealership in Monrovia; the sole control of Monrovia's top hotel, the Hotel Africa; and how he established a string of front companies to give Kouwenhoven a cut in the purchase of a new aircraft for Doe. In some instances Shaw went so far as to change Liberian law to give Kouwenhoven plum deals, all of which earned him a healthy commission. (14-20 November 1997: 2)

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<sup>17</sup> Soggot's choice of words infers that Shaw II's own actions are morally questionable. For example he leads "Oil man's CV of sleaze" in this way: "The Liberian charged with reshaping South Africa's state oil industry helped *cream off millions* from his country's own oil business and had ties with a company which pumped oil into the apartheid South Africa" (M&G 14-20 November 1997: 2, my emphasis). Similarly in an article headlined "His main occupation was stealing", Soggot's and Butty's lead paragraph reads: "The man charged with reshaping South Africa's oil industry was accused in a United States court of masterminding a fraudulent scheme *to pocket the profits* from Liberia's petrol sales while serving as the country's finance minister" (M&G 19-23 December 1997: 6 my emphasis). In both paragraphs he links Shaw II's new job in South Africa to his past roguery. In so doing, Soggot provides an ironic account of the situation. Such an account, Mueke (1969: 82) notes, "take[s] something which on the face of it is not ironic but which, being inherently self-contradictory or false or absurd, might be seen as ironic and... present it in such a way as to bring out the latent irony" (qtd. Ettema & Glasser 1994:10).

<sup>18</sup> Evidence of Doe's poor leadership is led later in the article: "In November 1988, US AID recalled a team of 17 officials who had been loaned to Doe's government to help counter financial impropriety by co-signing all financial transactions. Doe's government continually found ways of avoiding the US watchdogs, so US AID decided that to continue the project would be a waste of US taxpayers' money" (7-13 November 1997: 2).

Other articles expand on this theme<sup>19</sup>. Again Soggot writes ironically:

One of Shaw's other notable achievements was to mastermind an arrangement between Liberia's main iron ore mine and a company called the African Ministry Corporation (AMCL), in terms of which AMCL took over management of the mine.

AMCL was set up expressly for the deal and is run by a man called Ethelberg Cooper, who is a partner in Shaw's International Advisory Services consultancy. (7-13 November 1997: 2)

Soggot further shows that Shaw II was not a suitable character to be employed by the newly elected ANC government, by describing his "ties with a company that pumped oil into apartheid South Africa" (14-20 November: 2). He implies that he is so unscrupulous that he would even help the reviled apartheid regime—whose former enemies are now employing him. The revelation of this ironic turn of events questions the morality of Mkhwanazi, who has now employed a former political traitor.

Shaw II is thus revealed as a member of the Liberian business and political elite who used his political connections to enrich himself—at the expense of the Liberian state (19-23 December 1997: 6). He has now moved south, and his employment in South Africa is seen as a continuation of his exploitation of third world states.

#### *Don Mkhwanazi, Chair of the Central Energy Fund*

In a profile piece in the 'Who is...?' column, headlined "South Africa's Mr Malaysia", Soggot describes Don Mkhwanazi as "one of South Africa's foremost black empowerment gurus"; as "one of the leading lights of South Africa's black business community": "He chairs at least 10 other corporations, and sits on many other black empowerment and business organisations" (14-20 November 1997). Soggot further paints a picture of a well-connected businessman: founder of "South Africa's pre-eminent black empowerment company, Methold, now called New Africa Investments Limited", and co-chair of the "finance and investment working group of the USA/SA Business

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<sup>19</sup> See for example an article by Stefaans Brummer, headlined "And yet another Liberian drug link" (12-18 December 1997: 6); Mungo Soggot and James Butty, "His main occupation was stealing" (19-23 December 1997: 6).

Development Committee, part of the team set up to promote trade between the United States and South Africa by Mbeki and his counterpart Al Gore” (14-20 November 1997).

Although these achievements are acknowledged, and although Mkhwanazi is credited with having gone to university and graduated with a bachelor of business administration, Soggot undermines his credentials: “he does not have any post-graduate qualifications, but his curriculum vitae states that he completed ‘90% of an MBA’ at Wits Business School” (14-20 November 1997). Again we see the ironic use of facts to undermine what is ostensibly being described. Soggot further notes that Mkhwanazi “has impeccable African National Congress connections<sup>20</sup>” and “introduced Shaw to the liberation movement in 1992, effectively launching Shaw’s lucrative South African career” (14-20 November 1997: 30)—another backhander from Soggot. Soggot goes on to say “Mkhwanazi has no experience in the vastly complicated, highly regulated South African oil industry, at the centre of which lies the operation he runs, the Central Energy Fund” (14-20 November 1997: 30). However, having again used irony to comment on Mkhwanazi’s appointment: ‘no experience in a vastly complicated...industry’, Soggot offers details which help explain the difficulties Mkhwanazi was faced with:

His staff is predominantly white and male, inescapably tinged by the sanctions-busting operations it carried out on behalf of the apartheid government.

With this in mind, one can understand how Shaw could have appeared as a refreshing antidote to this white, National Party edifice. (14-20 November 1997: 30)

On the one hand this shows Mkhwanazi as a pillar of respectability, on the other, it paints a backdrop against which to judge his aberrations, and to call into question the politics of black economic empowerment and affirmative action. Again with a masterful use of irony, Soggot writes:

With his eye on so many balls, Mkhwanazi has devoted little time to the Central Energy Fund since taking over the chair in March. He briefed Parliament on the company for the first time last week, fighting off with boisterous charm any suggestion that he had neglected his duty to report to Parliament.

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<sup>20</sup> See also a news story by Soggot headlined “Thabo to Don: ‘You’re looking good’ (M&G 20-26 March 1998: 2).

He is frequently abroad—either on his own business trips or as part of government delegations—and has developed a reputation for being South Africa’s “Mr Malaysia”—after striking a number of important deals with the Asian country. All of which makes it easy to see why one of the few criticisms openly levelled at Mkhwanazi is that he is far too overstretched. (14-20 November 1997: 30)

Soggot’s ironic imagination sees the contradiction between Mkhwanazi’s apparently busy schedule, but his failure to do the work for which he was employed. The following week, in a story headlined, “How Mkhwanazi set up oil man”, Soggot and James Butty disclose the close connection between Mkhwanazi and Shaw II. They then detail how Mkhwanazi’s lawyers, “who have established several companies for the black empowerment guru”—briefed by “an associate” of Mkhwanazi— had set up Shaw II’s company International Advisory Services:

Mkhwanazi has hidden behind the claim that he gave the contract to International Advisory Services—‘a preferred supplier’ with ‘an impressive list of local and international clients’—and not the individual, Shaw. (21-27 November 1997: 2)

A later report shows that Mkhwanazi was complicit in enabling Shaw II’s stay in the country:

Shaw’s effortless entry into South Africa runs counter to the department’s [Home Affairs] supposed attempt to tighten controls on foreign work seekers and immigrants. Applicants must prove themselves to be of exceptional value for their application to be seriously considered. (28 November-4 December 1997: 2)

The report also notes that “Maduna, also a friend of Shaw’s, was home affairs deputy minister at the time the Liberian was *waltzing* through the immigration process” (28 November-4 December 1997: 2, my emphasis). A couple of weeks later Soggot leads a story, headlined “Don wants R1,2-m”:

The man at the centre of the state oil scandal, Don Mkhwanazi, has asked the government to more than triple his salary to R1,2-million a year. Mkhwanazi, who works part-time at the Central Energy Fund as its non-executive chairman, recently sent a written proposal for an increase to the Department of Minerals and Energy. (12-18 December 1997: 3)

The ironic juxtaposition of the R1,2m salary and part-time reveals Soggot’s moral evaluation of Mkhwanazi’s action. He also points out that “some officials” were “unimpressed with Mkhwanazi’s proposal”. Later in the story Soggot reports that “Mkhwanazi asked the department to include a luxury 4X4 car in his package, but was persuaded to withdraw his request”. Soggot notes that the person who previously

occupied the post “was paid R337 000 and received neither a car nor a pension. Pithey had no other jobs and worked full time at the fund”. Having set up Mkhwanazi as a person bent on getting more and more out of a state company, Soggot comments ironically:

His main contribution to the CEF has been to appoint Emmanuel Shaw II and Emanuel Shaw III to advise him on the restructuring and privatisation of the fund’s assets—an appointment which is now the subject of an enquiry by the Minerals and Energy Department. (12-18 December 1997: 3)

Another article in the same edition of the paper begins: “Two eminent businessmen resigned last year from an investment fund set up by Don Mkhwanazi after he paid himself and a Liberian huge salaries and the fund’s first venture flopped” (12-18 December 1997: 6). Soggot elaborates on the amount Mkhwanazi paid himself, which, when read together with his other article, suggests that Mkhwanazi does not hold back in his quest for enrichment.

An article carrying a screaming front-page headline, “Shaw ‘kickback’ is paying for Mkhwanazi’s mansion”<sup>21</sup>, elaborates on the link between the two men. Soggot refers to “oil industry talk” implying that Shaw II had suggested Mkhwanazi for his post as CEF chair (7-13 November 1997: 2). A later story, headlined “What was in it for Don?”, is accompanied by a photograph of Mkhwanazi with his hands raised and palms facing the camera. The caption reads: “Grease my palms: The unctuous Don Mkhwanazi”, playing on his oil industry connection and his dubious business practices. The article shows that money from one of Shaw’s accounts was being paid into Juno Investments, one of Mkhwanazi’s businesses, to pay “the R36 000 monthly instalment on a R2.4m house Mkhwanazi [had] bought”, and to pay monthly instalments on a car” (13-19 February 1998: 2). Soggot writes:

The records show that Shaw, a highly *creative financier* [my emphasis], has direct access to the account, which means he can deposit and withdraw cash whenever he wants.

He picks up on this theme later in the same piece:

It is understood the tax authorities believe Juno is dormant. But bank records show that large sums of money—up to R50 000 a shot—*wash through* [my emphasis] the account each month. (13-19 February 1998: 2)

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<sup>21</sup> See *M&G* 13-19 February 1998.

In this way Soggot suggests money laundering. This terse style of objective journalism, based on authoritative external sources, cuts out “all the obscuring irrelevancies so as to reveal a clear and close confrontation of incompatibles” (Muecke 1969: 82).

The final indictment against Mkhwanazi is made in an article headlined “Dispatches from the Don” (6-12 March 1998: 2). His first name, Don, is used suggestively to characterise him as a Mafia-like figure. Soggot reveals sections of what can be construed as a threatening letter from Mkhwanazi to the deputy director-general of Mineral and Energy Affairs, Dr Gordon Sibiyi, who had challenged Mkhwanazi’s employment of Shaw because “he [Sibiyi] was not aware of Shaw’s expertise in the oil industry and did not know why he had been selected for the job” (7-13 November 1997: 2). The article is accompanied by what appears to be a photocopy of the letter with Mkhwanazi’s signature, and a photograph of a pleasant-faced, smiling Sibiyi. The photocopied section reveals the following:

But more importantly I’m beginning to really worry about the quality of advise (sic) P.M is receiving from you. If you could be so rash. I’m really concerned not only for P.M but for yourself. Some people are a danger unto themselves.

To conclude and to say the least I’m totally disappointed with your action of failing to verify the accuracy of your information and your personal attack on the Chairman’s office. Some of us expect better things from a person of your substance and calibre. I’m really beginning to doubt your motives.

Finally it will take a lot of convincing on your part to restore my confidence in my ability to defend you from those who see something that I’ve not been able to detect in you before. I mean those who vilify and ridicule you daily, rightly or/and wrongly. (6-12 March 1998: 2)

The thinly veiled threats are in sharp contrast to the harmless image of Sibiyi captured in the photograph. Mkhwanazi’s actions are invited to be read as “morally reprehensible” (Ettema and Glasser 1994: 16).

*Penuell Maduna, Minister of Minerals and Energy*

The third key figure in this saga is Penuell Maduna who claimed that the CEF had not discussed employing Shaw II’s company IAS with him, even though “he had instructed the CEF to inform him of any appointments linked to the company’s restructuring” (7-13

November 1997: 2). The week after the story broke, Maduna ordered “a full investigation” into Shaw II’s appointment. His department “accused state oil company chair Don Mkhwanazi of riding roughshod over standard procedures to give the job to Shaw” (14-20 November 1997: 2). Soggot reported on the commission of inquiry’s report three weeks after it had been submitted to Maduna (20-26 February 1998: 32). While the headline to the article reporting the findings is “State probe blasts Shaw appointment”, Soggot’s lead paragraph is:

Minister of Minerals and Energy Penuell Maduna this week effectively backed Emanuel Shaw II and Don Mkhwanazi—two men implicated in corruption at the state oil company—when he rubbished his own commission of inquiry into Shaw’s appointment. (20-26 February 1998: 13)

By juxtaposing the view of the inquiry in the headline, and Maduna’s responses in the lead paragraph, Soggot invites his readers to evaluate the Minister’s actions. The article then details the inquiry’s findings: that “Mkhwanazi had a personal interest” in employing Shaw II; that Mkhwanazi had “breached the companies Act” by not disclosing his relationship and dealings with Shaw II; that the board had not carried out its duties with regard to Shaw’s employment adequately. Soggot then also lists some board members—in such a way that he ironically reveals their individual links to Mkhwanazi thus suggesting a reason why they did not challenge his decision:

Mkhwanazi’s board includes attorney Keith Kunene, who is also on the board of Mkhwanazi’s National Empowerment Trust Investment Fund. Kunene is also a director of Southern Bank, a joint-venture Malaysian bank of which Mkhwanazi is chair.

Other board members include Kaya Ngqula, who, like Mkhwanazi, sits on the board of Industrial Development Corporation, and Johan Basson from the Department of Minerals and Energy, who recently resigned. (20-26 February 1998: 13)

This description of the board suggests that black economic empowerment works on the basis of friendship and business connections. Soggot follows this by noting the panel’s recommendation that the CEF Act be changed “to increase the company’s accountability to government”, and by pointing out that the Chemical Workers’ Union had “testified that the fund does not consult with labour on its restructuring and privatisation plans, and that it has no guidelines on empowering black South Africans when it procures services” (20-26 February 1998). By using the fact of the testimony of the Chemical Workers’ Union,

Soggot once again ironically questions the values on which BEE is based, when workers complain that their interests are not taken into account.

“Now for the cover-up...” is the headline to the editorial<sup>22</sup> published on the same day as the article (20-26 February 1998) about Maduna’s response to the report. The editorial concludes:

This all clearly signals the start of a ministerial cover-up, Maduna has pinned his colours to Shaw’s and Mkhwanazi’s mast; now he must sink, or swim with them. The *Mail & Guardian*, needless to say, will be returning to the subject.

The Shaw saga was soap opera-like in its twists and turns. In March 1998 the *Mail & Guardian* published an article by Thulani Gcabashe in its ‘Speaking Out’ column, headlined “What are Maduna’s real motives” (20-26 March 1998: 24). Gcabashe had been an adviser to Maduna and had been sacked by him, according to Gcabashe because of his continuing “concern about Mkhwanazi and Emanuel Shaw II and other issues, not least of which is the fact that state assets are being compromised and Maduna is aware of this”. He continues:

Maduna asked Sibiya and me to endorse his rejection of his own commission of inquiry’s findings into the Mkhwanazi/Shaw affair. We refused because we believed that this rejection was ill-advised to begin with.

Maduna has forced me into exposing these issues publicly because he preferred to attack me personally. The questions now are what are Maduna’s real motives, what is his involvement with Mkhwanazi, and is this a case of ‘Maduna fiddles while South Africa burns’? (20-26 March 1998: 24)

This testimony by a former friend and aide of Maduna provides another source to validate Soggot’s critique of Maduna. In light of the criticisms of the *Mail & Guardian’s* reporting, the use of a black source close to Maduna is a way of delegitimising the claims that the reporting is racist.

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<sup>22</sup> This is a second editorial. The lead editorial deals with a speech by Mbeki in which he had criticised the media for not properly covering Mandela’s address to the ANC’s national congress in Mafeking. The editorial takes issue with Mbeki for telling the media how to “do its job”, and ends by critiquing his expectation that they offer ‘sunshine journalism’—or good news when the reality was not so bright. It likens this approach to that of apartheid’s National Party, and concludes: “we would be disappointed in the African National Congress if it were to indulge in the same twaddle” (20-26 February 1998: 32).

Another minor twist, which only became significant when the BLA and ABASA lodged the complaint of racism against the *Mail & Guardian*, was that the CEF board hired a lawyer, Christine Qunta, to represent them publicly in challenging the Bakker report<sup>23</sup> (27 March-2 April 1998: 12). Qunta was also a member of the BLA and one of the key figures behind the complaint to the SAHRC. Notwithstanding Qunta's efforts on behalf of the CEF, Soggot reported Mkhwanazi's demise in an article headlined, "Cabinet finally ends Mkhwanazi's reign" (3-8 April 1998: 3). The editorial that day is headlined, "Time for a long holiday, Penuell", suggesting his poor judgment in supporting Mkhwanazi is due to being over-worked (3-8 April 1998: 3). It comments on Mkhwanazi's ire at the *Mail & Guardian* and Soggot, and his threat to reveal the motives for the latter's alleged vendetta against him. The editorial addresses Mkhwanazi directly:

Come on, Don, tell the world why you think our motive was anything other than seeking to expose crooks who play fast and loose with the public purse while claiming to be saviours who will bring riches to the people. Is it because when you talk so easily about 'malice and innuendo' you have forgotten that a fox smells its own hole first?

While the *Mail & Guardian* may be justified in this response, its cocky, in-your-face tone, of which Van Niekerk and Barrell were both proud, is arguably what contributed to the new black bourgeoisie's anger at the paper—perhaps because it displayed a deeply contentious moral righteousness. The *Mail & Guardian* editorial in the same issue queries why Maduna risked so much for Mkhwanazi and Shaw II—but finding no plausible answer, suggests that he take a long holiday. But following the Public Protector's inquiry into the Strategic Fuel Fund<sup>24</sup>, another editorial, three months later, tracks Maduna's blunders as Minister of Mineral and Energy Affairs, many of which relate to the Shaw II saga. And the editorial asks, "Is that the track record of a man fit for ministerial office?" (26 June –2 July 1998: 22).

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<sup>23</sup> Dick Bakker was the acting Director General in the Department of Minerals and Energy and was employed by Maduna to head the inquiry into Shaw's appointment (9-15 January 1998: 4).

<sup>24</sup> One aspect of the Strategic Fuel Fund story was that Maduna had suspended the then chief oil trader, Kobus van Zyl, but as the editorial noted, "Fifteen months later van Zyl has yet to be formally disciplined and is still on full salary. No evidence of any impropriety has come to light". Although this suggests gross incompetence on Maduna's part, the editorial acknowledges the possible underlying political tensions which may have played into the situation: "The anger that men like Maduna feel towards members of the Broederbond business establishment who once held sway over the state oil sector is understandable" ((*M&G* 26 June –2 July 1998: 22).

*'The act of identifying and describing...shapes the relationships...'*

These reports and editorials tried to expose the intimate relationship between the new political and business elite, the ways in which black economic empowerment works, and ultimately how it is the taxpayer who has to pay for the enrichment of a coterie of individuals. This story is socially meaningful to some<sup>25</sup>—and thus has the force of speaking the truth—because it is shaped by, and articulates a moral position. It is outraged that government officials do not act procedurally; it is outraged that government officials base their decisions on cronyism and self-interest; it is outraged that the taxpayer has to foot the bill that is motivated by self-enrichment. This moral outrage is a defining quality of investigative journalism, and is arguably what attracts readers. As Ettema and Glasser note:

What should attract all of us, as readers and as citizens, to investigative journalism is its willingness to confront a certain sort of social reality: the reality of outrageous civic vice and, by implication, the possibility of enhanced virtue in the conduct of public affairs. (1998: 7)

The analysis demonstrates that the moral force of the story is articulated through Soggot's depiction of key characters in the story as *rogues*—identified as such because they transgress morally accepted norms of behaviour. But as White reminds us, history—and investigative journalism by extension—is a discourse; it is not consonant with reality. The authors have to select elements from reality and shape them into a story about reality in order for us to comprehend it as meaningful. This was the work that Soggot engaged in. As Ettema and Glasser note:

Our argument is that the development, selection, and assembly of facts into a story serve the moral task at hand. That task...is the evocation of righteous indignation...The task is accomplished by cueing the audience's response to these characters through the emplotting of events as recognizably moralistic stories and, more specifically, through the skilful use of such story elements as point of view, ironic detail and ritual denial. (1988: 24)

In other words, as Ettema and Glasser argue, "irony exploits objectivity to work its effect" (1994: 11): it is because the story is reported objectively, with fact piled on fact that the story has credibility. The analysis shows that because Soggot accomplished the

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<sup>25</sup> Note, for example, Barrell's comment in Chapter 7 that the *M&G's* stories encouraged a profoundly racist response from some readers. In other words, stories about the corruption of ANC government officials enabled a 'just like the rest of Africa' response. There was no sense that numerous apartheid governments had been equally, or more, corrupt.

task of selecting and assembling facts so successfully he created the semblance of reality. In White's words:

the *shape* of the *relationships* which will appear to be inherent in the objects inhabiting the field will in reality have been imposed on the field by the investigator in the very *act of identifying and describing* the objects he finds there. (1978: 95).

Soggot used characterisation to shape his narrative and articulate the moral imperative driving it. He augmented this with the skilful use of irony: reporting facts in such a way that their implied meaning undermined their surface referents thus creating the paradoxical discourse of investigative journalism—the eliciting of moral outrage through factual reporting. It is because of this moral cueing, that White asserts that narrative functions as a *metaphor*, giving us not an “icon of reality”, but rather “images to look for in our culturally encoded experience in order to determine how we *should feel* about the thing represented” (White 1978: 91). Drawing on White, Ettema and Glasser note that, “these stories permit us to ‘judge the moral significance of human projects...even while we pretend to be merely describing them’ (White 1981: 253)” (1988: 24). None of this is to deny the reality that in hiring Shaw II, Mkhwanazi contravened hiring policy resulting in personal benefits. Rather, the analysis shows how the narrative form and the use of irony enable the journalist to engage in a *moral discourse* which ‘objective’ journalism eschews.

Soggot's use of irony may reveal why this apparently virtuous discourse, for which the *Mail & Guardian* is renowned, is also a source of some readers' anger. As Ettema and Glasser put it:

And what might attract those of us specifically interested in the nature of public moral discourse to *investigative journalism* is its *claim to confront the realities of vice and virtue without a moral sense of its own*. It insists that a highly charged discourse of victims, villains, and institutions in disarray is nonetheless objective social knowledge—facts unmediated by human interests or values. (1998:7, my emphasis)

Facts piled upon facts create Tuchman's “web of facticity” (1972). Research based on court records, interviews, parliamentary reports, and legal documents are used not merely cognitively or objectively, but indeed depend on a moral consciousness in order for them to make sense. It is this moral consciousness that is submerged in the writer's discourse,

and yet it is this unspoken discourse of morality parading as facts, that so angers many *Mail & Guardian* readers. All they can do is dispute the selection of facts, because *there* they have intuited, lies the moral centre of the discourse.

### **Advertisement by the CEF chair and editorial response**

Two weeks after Soggot broke the story—characterising Shaw II as a crook, and questioning the *bona fides* of Mkhwanzi—Mkhwanazi responded with a full-page advertisement in the *Mail & Guardian* not only to set the record straight, but also to challenge the *Mail & Guardian's* journalism (21-27 November 1997: 7):

Due to the deliberate failing of the *Mail & Guardian* to publish the other side of the story relating to this legitimate contract and its highly selective reporting, we have been forced to place this advertisement to set the record straight. Firstly, we take strong exception to the campaign of innuendo, insinuations and misinformation conducted by the *Mail & Guardian* to cloud the real issues.

The advertisement then challenges the *Mail & Guardian's* reporting, and in so doing offers *its own* moral logic, namely that a well-qualified and respected black businessman (Don Mkhwanazi), who as chair of the CEF had the discretionary powers to employ an adviser, did so guided by three non-negotiable principles: advancing the government's GEAR policy through black economic empowerment, affirmative action, and strengthening the government's commitment to the African Renaissance. The advertisement concludes:

We have nothing to hide. We have breached no rule or procedure and will forge ahead with our task of transforming and restructuring the CEF Group of Companies and enhancing and maximising the value of all state assets within the Liquid Fuels Sector. There is no State oil scandal except the scandalisation of CEF, its Chairman and Mr Shaw. (21-27 November 1997: 7)

The main thrust of the advertisement is to suggest that the *Mail & Guardian's* critiques of Shaw II and Mkhwanazi, and its critique of the way in which the CEF conducted business, was racist—in that the *Mail & Guardian* used un-acknowledged standards of judgment.

The *Mail & Guardian* responded to the advertisement in its editorial in the same edition of the paper, answering some of the critiques. In both the editorial and advertisement genres it is possible to be overt about the judgements underpinning the respective moral

universes, and in this case the textual engagement does reveal the premises that inform the respective moral orders. I will elaborate on a selection of the repudiations and rebuttals to show how each protagonist interprets the moral order. However, because the value system that informs the narrative or the decision-making processes that produce 'the facts' is not normally acknowledged—especially in the media—the only rational point of contestation can be one that hinges on 'the facts'. However, what is often omitted when 'not the whole story' is conveyed, as Ettema and Glasser note, is the moral logic that informs the narrative deployment of 'the facts' (1988: 11).

The advertisement challenged the *Mail & Guardian's* fact that the CEF had employed Emanuel Shaw II, when in fact it had employed the International Advisory Services (Shaw II's company IAS) which has "an impressive list of local and international clients". The advertisement suggested that normal practice would be to name the company that was employed, rather than naming the CEO or major shareholder. By identifying this breach of reporting practice, the CEF was able to detect *how* Soggot managed to construct his story around a villainous character. On this basis, the CEF castigated the *Mail & Guardian* for what it perceived as racism:

When Rand Merchant Bank is appointed, no one says Mr G T Ferreira has been appointed or whoever is personally assigned to the task. Clearly, the *Mail & Guardian* applies different standards for white owned firms than it does for black owned firms.

The CEF was correct in saying that normal reporting practice would be to comment on the institution, and not the owner. However in this case the institution appears to be virtually synonymous with the owner, and is used as evidence by the *Mail & Guardian* of the way in which the person uses business 'fronts' to conceal the way in which he conducts his business. Shaw II's business record shows a pattern of dubious practices. It was thus reasonable for the *Mail & Guardian* to focus on the person, and not the institution, as its moral point was to show that the person was devious. Its reporting practice in this regard does not support a charge of racism because its aim is to foreground how normal business practice was subverted for improper gain. It might, however, have considered the extent to which such business practices are indeed normal, rather than out of the ordinary, as is implied. This would enable a critique of capitalist business practices, and how 'class enrichment works'.

Also of relevance is the CEF's justification for not following set procedures in its appointment of the IAS because it was a "preferred supplier"—a normal practice of white-owned consulting firms. However, a newly created company—especially one that had been facilitated by the chair of CEF—can hardly be regarded as 'preferred' in the usual sense.

A third form of racialisation is evident in the advertisement's rationalisation of the consulting fees paid to IAS. These fees are justified on the basis that they are in fact lower than the norm paid to white consultants, which the *Mail & Guardian* had not queried. This is a moot point, as no evidence is led either way about the significance of employing of white consultants. This may indeed be an example of the facts fitting the story that needs to be told (Ettema and Glasser 1988: 10). Soggot might indeed have *described* the payment as unusually high *because* the story he wanted to tell was that taxpayers' money was being misused by such an outrageously high payment.

The advertisement further rebuts the *Mail & Guardian's* assertion that the CEF chair did not have post-graduate qualifications. Soggot had commented ironically on both Mkhwanazi's qualifications for the job, and his representation of his qualifications in his CV: "He does not have any post-graduate qualifications, but his curriculum vitae states that he completed '90% of an MBA' at Wits Business School" (14-20 November 1997: 30). If one accepts the accuracy of Mkhwanazi's post-graduate qualifications listed in the advertisement, then Soggot's account exemplifies Muecke's notion of how irony is produced by "restat[ing] the situation cutting out all the obscuring irrelevancies so as to reveal a clear and close confrontation of incompatibles" (1969: 82; qtd. Ettema and Glasser 1994: 10). Thus, in 'cutting out the irrelevancies', Soggot's account demonstrates Tuchman's view that news is a "selective reality" with its own "internal validity" (1976: 97). The relationship between historical narratives and historical facts, as Ettema and Glasser remind us, "is that the coherence which the story provides to the facts is 'achieved only by a tailoring of the facts to the requirements of the story form' (White 1978: 91)" (1988: 19).

By similarly “tailoring the facts to suit the requirements of [its] story”, the advertisement tells of the *Mail & Guardian’s* perceived racism. Another element in the advertisement was that the chair of the CEF was actively pursuing the government’s policies of social redress for black people by applying the tenets of black economic empowerment and affirmative action. Particular facts are thus selected in order to tell this story. The advertisement challenged the *Mail & Guardian’s bona fides* by outlining the political guidelines the CEF was charged to follow, arguing that this was the key story element that the *Mail & Guardian* had failed to report. These were the missing facts (the underlying moral order) that led to the *Mail & Guardian’s* one-sided reporting. Rather than focussing on this, the advertisement suggests that the *Mail & Guardian* resorted to character assassination. The advertisement concludes: “Facts are facts.... Character assassination won’t change the facts” (21-27 November 1997: 7). But this misses White’s point about the relationship between ‘historical narratives’ and ‘historical facts’. But it is only by challenging the facts that the CEF can tell its own story, showing that it relies on a different set of values to those that the *Mail & Guardian* assumes the popular consensus is informed by.

However, the advertisement suggests that the consensus was not as clear-cut as the *Mail & Guardian* assumed it to be. Together with the BLA/ABASA complaint, the advertisement demonstrates that fundamental social values were being contested. Glasser and Ettema argue that, “To have an impact, the story must reflect [in the words of the journalists they interviewed] ‘the community consensus on those values and how they apply in particular instances’” (1989: 9). Indeed, one journalist noted, “The more part of a community you get, the more cautious you become, but the more accurate becomes your sense of personal outrage” (qtd. Glasser and Ettema 1989: 9). Glasser and Ettema conclude: “Although they [the journalists] do not acknowledge it clearly or consistently, they do acknowledge that their connection to a community and its moral order allows them to identify outrages against that order” (1989: 9). This does beg questions about journalists’ understanding of the community of which they consider themselves to be part, and with whom they form an ‘interpretive community’ (Fish 1980, qtd. Glasser and Ettema 1989: 9). When journalists are confident of this relationship, when their own values coincide with those of the community about which they are reporting, there is no

interpretive dilemma and the 'facts speak for themselves'<sup>26</sup>. In this way, write Glasser and Ettema:

...journalists make judgments of news value (i.e. 'importance' to the community), not of moral value. With Gans, these reporters do realize that their claim to moral detachment *depends upon a moral relationship of long standing to the community*, or at least those segments of the community with which they identify. (1989: 9 my emphasis)

Especially post-1994, the *Mail & Guardian* experienced a crisis over which community it had a long-standing moral relationship with. The counter-claims and complaints against the *Mail & Guardian* could be read as signifying this crisis. One journalist said that there was a joke at the paper about a group of journalists whom they (the other journalists) described as the "former white lefties left-out club" because this group thought its anti-apartheid efforts were not appreciated enough. Another journalist noted: "all you're getting back are your own views reflected at you. You are not being challenged at all. You're being reinforced, rather than challenged" (Haffajee 2002: 28). Soggot was part of the group being spoken about. One can see how, especially through the use of irony, Soggot believed that he was talking to readers who shared his views. But in the post-1994 period, these views were not necessarily those of the majority. Booth suggests that irony invites readers "to join the wise and the just in looking down on repudiated worlds" (1974: 42-43), and encourages a conservatism based on the moral superiority of the cognoscenti. It is arguable that it was this tone of moral righteousness in Soggot's articles that angered the new elite. In essence, it was a contestation about which class fraction—the old white petit bourgeois *Mail & Guardian*, or the new black bourgeoisie—represented the values of 'the people'. Who could legitimately speak for whom? As Glasser and Ettema note:

Investigative journalists are not, then, moral, arbiters who can recreate the moral order anew with each story, but neither do they simply and uncritically reinforce that order. Rather, they contribute something to the ongoing moral relationship with their communities. (1989: 9)

At some level this was recognised by Phillip van Niekerk in his view of the difference between the way in which the Motheo<sup>27</sup> housing and Central Energy Fund scandals had

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<sup>26</sup> This was the rationale behind the *Mail & Guardian's* expose of the 'Winnie story', described in Chapter 5.

been received in 1997 and 1998, in comparison with later stories (2000). Commenting on the paper's tone, he argued:

If we start drawing bench-marks, and we start saying, this is how far you can go. And I think that is part of what we were saying. The issue here is not for us to be popular, but for us to create precedent, where at some point we have to learn...the politicians have to learn to live with us, and us with the politicians. (2000: 10)

The accusations against the *Mail & Guardian*, and the tone of the advertisement showed up the level of anger felt towards the paper by some of its readers. The concluding paragraphs of the advertisement, in which the CEF chair highlights its political agenda suggests that the *Mail & Guardian* had a political agenda of its own which was inimical to that of the democratically elected government. The advertisement suggests that the *Mail & Guardian* is racist, and opposed to 'black advancement'. The editor, Phillip van Niekerk, was driven by a sense of his own moral righteousness, and took a pride in standing up to anyone—just as Mkhwanazi was.

The paper's editorial response to the advertisement begins with the *Oxford English Dictionary's* definition of scandal: "something which occasions general feeling of outrage and indignation". This, the editorial says, "neatly sums up the emotions suffered by taxpayers who have followed the fund shenanigans" (21-27 November 1997: 24). It then reiterates the key facts of the case. Although an editorial is a recognised space in which a paper's values can be asserted, it is worth recalling Ettema and Glasser's view that journalism's ideology of objectivity precludes it from making overt moral claims:

Although the conventions of journalist objectivity discourage an explicit recognition of a turn in the moral order as the only proper conclusion to a narrative, those conventions cannot completely silence the voice of Jeremiah. (1988: 22)

It is this voice that the *Mail & Guardian* editorial adopts:

We would have expected Mkhwanazi to have resigned in shame by now, if only for appointing someone like Emanuel Shaw II to a key state-funded post. But it seems he is shameless, as is graphically illustrated in this edition of the *M&G*. (21-27 November 1997: 24)

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<sup>27</sup> The 'Motheo Housing scandal' concerned a controversial 1997 rural housing project worth R198m in which tender procedures were flouted, and the contract was awarded to a friend of the then Minister of Housing, Sanki Mthembu-Mahanyele.

It justifies its position by noting that the R12 000 advertisement is further evidence of Mkhwanazi's shameful squandering of taxpayers' money.

The editorial also challenges the advertisement's moral discourse of transformation and black economic empowerment, by asking why the CEF's unions were not consulted over the company's "restructuring and possible privatisation", and by noting how some African countries, including Liberia, have been plundered by criminals parading as businessmen:

The kleptocrats in Monrovia engage in nothing of productive or long-lasting value to the nation's economy. They simply skim off the top of whatever remains. Emanuel Shaw is simply the most representative figure of this social category. (21-27 November 1997: 24)

In this way the discourses of class and race are seen in opposition to each other. There is little recognition by either the *Mail & Guardian* or the CEF that these two discourses are inter-connected, and that the tension between them has to be teased out and explicated in assessing the basis of ethical decision-making. Neither discourse is a guarantee of a 'right' moral or political position. Journalism that discusses these complexities is the kind that Ferial Haffajee thought was needed. The editorial ended in a way that became typical of the *Mail & Guardian's* in-your-face stance:

This week Shaw threatened us with lawsuits and interdicts and Mkhwanazi resorted to cheap accusations of racism. Rest assured, Mr Mkhwanazi, we will not be intimidated.

Defending the paper's tone, Van Niekerk commented:

[good robust journalism] has always been a priority of the *Mail & Guardian*. Politics in that sense of whether or not people like us, has to come second. I almost felt in this period it was necessary to be a little more bloody minded than we would otherwise have been—to press all the buttons, because we have a Constitution. (2000: 10)

Just as the *Mail & Guardian's* use of irony is evidence of its desire to challenge the "arrogant confidence" (Muecke 1969:30) of the black elite amongst whom "are a fair amount of rogues and scoundrels" (Van Niekerk 2000: 17), so too were its zealous judgments evidence of its own arrogant confidence and moral righteousness.

## Conclusion

The underlying ethos of the *Mail & Guardian* is its independence from party-political interests, and a zealous commitment to serving the public. Its stance of disinterested objectivity, and sense of moral duty and professional responsibility to serve the public was interpreted in slightly different ways by consecutive editors, Phillip van Niekerk and Howard Barrell. Van Niekerk's driving vision was to hold government accountable to its promises of ethical governance and service delivery. While Barrell's vision was not dissimilar to this, his main motivation was to keep open a space for critique and public debate. Van Niekerk was clearly driven by a moral imperative. Although Barrell's vision appears more cerebral and intellectually focused, his vision was also underpinned by a strong moral view of how the good society is to be attained. That journalists and readers referred to the stridency of the *Mail & Guardian's* tone is evidence of popular awareness of the paper's *moral* voice. However, for both these editors the basis of the *Mail & Guardian's* bravery was its focus on getting its facts right, and reporting without fear or favour.

This chapter examined the Central Energy Fund scandal, in order to probe the validity and meaning of the complaint of racism against the *Mail & Guardian*. It seems clear that Mkhwanazi had transgressed an accepted moral norm—a transgression exposed by Soggot's narrative strategies and use of irony—resulting in Mkhwanazi being forced to resign his position. Even though Mkhwanazi's claims spoke to newly established values (of not discriminating against black candidates, and of implementing affirmative action as a means of racial redress), his actions transgressed other values that were still in place. As one letter writer argued:

Mkhwanazi must stop playing with our sentiments and talking about black empowerment because he is only empowering himself, maybe not even his employees. He is saying whites are against black companies. That is not true. Even we blacks are against people who are using us to be rich. (Concerned citizen, Durban. 19-23 December 1997: 20)

Another writer expressed similar sentiments:

We expect our leadership to adhere to the accepted norms of business practice. Being citizens and taxpayers, we certainly cannot accept this type of slapdash, wishy-washy explanation referring to how white-owned firms were appointed

previously and therefore black-owned firms should be appointed in a similar way. (Bhukula Bembhekile, 5-11 December 1997: 20)

A third commented that Mkhwanazi and Maduna should resign voluntarily if they have abused their positions, rather than being forced out (George E. Uriesi, Kempton Park. 19-23 December 1997: 20).

Despite the differing attitudes expressed towards the *Mail & Guardian's* call for Mkhwanazi's resignation<sup>28</sup>, and differing assessments of Mkhwanazi's social standing, there appears to be a degree of consensus about what is fair and just in relation to how government employees are expected to carry out their civic responsibilities. Even though we see evidence of the shifting moral ground on which the *Mail & Guardian* was operating, and even though the journalist personally might have been operating in a social universe that was at some remove from the pulse of the broader society, in this instance his moral judgment was correct—in the sense that it was based on values that were still broadly shared.

However, Ettema and Glasser ask what should happen in cases where the narration of particular stories precludes it (the narration) from probing “what ought to be the responsibilities of the individual and institution...how ought we to hold them accountable” (1988: 25). They continue:

These stories provide an embodiment and reaffirmation of what we commonly take to be innocence and guilt, but they do not provide a forum for examination of those commonsensical concepts. These stories rely upon our understanding of, and emotional reaction to, such concepts to accomplish their moral task and they do not—indeed, cannot—critique their own premises. Thus, although the reality of innocence and guilt in particular cases emerges from these stories, the meaning of innocence and guilt as moral terms submerges into them...It is neither an examination of the moral forces that uphold that universe nor a guide to moral action within it. (Ettema and Glasser 1988: 25)

Although investigative journalism can offer up moral tales, its very form militates against it being able to discuss the moral premises on which its stories are constructed. The adversarial construction of villains and victims, which pits individuals or groups against

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<sup>28</sup> One letter writer notes: “When it comes to the desire by the *M&G* that Mkhwanazi should resign, perhaps you should hold your horses and be patient. We, the readers, are certainly entitled to our opportunity to decide for ourselves whether we desire that there should be a resignation. Furthermore, such a decision can't be made by a concerned party” (Bhukula Bembhekile, 5-11 December 1997: 20).

one another, very often precludes a creative consensus-seeking approach. One of the pitfalls of the *Mail & Guardian's* watchdog approach is that it tends to fuel antagonism and drive parties away from each other into defensive or aggressive positions, thereby eroding rather than building the kind of tentative trust-seeking on which successful dialogue is based.

Mkhwanazi's challenge that the *Mail & Guardian* had failed to report on the transformation aspect of the restructuring of the CEF perhaps points to the limitations of adversarial reporting as exemplified by investigative journalism. The value of the genre is that it elicits moral indignation at perceived wrongdoing. But the mode of this explication is through the construction of 'villains and victims'—the focus is on people, on personalities, rather than on the social processes of which they are part. Commenting on investigative stories that they had researched, Ettema and Glasser note:

Several themes of public import...are mentioned but not developed in much detail. Even in these stories of 'system-wide problems', the individual experience is emphasized while the social issue is marginalized. Similarly, assessments of what exactly has gone wrong with the system are not developed in much detail...In these stories, the details of individual suffering become high drama; the details of system operation would be anticlimactic. (Ettema and Glasser 1988: 24, 25)

Similar assessments could be made of the CEF story. One of the driving social issues in contemporary South Africa is how to redress the economic marginalisation and continued impoverishment of black South Africans. The CEF is a public institution, and thus arguably provides an opportunity for *some* form of redress to be achieved—but the detailed discussion of this is absent. Although there is reference to the CEF as an 'apartheid' institution, 'manned' by 'cronies', and operating in a field of business where wheeling and dealing is something of a 'norm', there is no examination of these issues. In mitigation of Meduna's part in the 'scandal', the *Mail & Guardian* does acknowledge that his antipathy towards the chief oil trader, Kobus van Zyl, might have been because he was seen as 'typical of the old guard'—apartheid's operatives and beneficiaries—that needed to be removed in order to transform the institution. But an examination of the detail and processes of transformation is largely absent. Critique of this aspect of the *Mail & Guardian's* practice was articulated in two different ways. The first, is the BLA/ABASA complaint in which they based their accusation of racism on the way in which the *Mail & Guardian* targeted

Black professionals, civil servants and other role models in exposing alleged corruption in the public sector, private sector, NGO sector and educational institutions... This focus seem (sic) to be specifically on those Black people who are high profile and/or are in various bodies tasked with transforming South African society as a whole. (2000: 11.2: 6).

Because the focus of reporting is on government officials, and not, for example, the business sector, it is more likely that people in authority will be black, lending credence to the view expressed in the complaint. This does not of course deny that the complaint could have been motivated by anger towards the *Mail & Guardian* for its stance against perceived government wrongdoing or incompetence by the very class fraction that benefited from the policies of redress. Journalist, Joe Hanlon, also criticised the paper's selection of news:

If I were to accuse the *M&G* of racism, it would be in the *choice* of what it is covering, not in how it does it, once it has chosen a subject. It's much more fundamental...and therefore...and this is... still a very white newspaper... allowing *its* preconceptions, white and middle-class [to determine what] are issues...to really drive the agenda.... (24 May 2001: 1-2)

He elaborated:

...it's how we choose our stories, how we choose our scandals, who it is we think [it] is corrupt... The need to target white unwillingness to transform...and that I don't see getting targeted either. We're happy to target the black politicians who want to be like the whites who won't transform, but we don't talk about what it is that keeps Sandton<sup>29</sup> running. (24 May 2001: 1)

Hanlon's critique of the paper is thus in terms of its political orientation. He suggests that its very origins are at the root of its political 'difficulties':

it is in a sense some of the same people who were running the *Rand Daily Mail*...okay, the progressive wing of the straight press...who are...who were challenging apartheid, but not capitalism...and so therefore what you see now, is that if your origins are in challenging apartheid...with the end of apartheid, what do you do next? Where do you situate your position? I think it is more difficult for what has always been a white liberal press to find a way through that environment and figure out what...seems a basic commitment of the *M&G* that it should remain a white liberal press. And although the colour changes slowly, *it thinks like white liberal press*. (24 May 2001: 3, my emphasis)

Hanlon has an acute understanding of journalism and its place in different kinds of socio-political milieux. He argues from a critical, Marxist position, according to which the

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<sup>29</sup> Sandton is one of Johannesburg's premier northern suburbs—famous for its huge shopping mall.

liberal press plays a fourth estate role criticising government, but not the underlying economic system. His understanding of how class and race intersect in South Africa aligns him with a critic like Qunta vis-à-vis race, although she would probably not support his critique of capitalism.

A second kind of criticism levelled at the *Mail & Guardian* is articulated by Ferial Haffajee. Her critique points to the *Mail & Guardian's* failure to address the ongoing developmental issues that are critical for a society in transition. She is critical of the meaning given to investigative reporting during Van Niekerk's regime:

I think 'investigative' quickly became synonymous with 'find corruption stories'. It wasn't an investigation of the impact of unemployment done in an investigative style. It was about corruption coverage. And that message was put out. (2002: 7)  
...There was no attempt to understand—to get inside the Presidency and illuminate for your readers its character, its key players...Not a lot of policy synthesis and understanding. (2002: 8)

...So investigative journalism was not a cover on why we are losing so many new DG's [director generals]; it was not a cover on inside cabinet on a particularly hot issue of the moment; it was not a story on how the decision on GEAR was made. (2002: 10)

Her critique helps explain why even successful investigative stories—and she praised Soggot's work on the Shaw II story—ultimately set the *Mail & Guardian* at odds with two constituencies which had different political agendas: the (Marxist) left, and the new black bourgeoisie. It also helps explain why the *Mail & Guardian* attracted, in Barrell's words, "a whole lot of f-ing white reactionaries", people for whom the *Mail & Guardian's* investigations into corruption provided "an immensely gratifying racist experience" (2002: 15). These responses thus offer a possible account of why the *Mail & Guardian* was accused of racism—it also begs questions about what kinds of journalism would best serve social transformation<sup>30</sup> in South Africa.

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<sup>30</sup> This of course begs the further question about whether 'transformation' is understood as relating to race only, or also refers to the capitalist system which underpins the social organisation of society; the basis of South Africa's 'race-class' debate.

## CHAPTER 10: Representing black officialdom

But the social purposes of journalism are...complex; journalists don't only recount events, they also interpret and explain them, try to get people to see things and act in certain ways, and aim to entertain. (Fairclough 1995: 91)

This chapter continues the previous chapter's theme of examining the *Mail & Guardian's* textual responses to the changing political milieu. One of the imperatives of the new state was to redress decades of apartheid labour practices by including black people in leadership positions in key state institutions from which they had been excluded. The Employment Equity Act (55 of 1998) provides the legal framework for this restructuring. In this chapter I examine three articles that deal with the appointment of black men to senior positions. The first is a news story dealing with the appointment of the new South African Broadcasting Corporation (SABC) CEO, Reverend Hawu Mbatha, written by Ferial Haffajee, and headlined "SABC's new 'unknown' chief" (5-11 June 1998: 2). The second deals with the appointment of the new National Director of Prosecutions, Bulelani Ngcuka, penned by Howard Barrell and Mungo Soggot, and headlined "Nice guy, but can he do the job?" (17-23 July 1998: 2). Both stories have headlines that cast doubt on the appropriateness of the appointments—one of the bases of the complaint of racism against the *Mail & Guardian*. The third is an editorial associated with the newly created post of National Director of Prosecutions, headlined "The case for the new super AG" (17-23 July 1998: 24).

I then examine a 'news' article—written about ten months later—criticising the new regime at the SABC, written by Max du Preez, former editor of the *Vrye Weekblad*, and then producer of the SABC current affairs programme, *Special Assignment*. The article is headlined "I smelled Mugabe in the SABC's corridors" (23-29 April, 1999:10-11). It is Du Preez's account of events surrounding his 'firing' from the SABC<sup>1</sup>. I selected this article because it deals with the perceived malfunctioning of a public/state institution, one of the *Mail & Guardian's* focuses. The article is typical of the paper's choice of a local news story. It was also regarded by senior *Mail & Guardian* journalist, Ferial Haffajee, as being "sensationalist", representing the kind of degraded journalism that was coming to characterise the *Mail & Guardian*. I examine the paper's representation of black

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<sup>1</sup> Technically, du Preez was not fired: his contract was not renewed.

authority figures, considering whether such pieces might have contributed to the disaffection of a section of its readership.

My close reading of the articles draws largely on the work of Fowler (1991), Bell (1998), Fairclough (1995, 1998), and Van Dijk (1988, 1998). Fowler's (1991) and Bell's (1998) approach might be characterised as critical linguistics and social semiotics, focusing on the representational and ideological aspects of textual construction (Fairclough 1995: 25; Bell & Garrett 1998: 9). Fairclough and Van Dijk offer approaches that link textual elements to their broader social context, known as discourse analysis (see Van Dijk 1988: 25; Bell & Garrett 1998: 11-12; Fairclough 1995: 57). The value of discourse analysis—as opposed to a mere textual analysis—is its consideration of both the textual and contextual dimensions of expression:

Textual dimensions account for the structures of discourse at various levels of description. Contextual dimensions relate these structural descriptions to various properties of the context, such as cognitive processes and representations or sociocultural factors. (Van Dijk 1998: 25)

Although Van Dijk's and Fairclough's approaches are similar in many respects, a key difference is the way in which they conceptualise the relationship between text and context:

...they differ on the nature of the central, mediating dimension. Where van Dijk sees 'sociocognition'—cognitive structures and mental models—as mediating between discourse and society, Fairclough sees this central role as occupied by the discourse practices through which texts are produced and received. Fairclough makes the point himself that the analysis of discourse practice has sociocognitive aspects...and intertextual aspects. His own focus is on the latter. (Bell & Garrett 1998: 12)

As there is an interplay between cognitive structures and their discursive manifestation in social discourses, both approaches offer useful insights into the social construction and reproduction of media texts. The foregoing chapters have shown how the *Mail & Guardian* is constituted by both the external political and social context as well as the internal social relationships within the newsroom, and how this impacts not only on who gets to write what stories, but also on how these relationships mediate the journalists' understandings of the world they write about. It is through these social relationships that the journalists are themselves constituted as subjects with socially constructed 'mental

frameworks’—shaped by the social discourses they encounter—which they use in the construction of news texts.

I mostly use Van Dijk’s model as it offers an elaboration of the relationship between the macro- and micro-structure of the text, indicating how the overall meaning of a text is constructed at the level of the sentence, but how sentences and paragraphs (larger units of meaning) are used to build the meaning of the text as a whole. The micro-structure pertains to the elements that constitute meaning-making at the level of the sentence: syntax (sentence form), semantics (meaning), and pragmatics (speech acts, which relate to action) (van Dijk 1988: 25-26). The macro-structure denotes how the micro-units constitute the text as a whole—which is usually through its theme or themes. The macro-structure is broken down into a thematic structure (the overall content or meaning of the text establishing an interpretive frame) and its related schematic structure, or “the ordered parts the text is built of” (Fairclough 1995: 29). For a news story, this would consist of the headline, lead, events structure, verbal reactions to the story, and comments. As Fairclough notes, “each element of the schematic structure corresponds to a more general theme in the thematic structure” (1995: 29). This is the basic model used in the analyses that follow<sup>2</sup>.

**“SABC’s new ‘unknown’ chief” by Ferial Haffajee (*M&G* 5-11 June 1998: 2)<sup>3</sup>**

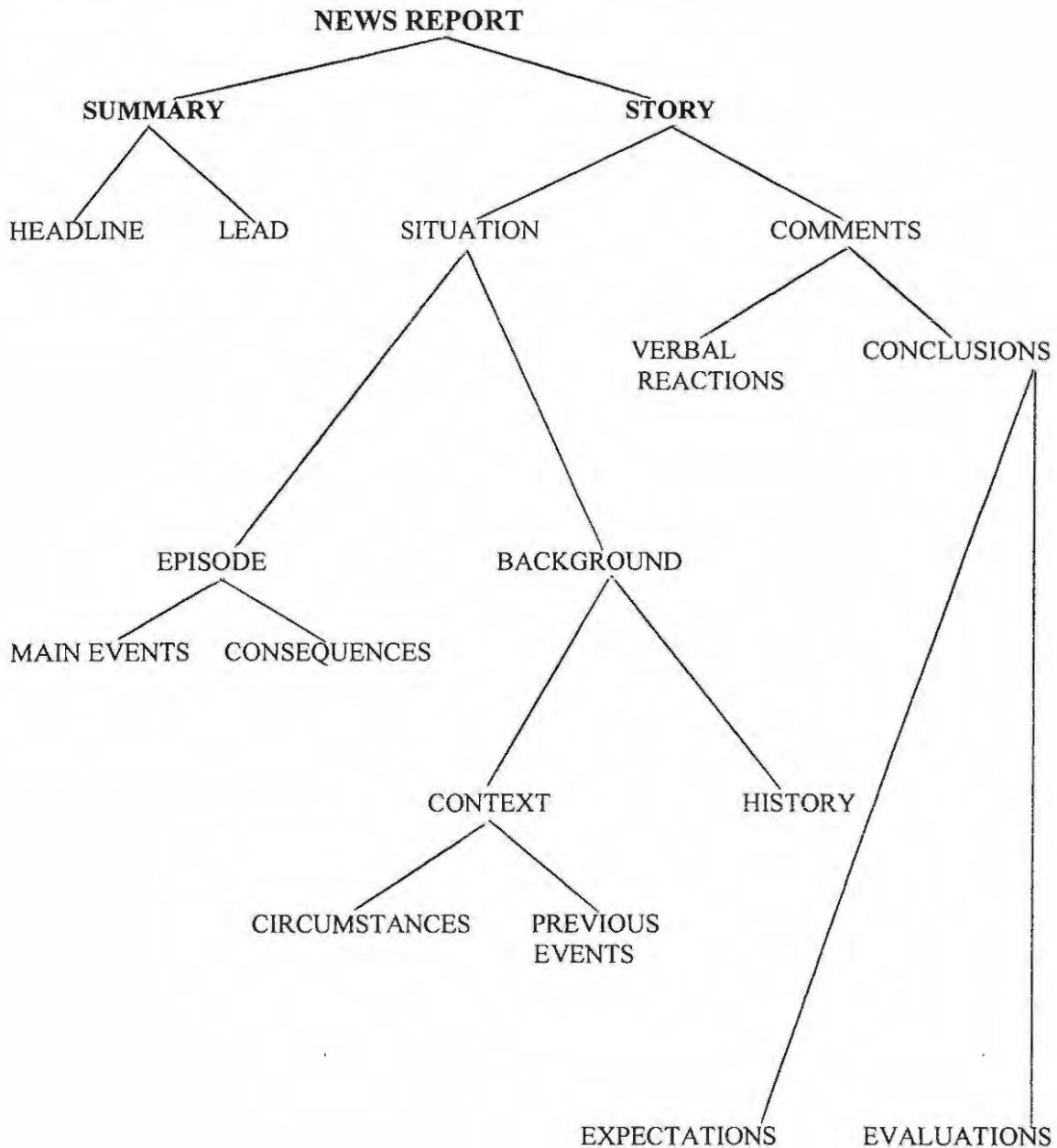
This is a typical news piece about the appointment of Reverend Hawu Mbatha as the new CEO of SABC. I analyse Haffajee’s report in terms of Van Dijk’s “hypothetical structure of a news report”, as outlined in the following diagram (1988: 55). It is “hypothetical” because not every element necessarily appears in every news report. However it is a useful framework for beginning an examination of news reports.

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<sup>2</sup> Numbers in square brackets refer to the paragraph in the article reproduced in the Appendices, and italicised words in the paragraphs quoted are highlighted for discussion purposes.

<sup>3</sup> The full text of this article appears in Appendix 8.

Van Dijk's diagram of the structure of a news report<sup>4</sup>



<sup>4</sup> This schema outlines the following relationships: (1) that a news report consists of a summary and story; (2) the summary consists of the headline and lead paragraph; and the story consists of a description of the situation, and comments on it; (3) The situation consists of episodes and background; and the comments consist of verbal reactions and conclusions (consisting of expectations and evaluations); (4) The episodes consist of main events and consequences; and the background consists of context (consisting of circumstances and previous events) and history. This is similar to Bell's schema (1998:68).

The summary is usually contained in the headline and the lead. In this case, that an ‘unknown’ person has been selected as the head of the country’s public broadcaster. The article’s scare quotes suggest that he is not really unknown, or perhaps that he is only unknown to some constituencies, but well-known to others. The lead establishes that he was persuaded to take the job by the outgoing CEO, Zwelakhe Sisulu<sup>5</sup>, and the chair of the board, Professor Paulus Zulu. This framing implies that a dark horse was selected largely because of the support of the two key authorities governing the SABC. This theme threads through the report, but the order of its realisation through related propositions is based on what Van Dijk calls relevance criteria, resulting in the most important topic, or propositions relating to the topic, appearing in descending hierarchical order from the lead to the end of the report (1988: 35)<sup>6</sup>.

The first point is that the appointment was surprising to many—who were “stunned” [2] as he “trounced favourites”. By highlighting the positions of these favourites—“SABC programme director Mandla Langa, *Sisulu’s deputy*, Govin Reddy and *well-known academic Professor Njabulu Ndebele*” [2]—Haffajee suggests that the dark horse must have very special qualities to have been chosen above these well-qualified candidates. This inference is realised in the next paragraph:

Little-known outside the SABC, Mbatha has been with the corporation for 15 years. He worked for the SABC through *its darkest days*, serving in Durban as the station manager of Radio Zulu. [3]

But the reference to his working at the SABC “through its darkest days” detracts from his experience—as it had been in the service of the apartheid state. This is elaborated in the next paragraph as Haffajee links it to the time of Sisulu’s detention: “*Though* he worked there *during Sisulu’s long detention*, Mbatha this week *won great praise* from the man whose boots he will now step into” [4]. The conjunction “though” modifies the meaning and sets up the second part of the sentence negating the original negative view by noting that he nevertheless won Sisulu’s praise [4].

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<sup>5</sup> Zwelakhe Sisulu is the son of Walter Sisulu, former ANC leader with Nelson Mandela.

<sup>6</sup> This structure facilitates production so that sub-editors can cut the report from the bottom, eliminating the least important propositions.

This pattern, balancing a positive view of Mbatha with a negative one, is repeated throughout the body (episodes) of the report at both the micro-level of the sentence or paragraph, and thematically. The headline summarises the theme that he was ‘unknown’—albeit equivocally. But acknowledgement of his fifteen years experience, and the high positions he held in Johannesburg imply that he must have been known to many [7]. This success is diminished by his having been “plucked from relative obscurity” [7]. The use of the passive verb “was plucked” suggests that he was not active in getting the job, and that it was more due to another’s agency that he was brought out of “obscurity”. This theme is first noted in the lead: “Mbatha did not want his new job but was persuaded to apply for it” [1]. The people who “persuade” him, or “pluck him from obscurity”, are powerful figures, suggesting that he could not have gotten the jobs without them. There is a further irony that the man who plucked him from relative obscurity was one of the candidates whom “he trounced” [2]. This active verb—Mbatha doing the trouncing—is negated later in the report when we are told that he had the unanimous support of the board [5], and that the other candidates were ruled out because of their perceived political affiliations or colour [6]. The elaboration of the first reason contains a local example of the ‘balancing’ that structures the whole report:

SABC representative Enoch Sithole said Mbatha’s appointment on Wednesday had unanimous board support, *but* sources suggest Zulu *would brook no opposition to his favourite*. [5]

Although one source claims Mbatha received “unanimous” support from the board, another claims the board’s chair “would brook no opposition to his favourite” [5], suggesting that the “unanimous” support was coerced because of the way power was exercised on the board. Haffajee’s comment that “Both men hail from KwaZulu-Natal” can also be read as the reason he was favoured, rather than because of his experience or qualifications for the job—further reinforcing the notion that his success was less a result of his own actions, and more because it suited the powers that be. This view is consistent with the second example of his passivity.

Another example of this ‘balancing’ within a paragraph is an assessment of Mbatha’s experience at the SABC:

‘He comes from the studio,’ said Sithole, welcoming him as the SABC’s first home-grown leader. *But with the history of the SABC, that may not be a feather in*

*his cap*. ‘It shouldn’t follow that anybody who worked here in the past was part of the system’, Sithole said. ‘With the corporation’s history, it is better not to have a political animal leading it’, he added. [8]

The first sentence offers a positive characterisation: “home-grown leaders”. Haffajee negates this in the second sentence with the conjunction “but” and the negative subjunctive “may not”, which qualifies the positive figure of speech “a feather in his cap”. She quotes Sithole who challenges the assumption that because someone worked for the SABC during apartheid s/he necessarily “was part of the system”—which is the inference in an earlier part of the report [3] and [4], which was also ‘balanced’ with Sisulu’s support for Mbatha [4]. She ends the paragraph with Sithole’s view: “with the corporation’s history, it is better not to have a political animal leading it”. This implies Mbatha was not a “political animal”, and was chosen for this reason in contrast to those “he trounced” who all have a history of involvement in the struggle against “the system”, and support for the ANC. The implication is that Mbatha was chosen for negative rather than positive reasons.

It is only in paragraph 9 (of 13) that Haffajee makes definitive statements about Mbatha himself: “Mbatha is *more of a technocrat*. He is a *measured man* of the cloth...It is believed he was chosen because *he will ensure continuity and will not rock the boat* at a very difficult time for the SABC ” [9]. The first sentence begs the question—more than what? And the term ‘technocrat’ is equivocal—and implies that he is no visionary leader. The following sentence implies that he was chosen—apparently by the outgoing CEO and chair of the board—because he would not make any great changes (“ensure continuity...not rock the boat”). Even though Haffajee has identified particular qualities, they are ones that might be associated with a good follower, rather than a leader. This is confirmed in the penultimate paragraph:

...the SABC has already been restructured and some fine managers have been put in place to look after finances, marketing and programming. *Mbatha will play a largely ceremonial role* and he *seems well-qualified for that part of his job at least*. [12]

There are already “fine managers” in key roles, so Mbatha’s leadership is “ceremonial”—rather than critical to the institution. Haffajee’s comment, that he seemed “well suited to that part of his job at least” suggests there are other parts of the job that he is not qualified

for. The final quotation, attributed to a “surprised staffer”—“He’s so...nice. He’s a clean and decent man”—is complimentary, but not a description one would expect of the most powerful man at the helm of our national broadcaster. It damns with faint praise.

Although the final paragraph concludes the report with the evaluative comment discussed above, structurally the penultimate and preceding paragraphs deal with background issues relating to contextual circumstances (see diagramme of Van Dijk’s structure) that mitigate the positive evaluation. Although the background material comes low down the hierarchy of ‘relevance’, it is arguable that this should be a *key* element of the news structure if journalism is to play the role of enabling citizens to make decisions about the democratic functioning of the state.

This report exemplifies Haffajee’s description of herself as a “careful” writer (2002: 14)—who makes a conscious effort to balance statements. Despite this approach—or perhaps because of it—one is left with the impression that this is an attempt to present the new CEO in a positive light, while still maintaining a critical perspective. In this respect, the article evidences the tensions faced by black journalists regarding their own identity as journalists: on the one hand, their identities are constituted by the normative discourses of journalism which are “colour-blind” and sceptical of state power structures, but on the other hand, in this context, colour matters as it is the focus of social redress, and yet the power structures and the mechanisms by which change is wrought are critical to the construction of the new state. The challenge facing progressive journalists in this situation, is how to maintain an open questioning stance vis-à-vis the formation of new structures, without adopting often unconscious racist stereotypes of black people. This is the underlying tension in the article: it alludes to the complex ways in which power operates at our public broadcaster, but it does not interrogate this aspect of its functioning, nor the implications of having a passive, ‘nice’ man at the helm of the organisation at a time of structural change.

**“Nice guy, but can he do the job?” by Howard Barrell and Mungo Soggot (*M&G* 17-23 July 1998: 20)<sup>7</sup>**

This report is about the appointment of Bulelani Ngcuka, Deputy Chair of the National Council of Provinces (NCOP), to the newly-created post of Director of the National Prosecuting Authority. The headline questions whether he can do the job, leaving open the possible reasons why he should *not* be able to do it. On reading the report it is evident that the headline refers to the verbal reactions of selected members of opposition parties, and the legal profession, thus representing their sectional interests as a general concern. Although the lead paragraph notes that Ngcuka “shrugged off fears that he will follow the dictates of his political masters”, the wording implies authoritarian control, suggesting that he might be politically bound [1]. The article leads with Ngcuka’s view that he does not see his political associations as a problem, as he “shrugged off [these] fears” [1]—indicating independence. Although the headline can be read as negative towards the appointment, the lead cites Ngcuka’s response, making it difficult for one to draw a definitive conclusion about the writers’ implicit perspective. Together, the headline and lead summarise the key propositions of the report: first, that he may not be able to do the job—presumably because he is not adequately qualified for it; and second, that his decisions will be compromised by his political affiliations.

These two issues—his political in/dependence and his suitability for the job—are linked in the story, which deals with them in four thematic “instalments” (Van Dijk 1988: 43)<sup>8</sup>: first, the appointment; second, the man; third, the job description; fourth the social purpose of the job<sup>9</sup>. The article ends with Ngcuka’s background history and family connections. Each theme consists of background information and responses from interviewees. This structure enables one to see the journalists’ logic: the hierarchical order in which information appears indicates what they consider most important. The headline and lead summarise the main points of the article, and are elaborated upon in the

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<sup>7</sup> The full text of this article appears in Appendix 9.

<sup>8</sup> According to Van Dijk, “One of the most conspicuous and typical features of topic realization or elaboration in news discourse is its instalment character. That is, each topic is delivered in parts, not as a whole, as is the case in other discourse types. This structural characteristic is caused by the top-down principle of relevance organization in the news. This principle says that news discourse is organized so that the most important information is presented first” (1988: 43).

<sup>9</sup> See Appendix 9 for a schematic analysis of the article.

'background' sections, threading through the article and giving it what van Dijk calls 'global coherence'.

### *Analysis*

#### *Theme 1: Summary and its associated verbal reactions [1-10]*

The first theme deals with the two main propositions and the verbal reactions to them. Significantly, Ngcuka's response that he will be politically independent is cited first, meaning—in terms of journalists' hierarchy of relevance—that they deem this the most important piece of information. The section also concludes with his view that he will have to deal with fears regarding his connection to the ANC, adding that in "other countries attorneys general are also political appointments"—a further rationale to still opposition fears:

It is going to be incumbent on me...to *demonstrate* my impartiality and independence. It would be foolish of me to advance the ANC and to prejudice other parties. Certainly I have no intention of doing that. [9]

The main body of this section outlines responses from "[S]enior members of the legal profession" who fear Ngcuka is "insufficiently experienced and could be vulnerable to political influence" [3], and opposition parties who express disquiet at what they perceive is a 'political appointment' [4, 6, 7, 8]. The strongest opposition comes from the Democratic Party justice spokesperson, reported to have "condemned" (the journalists' words) the appointment of "someone knee-deep in politics to a post *which should be non political*" [6]. Ngcuka's reference to the situation in other liberal democracies 'answers' this critique. All respondents are complimentary about Ngcuka—indicating that their concern is less with the person than with the nature of the appointment: "an able man" [6]; "could hardly think of a better person" [7]; "I have the greatest respect for him, but I fear he will have a political agenda" [8]. There are two possible ways of interpreting the journalists' ordering of the information. On the one hand, by beginning and ending with Ngcuka they present a positive view, allowing his views to frame the other discourses. On the other hand, they emphasise criticisms of him consolidated in three successive paragraphs before he is allowed to respond to the implied critique. The only outside voice supporting Ngcuka appears in the penultimate paragraph: "Ngcuka's appointment has been welcomed within the ANC" [23]. This predictable statement is followed by one

qualifying this, as the voice of someone who “is critical...in party affairs”, testifying that “[h]e has always been very much his own man, willing to take positions which are not popular, sometimes at risk to himself” [23].

The appointment theme is interrupted mid-way with ‘background information’ [5] explaining why the new post was created: “to restore the *health* of the country’s *ailing* criminal justice system and to *co-ordinate* the nine *provincial prosecuting authorities*” [5]. The health metaphor suggests that the criminal justice system is ‘sick’, but fails to explain why. Two reasons are given much later in relation to the fourth theme (the social purpose of the job: paragraphs 20 and 22). The first is initiated by the comment: “The post is supposed to help the government *impose its stamp* on a prosecution service staffed mainly with *NP appointees*” [20]. This comment is supported with ‘evidence’: “The lack of prosecutions in KwaZulu-Natal in cases involving political violence, and the apparent *apathy* of some attorneys general *in prosecuting old-order policemen and generals*, are obvious examples of the state’s failure to adapt to the new regime” [20]. This is a clear statement that the existing system had already been politicised by the apartheid state, and that the newly created post is an attempt to counter the remaining power of the old order—albeit in a way that might replicate its practices (“impose its stamp” [20]). This is followed by the responses of prosecutors who fear the new appointee will act in the same way as the old order and “could quash cases against members of the ruling party” [21], and of an advocate who sees the role as more administrative because the service “has suffered an *exodus of experienced practitioners lured by lucrative private practice*” [22]—offering a second reason for the ‘ill-health’ of the criminal justice system. Both reasons are important for understanding why the government needed to intervene (“impose its stamp” [20])—especially the first one regarding the need to transform the criminal justice system politically, thereby mitigating opposition critiques of the ‘political agenda behind’ the creation of the post. It is noteworthy that this rationale appears so low down in the article—even in this section it *follows* the responses of the prosecutors. This order suggests that the journalists did not view it as significant, revealing their ideological perspective.

### *Theme 2: The man*

This theme, centred on Ngcuka, is initiated by information about his CV—important for evaluating the critique of his appointment. First, mention is made of his “strong struggle credentials as a lawyer-activist in the 1980s”, completing his articles with Griffiths Mxenge, a prominent anti-apartheid lawyer who was “assassinated by apartheid hit men” [4]. He completed his LJB while imprisoned; went into exile to Switzerland for two years; was appointed United Democratic Front (UDF) chair in the Western Cape; and helped set up the National Association of Democratic Lawyers (NADL), which is described as an “alternative legal association to the established, white law societies” [13]. This is a comment on the politics of the contemporary legal system, and could possibly explain why the present government needed to intervene in the system. However, these activities “frequently disrupted his legal career” [12]. The journalists use one of the responses by “three senior lawyers” [14] for their apparently independent comment, providing a rationale for the criticism that he was not experienced enough. Although his “struggle credentials” are impressive, this very term could either be read positively or negatively, depending on one’s political affiliation: if the latter, then it provides evidence of a “political agenda”. Despite these credentials, including recognition for setting up an “alternative legal association” [13], the journalists assert that “he was *relatively unknown* in legal circles” [14]. Although they provide a rationale for their judgement, it still begs the questions about the basis of their assessment. “Relatively unknown” is a quasi-quantitative evaluation, leaving unclear to whom he was unknown—members of the alternative (black) legal association or the white law societies?

### *Theme 3: The job description*

The job description theme is initiated by background information focusing on the job criteria:

The legislation which creates the post does not specify that the incumbent be independent, but says he should carry out his job without fear, favour or prejudice. The main prerequisites for the job are that the occupant must be a South African and have 10 years’ practice experience. [15]

This is followed by the chair of the General Council of the Bar who had expressed a principled objection to the proposed legislation fearing “the incumbent’s political independence and possible lack of experience” [16]. Here he conflates the utility of the

post with the appointee [16]. The reported response of the director of the Centre of Applied Legal Studies is limited to his comment about criteria for the job: “The nature of the position requires proven experience and a commitment to independence” [18]. The journalists also conflate the post with the appointment, speculating that the “appointment is unlikely to go down well with the attorneys general he will be controlling” [19], and noting that state prosecutors “expressed reservations about the post, which gives the incumbent the power to intervene in individual prosecutions” [19].

Although the journalists provide ‘balanced’ comments and observations about Ngcuka’s appointment in relation to his CV and the criteria for the job, it is significant that negative comments are given first, indicating their news priorities—and ideological bent.

*Concluding comment.*

As the fourth theme was dealt with in relation to the first, I conclude by looking at the final paragraph: “Ngcuka’s wife, Phumzile Mlambo-Ngcuka, is the deputy minister of trade and industry, and his brother, is mayor of Khayelitsha” [24]. This abrupt ending begs questions about what we are to construe from it. The article has ‘balanced’ Ngcuka’s confident claim that he will act impartially and independently of his political “masters”, with the voices of the (white) legal establishment and opposition figures stating their fear that he will not. The journalists have offered both views, although opinion is weighted in favour of opposing voices, and the order of the argument obscures explanations that might favour Ngcuka’s appointment. But the story concludes with the paragraph quoted above [24]. It thus cannot but be read ironically—as a “knowing dialogue” between the journalists and their readers, enabling them “to disavow a proffered judgment and/or to render their own judgement where, ordinarily, it would be inappropriate to do so” (Ettema and Glasser 1993: 324). This ironic conclusion maintains the equivocal stance the journalists established in the headline, “Nice guy, but can he do the job?” By ending in this way, the piece confirms Rosteck’s view (1989: 295) that irony inflects “the genre of journalistic discourse with alternative meanings and so positions itself between objectivity and accusation” (qtd. Glasser and Ettema 1993: 331).

Once again, the ‘watchdog’ discourse is seen as the dominant frame defining normative journalism. But despite the journalists’ attempt to provide a ‘balanced’ view of the incumbent for this new post, the headline shows up the underlying premise suggesting a scepticism that in the context of South Africa’s history can only be read as being based on unconscious racist assumptions.

**“The case for the new super AG”. Editorial (*M&G* 17-23 July 1998: 24)<sup>10</sup>**

This editorial, as the headline suggests puts the “*case for*” (supporting) the new post of national director of prosecutions. The structure broadly follows Van Dijk’s description of an argumentative schema consisting of “a number of premises followed by a conclusion” (1988: 49). The argument consists of four themes: first, the failure of the criminal justice system; second, the cause for this—rooted in apartheid imperatives; third the post and the appointee; and fourth, the political justifications for the post and the appointee. The editorial concludes by supporting both the need for the post and the choice of the incumbent.

***Analysis***

***Theme 1: The failure of the criminal justice system***

Having stated the overall intention of the editorial in the headline, the lead notes the new government’s “failure to prevent the collapse of the criminal justice system”, describing this as a “setback”—a temporary situation that can be remedied. This is implicit background information, and is followed in paragraphs 2 and 3 with reasons to support the assertion in the lead: that the police are inept and corrupt, while the criminals are increasingly sophisticated [2]; that the magistrates and judges are “held in low esteem by the legal profession”; and that the jails are overflowing [3]. These reasons support the assertion that the criminal justice system is in a state of collapse, necessitating remedial action.

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<sup>10</sup> See Appendix 10 for the full text of the article and schematic analysis.

*Theme 2: Cause: apartheid imperatives*

The cause of the failing criminal justice system is “laid at the door of the previous government, which bequeathed a ...system designed mainly to uphold apartheid” [4]. This assertion is followed by an elaboration of the consequences of such a system [4], explaining why the current situation is a manifestation of the old order: “It is difficult to avoid the suspicion that many *old-order justice appointments* have *deliberately bucked* the realities of the *new South Africa*”[5]. A rationale for the editorial’s “case for the new super AG” is implicit in this statement as it not only asserts that the old system was based on political appointments, but that a new order is needed as the old one is deliberately undermining attempts to change the institution. This view is supported with contextual evidence [5].

*Theme 3: The post and the appointment*

This two-fold theme can be regarded as a segue, as it both concludes the argument made in the first two sections, and initiates a new embedded argument *against* “the new super AG” (proposition 4). The editorial concludes: “The Cabinet’s decision to appoint a ‘super attorney general’ is therefore a commendable step towards transforming this crucial arm of government” [6]. This is followed by attorneys and prosecutors claiming their independence will be undermined. But the writer discredits their view, describing it as hypocritical [6]—implying that as beneficiaries and surrogates of the old order, they were not independent. The editorial elaborates on their fears by asserting that the incumbent is “an unquestionably political appointment” [7]; that he “has limited practical experience” [8]; that he was “heavily involved in politics” [8], and finally, that “[h]e is a party stalwart, married to Deputy Minister of Trade and Industry Phumzile Mlambo-Ngcuka, and very close to the ANC hierarchy” [8]. The implied argument against the post and appointee is compared with the appointment of the governor of the reserve bank:

*Coming so soon after the appointment of former minister of labour Tito Mboweni as head of the central bank, the choice of Ngcuka as super attorney general raises legitimate concerns about the politicisation of supposedly independent posts. [9]*

The term “supposedly independent” is ambiguous, as it could mean that it is *impossible* for such posts to be independent, or, that in these circumstances they have been “politicised” [9]. This is followed by another assertion supporting the opponents’ fears:

“It must also be said that both men have a lack of qualification in terms of experience” [9].

Although this section begins by stating that the post is necessary, the body is taken up with the opposition’s fears about the “politicisation” of the prosecutorial system—largely because of the choice of appointee—concluding with a statement confirming their fears.

*Theme 4: Justification for the politics of the post and the appointment.*

Notwithstanding the concession to the opposing case, this section returns to arguments about why the appointment was necessary [10], and why the political affiliation of the appointee did not necessarily imply that it was a “political appointment” [11]. The first argument recognises that state institutions would be regarded by citizens as legitimate if “they are staffed by people in tune with the priorities of the new government”, and that “Ngcuka is self-evidently one of those people” [10]. The second makes the point that “during the apartheid era, membership of the ANC was a matter of conscience” [11], suggesting that it represented a moral stand against the apartheid state. The paper argues that “to exclude members... would be to exclude the overwhelming majority of black people in this country” [11] and would impact on the legitimacy of the post.

The editorial concludes its “case for the new super AG”, by accepting the choice of the appointee (Ngcuka), and wishing him well. It expresses the paper’s confidence that Ngcuka (and Mboweni in his post) will “prove his independence in time” [12].

**Conclusion**

Although the news article is equivocal in its treatment of Ngcuka as the ideal candidate for the post, the editorial argues the case not only for the post, but also for Ngcuka’s appointment. This is significant, as it was politically important that the *Mail & Guardian* show its support for the government four years into the new democracy. The editorial shows that the paper was mindful of the political legacy that the government had to contend with, and supported the appointment despite being concerned about the perceived shortcomings of the candidate. These two articles show the ‘dual’ or contradictory position of the paper regarding its own role. The equivocal position of the news article is evidence of the liberal view that the media serve democracy by enabling

open debate, without openly taking a position. The editorial, on the other hand, advocates a particular position, confirming Glasser's view that journalism that adopts the procedural view of its role may end up having to "separate their editorial agenda from their news agenda" (1999: 9)<sup>11</sup>.

The following week an angry letter was published under the headline "'Super AG' is not a heavenly appointment" (24-30 July 1998: 20). The letter writer condemned the *Mail & Guardian's* editorial for taking "ingratiation to new heights...how much more bowing and scraping can take place before the writer finds himself prostrate". What upset the letter writer most were the points relating to the perceived political need for a candidate that most South Africans would regard as legitimate; that such a person must be seen to be "in tune with the priorities of the new government"; and that membership of the ANC during the apartheid era was a matter of conscience. These were all regarded as rationalisations for a "political appointment" to a "dictatorial post which invests him with sweeping powers"— "not a solution to the redressing of past imbalances".

This is but one response, indicative of one possible reading of the editorial—but indicating the position of a section of the *Mail & Guardian's* readership. One might surmise that this reader would have been happier with the news article, which, although 'balanced', gave ample space to the kind of criticism raised by the letter-writer.

**"I smelled Mugabe in the SABC's corridors", by Max du Preez (*M&G* 23-29 April 1999: 10-11)<sup>12</sup>**

This is Max du Preez's story of his dismissal from the SABC—framed by the headline and summed up in the final paragraph: "I smelled Mugabe in the corridors of the SABC this past week. South Africa cannot afford it" (1999: 11). The gist of the story is that the head of news and current affairs at SABC, Themba Mthembu, peremptorily forbade the airing of a *Special Assignment* programme on the day it was due to be aired. Du Preez, as programme producer, challenged the "decree" [13], and became embroiled in a battle

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<sup>11</sup> This issue is taken up more fully in Chapter 13.

<sup>12</sup> Full a copy of the full text, see Appendix 11

with the director of the project to combine radio and television news, Snuki Zikalala, the head of SABC news services, Enoch Sithole, and the head of television news, Phil Molefe, who notified Du Preez that his contract would not be renewed. In Du Preez's words: "For those of you who are bored by the SABC/Max du Preez soap opera, here's the truth in a nutshell: I was unceremoniously axed from the SABC by the new management of TV news because it was easy" [5].

Five elements structure Du Preez's narration:

- 1) establishing a relationship with his reader;
- 2) an interpretive frame;
- 3) a detailed narration of events and characters;
- 4) persuasive proof of the validity of his interpretation;
- 5) a coda that summarises the frame and calls for public response.

Although these elements are separated for analytical purposes, they work together to provide a coherent whole. In Van Dijk's terms, the 'thematic structure' (my 'interpretive frame') describes the content, summing up the article's key propositions or assumptions. This is often signalled in the headline and the lead paragraph, and is then drawn through the rest of the piece. Van Dijk uses the term 'schematic structure' to note the structuring elements of a news piece—including an events element, verbal reaction to the story, and concluding commentary: "each element of the schematic structure corresponds to a more general theme in the thematic structure" (1995: 29). Bell's view of a news story's structure—consisting of an abstract (headline and lead), attribution (source, place, time), and story (attribution, actors, action, setting, follow-up, commentary, background)—is also useful, and is similar to Van Dijk's schema (1998: 67-68).

### *Relationship with reader*

Du Preez establishes a personal, intimate relationship with his reader that is different from the typical, distanced relationship usually found in news stories (Van Dijk 1988: 74). He does this in a number of ways. First, he addresses his readers directly—beginning with the lead paragraph: "Forgive me..." [1]. Throughout the article he uses "I" / "you", normally alien to news discourse (Van Dijk 1988: 75). Having explained his state of mind, he declares his intentions: "*I would like to tell you what really happened at*

*your* public broadcaster over the past 10 days” [4]. The first person narration is conversational in tone—another no-no for news (van Dijk 1988: 76). This tone is also expressed through commentary that ‘re-addresses’ readers, thereby maintaining their connection to the story: “but where the story really gets momentum...” [11]; “It got more *bizarre*” [27]; “Now here’s a problem” [27]; “But the *real madness* was still to follow” [36]. The story becomes a confessional: he reveals his personal experiences—and in so doing gives ‘the real story’, implying that there is an official version which is not to be believed. The use of the possessive pronoun ‘your’ both establishes a link between the reader and the organisation (the SABC), and creates an out-group of ‘them’ who are destroying it—through an irrational madness based on an egotistical sense of power (note italicised words above).

He persuades readers that it is in their interest to listen to him, not only because it concerns their broadcaster, but also because what happened to him could happen to them. Describing the mindset of the new management and other authorities like them, he writes: “We’re untouchable and *those who are not with us are against us*” [3]; and later, “That’s exactly why *you* should be interested in the saga of the sacking of one hapless journalist. Because it is a simple case study of a culture that is slowly taking hold in *our* country” [8].

By creating an intimate relationship with his readers, he simultaneously constructs ‘the others’ who are a threat, and who have created “the madness” [1] that engulfed him. The polarity that is set up by aligning himself with the readers is integral to the way in which the article as a whole is framed.

#### *Interpretive frame*

The headline summarises the framing theme: the new SABC management acts autocratically, reminiscent of the apartheid era (represented by SABC figures like Christo Kritzinger [12]): “Perhaps *I* should say ‘taking hold *again*’, because this comes straight from the *owner’s manual* of the *Afrikaner Broederbond* in its heyday” [8]. The reference to the *Broederbond* further conveys the sense of a ruling clique that acts on the basis of ‘blood ties’, rather than democratic procedures and processes.

He also likens their actions to those of Robert Mugabe, conjuring up autocratic and authoritarian treatment of the media, the threat of media censorship, and ultimately state control of the media reminiscent of the apartheid government's treatment of the press and control of the broadcast media:

This stopped being a case of the unfair dismissal of a journalist. This goes to the heart of the *spirit of being a public broadcaster*. It has severe implications *affecting free and independent journalism*. [48]

There is a general acknowledgement that if my dismissal is simply going to blow over, every single journalist and producer would know: I better behave. I could be next. Anticipate what management wants and do it like that, or face the axe. It is *pure intimidation*. [50]

The reference to the old SABC is one of the threads in the article: the bureaucratisation of the organisation, its personnel, and their abuse of power. The change of a white autocracy for a black one is seen as symptomatic of changes in South African society—hence his conclusion: “South Africa cannot afford it” [54]—hinting at South Africa going down the Zimbabwean road. Du Preez likens the SABC management to both the old apartheid regime and to Mugabe's style of rule.

#### *Detailed narration of events and characters*

Du Preez structures his account by beginning with the ‘rationale’ for his dismissal:

*I did not fit into the new bosses' neat little picture of a uniform, disciplined corps of soldiers who would blindly and unquestioningly execute the orders of the hierarchy. It's become almost a knee-jerk reaction: if someone irritates you, remove him, re-deploy him, destroy him... We're untouchable and those who are not with us are against us.* [7]

The key words in the first sentence describe/construct<sup>13</sup> the new bosses as militaristic, exercising a rigid hierarchical rule, according to which obedience was the only acceptable response to commands—failing which, there was censure and banishment: “those who are not with us are against us” [7].

Du Preez then contends that readers should be interested in an individual journalist's dismissal,

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<sup>13</sup> Note the point made in the last chapter about description as construction.

Because it is a simple case study of a *culture that is slowly taking hold in our country*. Perhaps I should say ‘taking hold again’, because this comes straight from the owner’s manual of the *Afrikaner Broederbond* in its heyday. [8]

Because the paper has vouched for his *bona fides* by describing him as a “respected journalist”, and because he has created an intimate relationship, readers are persuaded that his arguments are valid.

He refers to other respected journalists who had also been fired:

the *most honourable* of all South African journalists, Joe Thloloe was *unceremoniously kicked out* as head of television news (TVN). Or perhaps...when his replacement, *veteran* newsman Allister Sparks, suddenly got the *big kick* and was replaced by the *much less experienced* Philip “Chippa” Molefe. [10]

This scene-setting establishes that well-respected (“most honourable”), and experienced (“veteran”) journalists were cast aside (“unceremoniously kicked out”, “got the big kick”)—not for a good reason, but to make way for a new order. The nickname “Chippa” to Molefe is further belittling. The new “power structure...was broadened with more men with titles” [11]—implying the increased bureaucratisation of the organisation:

The energetic and once much admired *Bulgarian* graduate and *Umkhonto weSizwe* commissar, Snuki Zikalala...and a *stalwart* from the days when *P W Botha* ruled the SABC newsroom, Themba Mthembu, became Molefe’s deputy...Instant *fat cars* (sic), *privileged parking*, *fancy offices*...[11]

Mthembu clearly thought his time had come. No more *Christo Kritzing*er treating him like a lap dog—the wheel had turned. Within days of his appointment Mthembu...*sidelined* TVN general manager Vasu Moodly. [12]

The description conflates power and autocracy through a chain of signifiers: the military (“Umkhonto weSizwe commissar”); Eastern Europe, associated with communism for most readers; “Bulgarian graduate”; apartheid (“Christo Kritzing”); “stalwart from the days when P W Botha ruled the SABC newsroom”, and privilege (“Instant fat cars (sic), privileged parking, fancy offices”). It also reinforces Du Preez’s explanation that he was fired because it was easy [7]. Discrediting those in power, the new order is shown to be no different from the old.

Having established the cast of characters and the setting, Du Preez begins his story proper with one of the new ‘czars’, Mthembu, issuing “decrees” [13], establishing his editorial and financial control over programme makers: “Mthembu *had now become Christo*

*Kritzinger, with an equal disrespect* for those who are the heart of the SABC: the journalists” [13]. The classical narrative has a simple structure: it starts with a status quo that is disrupted by some action that has to be resolved so that order can be restored again. The rupture in this story is Mthembu’s decision not to screen a *Special Assignment* programme on witchcraft [15], leading to a series of actions:

- Du Preez complains to Mthembu, and his ‘superiors’ or co-authorities, the head of TV (Mokgatle), and the head of TV news (Molefe) [16].
- The two independent producers of the programme take their story to the *Sunday World*, whose editor, Fred Khumalo, slams the decision to can it, thereby publicly siding with Du Preez [17].
- Du Preez is told by a colleague that “Zikalala and Molefe [had] boasted, beer in hand, how they were going to crush [him] and his programme” [18].
- Du Preez meets with the CEO (Mbatha); present are Zikalala “and the *crown prince* who will become the new head of all the SABC’s news services, Enoch Sithole” [20]. Du Preez’s fears of being ‘crushed’ are allayed by Mbatha: “The SABC is a decent and *disciplined organisation*. Nobody gets to the end of his contract to find he has no job” [21]<sup>14</sup>.
- Molefe summons Du Preez to his office informing him that his contract will not be renewed [23]. He cites Du Preez’s arrogance, lack of respect for management, his defiance, and his running to the press as reasons for the dismissal [24].
- Du Preez has a second meeting with Mbatha urging him to rescind Du Preez’s dismissal [29] and [30].
- Mbatha orders Molefe to meet with Du Preez, as only he (Molefe) can rescind the firing order [34].
- Du Preez asks Mbatha to request that the SABC Board intervene. He refuses [35].
- SABC news runs the story, edited by Mthembu, asserting that Du Preez had been sacked because of gross insubordination, referring to “an incident in which he had sworn at the head of news and current affairs, Themba Mthembu...” [36].

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<sup>14</sup> The description of Sithole is consistent with du Preez’s construction of the management as autocratic rulers; and Mbatha’s choice of words (direct quotation by du Preez) is reminiscent of contemporary discourses about the ANC as a ‘disciplined organisation’ with ‘disciplined members’.

- Du Preez then recounts this incident [39-42].

Du Preez himself likens the story to a “soap opera” [5], a popular television form defined by an emphasis on characterisation, many linked side plots, and a story structured around ‘who said what to whom’. In his ‘conversation’ with his readers, he notes: “But there’s fun in the detail” [9]. What the “detail” provides is a story about “lies” [21], twisted tales and rationalisations [21, 26, 28], power struggles, egotism, authoritarianism, and unsound decision-making. Molefe is represented as an egotist: “‘If you want to work for Molefe Mokgatle or the board, then go work for them. You will never work for Philip Molefe again’, he roared” [25]; “‘You defied me!’ declared an emotional Molefe” [26]. Mbatha is represented as a bystander “who constantly wore a smile and clearly had no idea what was going on” [21].

There are also two side-stories. The first is about the producers giving their account to the *Sunday World*. Its editor, Fred Khumalo, challenges Molefe’s view that the documentary was “factually inaccurate” [17], and supports Du Preez’s claim that the canning was autocratic and uncalled for. The second is Du Preez’s account of the swearing incident, and his subsequent apology. Both of these add colour. The detail shows up the new management as autocratic and unreasonable.

*Persuasive ‘proofs’ of the validity of his interpretive position*

Du Preez provides evidence to support his view of SABC management, noting Fred Khumalo’s response: “The canning of the programme...is an autocratic abuse of power, a reversal of gains we, as a society, have made with regard to extending freedom of the press and freedom of information” [17]. He describes the support of both SABC and other journalists, and members of the public<sup>15</sup>:

There was even a special meeting in Newtown on Wednesday attended by about 70 journalists, activists and ordinary members of the public to protest at my dismissal. [44]

Wherever I walk in the streets of Johannesburg, people of all colours and classes and ages stop me, all with the same message: what was done was outrageous. Don’t take it lying down. Someone should fight this kind of abuse. [45]

<sup>15</sup> See *Sowetan* article (Wednesday 21 April, 1999).

### *Coda*

Van Dijk notes that stories “have a narrative schema, consisting of conventional categories such as Summary, Setting, Complication, Resolution, and Coda” (1988: 49). A coda is a “concluding passage...usually forming an addition to the basic structure” (Oxford English Dictionary). The article ends with a nine-paragraph coda in which Du Preez reflects on the question he poses his readers: “What is to be done now?” [46]. He settles the private issue of his sacking:

There can be no doubt whatsoever that this was a classic case of grossly unfair labour practice. But that is more of a private matter, and eventually the SABC will pay me out. *They don't mind—it's taxpayers' money* after all. All they want to do is stall for as long as they can. [47]

The first sentence is an assertion; no other evidence is led to support his claim. The third sentence implicitly links the “private matter” with the public interest, showing how public officials use state resources to settle issues relating to their alleged violation of established protocols. This theme recurs throughout the story: the initial canning of the story [15]; his sacking [25, 26]; and finally, the use of the SABC to broadcast the story [36-38].

He suggests intervention at several levels: the SABC Board should investigate “the series of abuses committed by TVN management” [48]; the Independent Broadcasting Authority (IBA) should also investigate [49]; beyond them, both the journalistic community and the public should protest in some way, as the case “has severe implications affecting free and independent journalism” [50-51], and because “it is also important for public life outside the SABC that this kind of abuse should not be tolerated” [52]. The coda sums up his argument: his private sacking is not only symptomatic of abuse of power at the SABC, but also at the level of the state. This final leap is based on his observations made on a recent trip to Harare:

I got a sense of what Mugabe and *his cronies in the inner circle of Zanu-PF* have done to Zimbabwean society. [53]

I *smelled* Mugabe in the corridors of the SABC this past week. South Africa cannot afford it. [54]

Du Preez's reference to "Mugabe" needs interrogation. What does it refer to? On the one hand, he had earlier rejected the notion of direct political intervention [6], which leads one to conclude that "Mugabe" here is a metaphor for "power". On the other hand, his reference to "Mugabe and his cronies in the inner circle of Zanu-PF" begs comparison with 'Mbeki and his cronies in the inner circle of the ANC'. As he has already noted the rise of the "once much-admired Bulgarian graduate and Umkhonto weSizwe commissar, Snuki Zikalala" [11], and has referred to the flaunting of power "inside and outside the SABC" [7], this interpretation is not implausible. The coda functions to draw together the elements of the framing argument, maintaining the local and global coherence<sup>16</sup> of the text.

### Conclusion

The interpretive frame reveals Du Preez's assumptions or cognitive schema. These can be related to intertextual discourses in the media about the new black elite and Mugabe's Zimbabwe, providing a frame for Du Preez's readers. The comparison with both the apartheid bureaucrats and the Zimbabwean crisis is simplistic—providing an easy framework for making sense of contemporary politics, but its political reductionism is alienating for those who might well be critical of aspects of contemporary politics, but who see the reductionism as unhelpful. It is this reductionism that fellow journalist, Ferial Haffajee, criticised as sensational and "an untextured approach to something that needed to be done" (2002: 14). She elaborated on what she meant by sensational:

sensationalism was determined by how things were treated...the headline, its one-sidedness, its assumptions...that SABC was an unrescuable institution. That it had gone the way of ZBC—that it was a state broadcaster...I don't think that's where our democracy is. It is not irredeemable. I think as journalists we are at the centre of its upholding—its shaping and its growing. (2002: 14)

She also spoke about style as an element of what constitutes sensationalism. Van Dijk sees style as "the result of the choices made by the speaker among optional variations in discourse forms that may be used to express more or less the same meaning (or denote the same referent)" (1998: 27). He elaborates:

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<sup>16</sup> Van Dijk uses the term 'local coherence' to refer to the construction of meaning at the level of each sentence and paragraph, and 'global coherence' to refer to the links between paragraphs that sustain the meaning throughout the whole piece (1998: 36-39).

style is a major indication of the role of the context. It may signal personal or social factors (sic) of the communicative context, such as the speakers' impatience or familiarity between speaker and listener. (1998: 27)

Breaking the conventions of the news genre, Du Preez uses narrative devices to create an intimate relationship with his readers—commonly associated with tabloid journalism—rather than the distant, 'objective' stance of conventional news. This allows him to air his views as 'the truth' without having to substantiate every point—most critically, that he was fired because "It was simply the easiest option, because it has worked so easily so many times in the recent past—inside and outside the SABC" [7]. This exaggeration, designed to create an emotional and ideological effect, is "sensationalist". Invoking Mugabe and Zimbabwe is similarly sensationalist, presuming a common understanding of the way the country is heading. On the other hand, the invocation of the apartheid regime is a reminder that this is no different from where we have come—and confirms his argument that race is not significant [6].

As a public conversation the form allows Du Preez to conclude with a question: "What is to be done now?" His argument all along has been that although the story is a private one about "a hapless journalist" it has public implications, because it concerns "your broadcaster": "But it is also important for public life outside the SABC that this kind of abuse should not be tolerated" [50]. Implicit in Du Preez's stance is an appeal to the public to act. This article does not present readers with 'both sides of the story': it encourages them to adopt and act on the journalist's position. This 'call to action', prior to due process of the law or other internal investigative procedures, has been criticised by some readers—because it presumes the *Mail & Guardian* position is 'the right one'.

That the article was given a double-page spread in the news section must be regarded as significant. Although *Mail & Guardian* news articles are typically longer than news stories in dailies, the space it is given—despite its placement on pages 10 and 11—signifies the value the editor places on such a story, and reflects the paper's news values, its view of its audience, and commercial considerations<sup>17</sup>. The decision to include Du

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<sup>17</sup> Despite this typical, and accepted rationale for publication, Barrell maintained that it is impossible to theorise news content: "And we all know that the news agenda never obtrudes neutrally and whatever, but if you start trying to devise the theory for how the news agenda obtrudes, I think you just land up up your

Preez's piece was no doubt also influenced by his reputation as the founding editor of *Vrye Weekblad*, an Afrikaans equivalent of the *Mail & Guardian*, sharing its ethos of critique and opposition to the apartheid state<sup>18</sup>. This ideological position<sup>19</sup>, challenging autocratic power, is consistent with the *Mail & Guardian's* view of itself and its readers. Furthermore, the Mbeki vice-presidency and later presidency has been associated with an increased ANC control of decision-making structures and the 'state apparatus'—which this article evidences. There are thus many good reasons why the article was published.

The analysis shows that the article deals with complex issues of power and subjectivity in a narrative form that foregrounds what abusive power feels like<sup>20</sup>. But as Barrell acknowledges, *Mail & Guardian* critiques of the new order provide a "gratifyingly racist experience" for some readers—and it is conceivable that an article like this one lends itself to such an experience, despite Du Preez's argument that race was not an issue.

The four texts analysed in this chapter illustrate aspects of *Mail & Guardian* journalism. Although the conventional news stories have headlines that cast doubt on the appointment of black men to senior positions in state/public posts, the *form* of both evidences journalism's objective of giving 'both sides of the story', offering a 'balanced' account. But the journalists' own perspectives are evident: through the order in which views or information is given; through the selection of sources who are quoted; through the use of rhetorical devices such as irony; through the kinds of comparison and associations that are made; and through the selection and placement of background or

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own backside, frankly. So most journalists, or news editor and the editor and other people will sit there, and assistant editors, in various news conferences during the week, and will make various judgements about what constitutes news and what constitutes the issues that obtrude from those news stories. And, I think what one then does when it comes to deciding issues and who should write about them... And the way in which people are chosen is inevitably going to be fairly random. I mean the decisions are made like this, you know. And it's who is available as well" (2002: 27).

<sup>18</sup> Tomaselli and Louw (1991: 6, 225, 226).

<sup>19</sup> I use "ideological" here to refer to the position of the writer, and the views articulated in the text. This is consistent with Van Dijk's view that ideologies do not only 'serve power' (which is Thompson's 'critical' view of ideology), but that they also serve the function of "co-ordination of the social practices of group members for the effective realization of the goals of a social group, and the protection of its interests" (van Dijk 1998: 24). See also Purvis & Hunt (1993).

<sup>20</sup> Complaints about Snuki Zikalala's autocratic leadership style were the subject of an SABC inquiry led by constitutional lawyer Gilbert Marcus and former CEO Zwelakhe Sisulu. Commenting on their report, Ferial Haffajee writes: "It is scathing about the arbitrary decision-making, the iron-fist rule and the lack of editorial knowledge of the news and current affairs managing director Snuki Zikalala" (M&G 13-19 October 2006: 4).

contextual information that enables a reader to make sense of whatever information is offered. Two points are noteworthy. First, that the conventional structure of a news story is itself ideological as it privileges what is “new”—events—and leaves till the end contexts for making sense of “the new”. This is particularly pertinent to a weekly newspaper whose *raison d’être* is not the provision of “news”—dealt with by the dailies—but rather accounts of the import of such events. Second, the differing ways in which the elements are deployed in a story point to the political disposition and subjectivity of the journalist. In contrast with the conventional news pieces, the hybrid news-narrative is unabashedly subjective, giving the reader a clear indication that this is but one person’s perspective, even though he claimed to be providing “the real truth”.

These texts also highlight the tension between the critical stance of the journalist—the need to probe and adopt a sceptical stance—and the framing of critiques in a way that opens up, or sheds light on, the issues discussed—rather than creating a polarised ‘us’ versus ‘them’ situation, which is what readers of different stripes have objected to. The news pieces show how journalists deploy different elements of a news story to produce journalism’s normative ethic of ‘fairness’ and ‘balance’—as a means of negotiating their own identities as journalists on the one hand—requiring the disavowal of a position—and on the other, as citizen-subjects, with particular views about the politics of transition in contemporary South Africa.

## CHAPTER 11: The transformation of the judiciary

Affirmative action programs seem to be political lightning rods wherever they are employed. To their supporters, such policies present a mechanism whereby generations of inequity can finally be overcome; to opponents, they seem a crude tool of reverse discrimination that can only promote further group conflict. (Ford 1995/1996: 1956)

To define equality as encompassing only what has no effect on the previously privileged is to negate any real equality. (Lawrence 1998: 324)

The inalienable right to privilege is founded on the greater claims to 'belonging' to the community as a whole than others. The path of an active ethnicity is laden with thorns that derive from the character of ethnic phenomena. These are by nature exclusivist and assert a homogeneity within, and a difference from outside, that is illusory when we take into account class and gender concerns ...ethnicity can be a vehicle for diverse political projects, and is the essential building block of all racisms. (Anthias 1992: 436)

This chapter continues to examine *Mail & Guardian* texts that could have led to the paper being accused of racism. It focuses on four articles—two news pieces and two editorials—that appeared in two consecutive weeks, covering the Judicial Services Commission's (JSC) selection of new judges president of the Transvaal and Cape, and a deputy judge president of KwaZulu-Natal. An article by Mungo Soggot, headlined "Revolution on the Bench" (16-22 October 1998: 8), appeared in the first week, accompanied by an editorial, titled "Ill-judged appointments" (16-22 October 1988: 26). The following week another article by Soggot appeared, "Deputy judge president steps down" (23-29 October 1998: 4), as well as another editorial on the issue, "The bulldogs have lost their bark" (23-29 October 1998: 20). These four pieces were cited collectively as "the judges' story" by a number of mostly black *Mail & Guardian* journalists and viewed as discomfiting because the pieces implied that the selected black judges were not up to the job. Although conceding that writers of news stories are entitled to take whatever perspective they like, the black journalists were particularly concerned that the editorials reflected the views of only some people in the newsroom, and so implicated them in a political position that they rejected. As one journalist said:

It's easy to defend policies that you would have argued and agreed on. It's easy to be part of something if you're indeed part of it. But if you're caught by surprise and then you seek clarity, and you don't get anywhere, it leaves you in an awkward position where, if you're asked outside, you would say, 'look...I mean... I was not part of that, that's not really part of the newspaper'. (Nkosi 2002: 17)

I have selected these articles for close examination, as they speak more directly to the racial issue than do the ones in the previous chapter. But, even when racial issues are approached directly, the paper's response is equivocal, as the following excerpt from the second editorial reveals:

The central issue is *not* the abuse of senior members of the judiciary on account of their skin colour—*although* that is in itself sufficient justification for protest—*but* the emergence of what appears to be an African National Congress caucus in the Judicial Services Commission which threatens the politicisation of the judiciary and, to our mind, undermines the separation of powers enshrined in the Constitution. (*M&G* editorial 23-29 October 1998:20 [4], my emphasis)

Linguistically, this is a complex sentence, containing three propositions. The first notes what is *not* the issue, namely, "the abuse of senior members of the judiciary on account of their skin colour". The second, introduced by the conjunction "although", reclaims the negative proposition, thus granting that it could be a positive proposition: that the central issue could be such abuse. The third proposition, introduced by the conjunction "but", highlights what *is* "the central issue": "the emergence of what *appears* to be an African National Congress caucus in the Judicial Services Commission which threatens the politicisation of the judiciary and, to our mind, undermines the separation of powers enshrined in the Constitution" [4]. While disclaiming the first proposition as "the central issue", this sentence brings to our attention that the events described in the four articles concern two issues. The one is the new government's policy of 'affirmative action' or 'corrective action'; the other is the restructuring of the governing bodies of institutions such as the judiciary and the public broadcaster. If these governing bodies are independent, then they insulate the judiciary and the public broadcaster from state power, contributing to the functioning of a democratic state. That the 'affirmative action' issue appears first, and is both disclaimed and acknowledged as 'an issue', signals its importance for the paper.

In order to evaluate the *Mail & Guardian's* representation of issues relating to affirmative action, I begin by examining it in the South African context, and the arguments and positions drawn from discussions in American legal theory which seem to have shaped South African discourses on the subject. I then analyse the four articles noted above, and conclude by considering the articles in relation to both the earlier discussions of affirmative action, and the responses of journalists who found the paper's position problematic.

### **Context: Social transformation—affirmative action**

Notwithstanding the ANC's discourse of non-racialism<sup>1</sup>, its 'four-nation thesis' was based on its conception of South Africa comprising four distinct 'racial' groups: White, Coloured, Indian, and African. It understood South African politics in race-essentialist terms similar to that of the National Party. Another current within liberation politics was an anti-capitalist discourse recognising the rights of workers, regardless of their race. Albi Sachs was mindful of this when considering the formulation of the future constitution: "Group rights will exist, but they will be the rights of workers, women and so on, not of racial groups" (1990: 20). He also stressed the recognition of both individual and group rights—a fundamental tension in approaching a "jurisprudence of transformation"<sup>2</sup>. The 1994 elections represented for many the beginning of a new politics: the end of 'race-based' exclusion and discrimination.

From Sachs' perspective, the Bill of Rights (now Chapter 2 of the 1996 Constitution) would be the "major instrument of ensuring a rapid, orderly and irreversible elimination of the great inequalities and injustices left behind by apartheid" (1990: 8). He argues further, that affirmative action is a key principle informing the Bill of Rights<sup>3</sup>:

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<sup>1</sup> Alexander considers their position as "multi-racial" (2001: 107-117).

<sup>2</sup> See for example, Angela P. Harris (1994), "Forward: The Jurisprudence of Reconstruction"; Charles R. Lawrence III (1995a), "Race, Multiculturalism, and the Jurisprudence of Transformation"; and Charles R. Lawrence III (1998), "Race and Affirmative Action: A Critical Race Perspective"; Paul Brest and Miranda Oshige (1995), "Affirmative Action for Whom?"

<sup>3</sup> Sachs elaborates further:

The third fundamental feature of a meaningful Bill of Rights for South Africa is that it must be structured around a programme of affirmative action. It is not just individuals who will be looking to the Bill of Rights as a means of enlarging their freedoms and improving the quality of their lives, but whole communities, especially those whose rights have been systematically and relentlessly denied by the apartheid system. If a Bill of Rights is seen as a truly creative document

Without a constitutionally structured programme of deep and extensive affirmative or corrective action, a Bill of Rights in South Africa is meaningless. Affirmative action by its nature involves the disturbance of inherited rights. It is re-distributory rather than conservative in character. (1990: 8-9)

For him, affirmative action is a key mechanism for “converting a racist, oppressive society into a democratic and just one”; it is a means of broadening participatory democracy at the individual level, and in both the public and private sectors (1990: 9).

Based on this view, the Employment Equity Act (55 of 1998) pays specific attention to affirmative action. Its purpose is,

to achieve equity in the workplace by promoting equal opportunity and fair treatment in employment through eliminating unfair discrimination; and implementing affirmative action measures to redress the disadvantages in employment experienced by the designated groups. (Summary of the Employment Equity Act, 55 of 1998: 1).

The “designated groups” include, amongst others, the disabled, women, ‘African’, ‘Coloured’, and ‘Indian’ people. This recognition of racial groups is contrary to Sachs’ earlier vision of a future South African Bill of Rights. Notwithstanding this, affirmative action is not regarded as “unfair discrimination”<sup>4</sup> within the current Bill of Rights, but is seen as a means of ensuring that “suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce of a designated employer” (Chapter 3, section 15.1 of the Amended Employment Equity Act, May 2006). Affirmative action is thus seen as a form of ‘positive’ or ‘fair discrimination’ in the redistribution of resources, and as a necessary means of redressing apartheid’s policies of ‘unfair discrimination’ (Powell 2001: 391; Ford 1995/1996: 1965).

It would appear that South African affirmative action practices and discourses have been influenced by those in the United States of America<sup>5</sup>, where, despite the Civil Rights

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that requires and facilitates the achievement of rights so long denied to the great majority of the people, it must have an appropriate corrective strategy. (1990: 14-15)

<sup>4</sup> Section 9.2 of the South African Bill of Rights notes: “To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken” (South African Constitution 1996: 7).

<sup>5</sup> For an historical overview, see Daniel Farber (1994), “The Outmoded Debate Over Affirmative Action”. Christopher Ford (1995/1996) argues that it will be instructive for Americans to see the problems associated with South Africa’s policy of allocating resources on the basis of ‘group’ membership.

Movement's challenge to the US Constitution, US courts have been largely unsympathetic to affirmative action as a form of redress (Farber 1994: 902). In response to their judgements, young black legal scholars<sup>6</sup> challenged traditional liberal interpretations of the American Constitution and developed their own approach to "the relationship between law and racial subordination in American society" (Crenshaw 1990: 195, qtd. Farber 1994: 903)<sup>7</sup>—which has become known as Critical Race Theory (CRT)<sup>8</sup>. Delgado characterises this approach as one in which "voice" matters:

These scholars argue that some members of marginalized groups, by virtue of their marginal status, are able to tell stories different from the ones legal scholars usually hear. In addition, some of the scholars urge that those stories deserve to be heard—that they reveal the world we *ought* to know. (1990: 95)

Critical Race Theorists argue that because racism has structured white and black people's experiences differently, the latter have different accounts of the world (Crenshaw 1988, Delgado 1990)—giving their theorising a post-modern inflection (Harris 1994: 748-750). They also argue that racism takes different forms at different times, and that legal racism in particular, takes two forms: substantive racism and procedural racism (Delgado 1990: 105). The former treats black people as inferior to whites; the latter relates to the way in which legal rules, premises, practices and procedures disadvantage black claimants (Delgado 1990: 105-106). In this way, wider social factors shape legal practice and procedures—making the racism less obvious. Critical Race Theorists have identified legal argumentation and procedures, with their "seemingly neutral or meritocratic rules", as having two central weaknesses in their ability to deliver justice to those marginalised by a history of racism. First, they do not allow for different voices or experiences, making history and context irrelevant (Delgado 1990: 107). Second, they reify hegemonic norms, values, and standards—established under conditions of inequality—thereby further violating the particular and the circumstantial or contextual, in their

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<sup>6</sup> Key scholars include, Robin Barnes, Derrick Bell, John Calmore, Kimberle Crenshaw, Richard Delgado, Charles Lawrence III, Gerald Torres. See Richard Delgado and Jean Stefancic (1993), *Critical Race Theory: An Annotated Bibliography*, *Virginia Law Review* 79 (461-516).

<sup>7</sup> The discourse of the Critical Race Theorists seems to draw on the views of Carmichael and Hamilton (1968) in *Black Power*, in which they define racism as a system of racialisation for the purposes of subordinating a racial group and maintaining control over it. They distinguish between overt individual acts of racism, and covert or 'institutional' racism (Miles 1989: 51). The latter they describe as "those actions and inactions which maintain 'black' people in a disadvantaged situation and which rely on 'the active and pervasive operation of anti-black attitudes and practices'" (Carmichael and Hamilton 1968: 5, cited Miles 1989: 51).

<sup>8</sup> See Crenshaw et al 1995, and Delgado 1995.

claims to universalism (Delgado 1990: 107)<sup>9</sup>. With respect to affirmative action, merit thus becomes a key discourse as the “seemingly neutral and meritocratic rules” based on universal values are more likely to exclude groups who have already been socially marginalised. A key aspect of Critical Race Theory is thus “its rejection of white experience and perspectives as standards” to be applied to black people (Farber 1994: 903). This means a fundamental change in perspective that questions the basis of accepted norms and values.

It is this general challenge to what is perceived as a white world view that informs black South African perspectives on affirmative action, and is evident in the complaint of racism against the *Mail & Guardian* by the Black Lawyers Association and the Association of Black Accountants.

Even though Critical Race Theorists share a common perspective on the relationship between law and racial subordination, there are divergent views on affirmative action. They make three main arguments in favour of affirmative action. First, it represents reparation for past discrimination, thus enabling upward economic mobility and improving opportunities for integration and diversity (Barnes 1992)<sup>10</sup>. Second, it enables the affirmation of black people as individually successful, thereby promoting individualised black identities, as opposed to the black stereotype (Williams 1991, qtd. Farber 1994: 906). And finally, it should be seen not merely as a form of ‘compensation’ or ‘reparation’ for past inequalities, but as a transformative or redistributive mechanism (Lawrence 1998: 317). Lawrence’s argument differs from that of the “liberal supporter of affirmative action who prefers to emphasize the value of diversity [and] sidesteps the question of redistribution” (1998: 323):

Without talking about structural inequality, unconscious racism, institutionalized patriarchy, and antiradicalization theory, it is impossible to defend affirmative action. Redistribution is the scary word everyone wants to avoid on this side of the debate. (1998: 323)

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<sup>9</sup> This kind of thinking is part of the post-modernist critique of the modernism’s universal claims.

<sup>10</sup> This view is shared by Randall Kennedy, who is not a Critical Race Theorist:

The accumulation of valuable experience, the expansion of a professional class able to pass its material advantages and elevated aspirations to subsequent generations, the eradication of debilitating stereotypes, and the inclusion of black participants in the making of consequential decisions affecting black interests. (1986: 1329)

For him affirmative action is but one mechanism for achieving “substantive equality” (1998:326), and necessarily means that some people will have to give up something, in order for others also to have something.

While nominally supporting affirmative action, Derrick Bell (1989) and Richard Delgado (1991b) argue that it benefits white society more, as kudos accrues to mainstream institutions forced to implement affirmative action policies, but the impact on them is negligible because it simply means a few blacks have to fit in to an otherwise white institution. Delgado also criticises the “diversity” and “role model” arguments: the “diversity argument”, because blacks are expected to provide colour and variety in predominantly white institutions—thereby further legitimating them; and the “role model” argument because it perpetuates the lie that anyone can make it (1991b: 1228)<sup>11</sup>. Stephen Carter adds that affirmative action stigmatises black achievers as “affirmative action” candidates, rather than persons appointed on merit (1991b). Bell shares Carter’s view, arguing that a few benefit, but many suffer from the increased social hostility that emerges when affirmative action is instituted (1989). These theorists oppose affirmative action because it merely adjusts a system of power already in place, and is not part of a wider political attempt to restructure and re-order society, and thus redistribute power, wealth, and social well-being. My own view is that a radical intervention, like affirmative action, should be part of a larger policy of implementing structural economic changes that impact on social welfare and education, thereby ensuring long-term class-based redress.

Two aspects of the ‘affirmative action debate’ have touched South Africans most deeply. The first relates to identity, the second to the discourse of quality and merit. As affirmative action is based on identities constructed by successive colonial, segregationist, and apartheid regimes, and then reified by them as inherent, the policy plays into the complexes, fears, angers, and stereotypes produced by this history. It

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<sup>11</sup> He offers five arguments against it: 1) it’s “a tough job with long hours and much heavy lifting”; (2) “The job treats you as a means to an end”; (3) “The role model’s job is monumentally unclear”; (4) “To be a good role model you must be an assimilationist, never a cultural or economic nationalist, separatist, radical reformer, or anything remotely resembling any of these”; (5) “(the most important one). The job of role model requires that you lie—that you tell not little, but big, whopping lies” (1991b: 1226-1228).

necessitates claiming despised, essentialised, apartheid identities<sup>12</sup>—albeit for benign reasons—in order to gain some form of material benefit, leading some commentators to question whether we are not witnessing the re-racialisation of South African society<sup>13</sup>.

There are two important aspects to this re-invocation of racial identity: one social, the other economic. At a social level, the policy reinvigorates the divisions wrought by apartheid. It has led to discussions about ‘who is an African’<sup>14</sup>—who counts as such, who does not? Who is ‘pure bred’, and who is not<sup>15</sup>. Because racial identifications are linked to material benefits, further social tensions arise<sup>16</sup>. Lawrence rightly sees such inter-ethnic conflict as “the product of internalised white supremacy<sup>17</sup>” (1994/1995: 835).

He argues:

To suggest that interethnic tensions among minority groups are caused by race-conscious affirmative action is to argue that we can eliminate the fights over the crumbs thrown from the master’s table by not throwing any more crumbs. (1994/1995: 835)

He contends that “racism is an injury to a group. White supremacy defines Blacks and other non-White races as inferior as a group...” (1998: 318). It is white supremacy (racism) that has given race a “defamatory” meaning (1994/1995: 836)—and it is because of this that we balk at using racial categories. But, he argues, not using racial terms will

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<sup>12</sup> Companies have to supply demographic information (colour classifications) of their workforce to the Department of Labour. More (1998) points out the contradiction of the African National Congress government using the Afrikaner Nationalist race classification system in order to build a society in which ‘race’ is not used as the basis of classifying people, i.e. one founded on non-racialism. This conundrum points to the complex relationship between various discourses of ‘race’ as a category of human classification, and racism as an ideology.

<sup>13</sup> A *Mail and Guardian* (24-30 June 1996) headline queried, “Is ethnicity in vogue again?”

<sup>14</sup> See Steenveld 2004.

<sup>15</sup> At one of the discussions following the SAHRC’s hearings into racism in the media, I overheard a conversation between two ‘African’ people in which they scoffed at the term ‘so-called Coloured’ which had been used by the Unity Movement as a means of pointing out the constructedness of racial classifications and the identities they helped constitute. The point the two speakers were making was that they “knew” they were ‘African’—it has a ‘real’ referent, not a questioned one: “so-called”. For them it was not a social construction—but a reality, evidenced by their skin, hair and bone—and they were now “proud” to be so identified.

<sup>16</sup> Some Coloured people claim they were not white enough under apartheid, and not black enough now to benefit under an ANC government. See Mohamed Adhikari’s (2005) book, *Not White Enough, Not Black Enough. Racial Identity in the South African Coloured Community*.

<sup>17</sup> Lawrence writes: “The ideology and culture of white supremacy turn communities of color against one another by creating hierarchies of privilege and access and by assigning racially subordinated groups to different places within those hierarchies. Those of us who are assigned a higher status on this ladder find that our belief in another group’s inferiority gives us an investment in white privilege. We are rewarded for our racism and are less likely to experience the full force of our own subordination” (1994/1995: 831). See also Ikemoto 1992/1993.

not do away with centuries of racism. This is the “colour-blind” approach: the view that all racial categories are suspect as they are inherently racist—hence the reverse discrimination argument by opponents of affirmative action. This assumes that we are living in a world of colour (or gender, or class) equality, which we do not: it “elides [the] ideal and reality” (1998: 316)—thus producing “formal equality”, rather than “substantive equality” (1998: 315, 318).

Critical Race Theorists challenge the colour-blind approach, arguing that substantive equality necessitates a “race consciousness” (Lawrence 1994/1995; Peller 1990; Barnes 1989-1990). On this basis Lawrence challenges legal approaches that focus on *individual* rights, without acknowledging that “group injury...denies the only kind of remedy that responds to the way in which racism operates”. He continues: “No group injury means no group remedy” (1998: 318). Section 9 of the South African Constitution<sup>18</sup>, which deals with equality, does make provision for “fair discrimination” for “categories of persons” as well as individuals—meeting one aspect of a redistributive approach. But this has not prevented social tensions about the relative benefits to persons differently disadvantaged by their race, gender, and class—especially where such categories “intersect”<sup>19</sup>.

One of the economic consequences of race-conscious affirmative action is the commodification of identity leading to what Ford calls “the identity market” (1995/1996: 2007). Government intervention not only contributes to the construction and shaping of identities, it also creates a “competitive ethnic market in which groups who most successfully organize to make claims on resources get the most resources” (Greenwood 1993: 111; qtd. Ford 1995/1996: 2006)<sup>20</sup>. Media discourses about the new black elite are

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<sup>18</sup> 9 (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

(3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.

(5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

<sup>19</sup> See Crenshaw 1989.

<sup>20</sup> But Greenwood cautions about the social consequences of such a strategy in a low growth or stagnant economy—such as South Africa’s arguably is:

an indirect reference to the perceived success—for some—of these newly created ethnic markets. The creation of ‘black associations’, while signalling an ideological position (CRT’s ‘race consciousness’), may nevertheless also be evidence of what Ford calls “identity entrepreneurship”: a means of capitalising on identity to gain financial advantages made possible by “group-specific resource allocations” (1995/1996: 2006)—which as Bell (1989), Carter (1991), and Delgado (1991b) argue, benefit a few rather than the many. In a market economy black middle-class professionals can benefit from their exclusivity because of a shortage of skills that are in great demand. The ruling ANC is seen by some non-Africans as an African party serving African interests. It is therefore not surprising that it is in the public sector that the most strides in employment equity have been made (Ford 1995/1996: 1970-1972). Nkulu argues that it is symbolically important for public institutions to be transformed in this way:

transformation is also necessary in order to change the image of certain government departments that have become symbols of oppression and humiliation to blacks. Unless competent blacks with good political credentials are appointed to key positions in these departments it is going to be very difficult to turn them into symbols of nation-building that they should be. It therefore follows that black advancement in the public service must not only come gradually from the bottom, but that there must also be appointments to strategic positions as senior levels. (1993: 17)

The judiciary is one such public institution whose legitimacy in the new South Africa depends on it reflecting the racial diversity of the nation<sup>21</sup>. The Judicial Services Commission was thus obligated to implement the Employment Equity Act—and the reported outcry from non-preferred groups<sup>22</sup> was inevitable. Ford argues that just as affirmative action is an incentive for “acquisitive identity-entrepreneurship”, it also encourages “defensive mobilization”—non-preferred groups also mobilise politically to defend their interests, thus creating an on-going cycle of identity-based economic and political tension (1995: 2006). The long-term prognosis for group relations constructed

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Affirmative action as an administrative system was implicitly posited on the notion of a continuously growing economy. Without growth, the costs of affirmative action would have to be distributed from the well off to the less well off, a far more radical solution than most of the approaches envisioned. Affirmative action in a low growth or stagnant economy is a recipe for social conflict and the resurgence of virulent forms of racial ideologies, on both the right and left. (1993: 115; qtd. Ford 1995/1996: 2006)

<sup>21</sup> But see Delgado’s arguments (1984, 1991b) noted earlier.

<sup>22</sup> See the arguments of Bell (1989) and Carter (1991) noted earlier.

around competition for scarce resources, is not favourable—but also points to the necessity for looking at class-based affirmative action.

Affirmative action also invokes a discourse of ‘merit’ and the maintenance of ‘standards’. Challenging *the* view of the world as a specifically white or western view, and offering a differently located black view, is at the heart of the approach of the Critical Race Theorists<sup>23</sup>. They, along with other Critical Legal<sup>24</sup> (CL) theorists, question the basis of ‘the standards’ that are used to judge ‘the merit’ of applicants for jobs (Delgado 1991a; Johnson, Jr 1992; Aleinikoff 1991; Freeman 1988; Peller 1990). In Delgado’s words:

Indeed, one of the historical functions of ‘merit’ has been to canonize what we do best, to conceal the merely contingent connection between institutional interest and the things rated by claiming that they have timeless, universal validity. (1990: 100)

Instead of expecting black candidates to fit in to a system that has been structured by racism<sup>25</sup>, some call for the system to change to accommodate people of colour (Delgado 1991a). That racism has skewed the system in favour of whiteness, Delgado argues, gives rise to certain kinds of comments: “Is it fair to hire a less-qualified Chicano or black over a more-qualified white?” He continues:

This is a curious way of framing the question...in part because those who ask it are themselves the beneficiaries of history’s largest affirmative action program. This fact is rarely noticed, however, while the question goes on causing the few of us who are magically raised by affirmative action’s unseen hand to feel guilty, undeserving, and stigmatised. (1991b: 1224-1225)<sup>26</sup>

For Delgado the discourse of merit is thus a smokescreen to defend the interests of those who already meet the stipulated criteria (1991b; see also Johnson Jr. 1992, and Lawrence III 1994/1995). Bell takes a similar view, arguing that, “the qualifications they insist on are precisely the credentials and skills that have been long denied to people of color” (1989: 1605 qtd. Farber 1994: 910). Although agreeing that contemporary standards

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<sup>23</sup> Historically, the American discourse focused on redress for Black Americans (as in Carmichael and Hamilton 1968), but the term ‘African American’ is now used. However the discourse also now refers to ‘minorities’, which is more inclusive—and talks to the need to address the contemporary political situation faced by, for example, Hispanics and Asian/Korean Americans (see Lisa Ikemoto 1993).

<sup>24</sup> See discussion in the next chapter

<sup>25</sup> See Robert Miles’ discussion of ‘institutional racism’ (1989: 51-60).

<sup>26</sup> On this basis he concludes:

Affirmative action, then, is something that no self-respecting attorney of color ought to support...My first point, then, is that we should demystify, interrogate, and destabilize affirmative action. The program was designed by others to promote their purposes, not ours” (1991b: 1225-1226).

exclude people who have not had access to the formal means of achieving them, Patricia Williams favours the establishment of standards that promote the inclusion of black people (1991: 103, qtd. Farber 1994: 911). Ultimately, their argument is about social power. In Delgado's words:

We [black people]...are entitled to these things [good jobs and the benefits that flow from them] and because fundamental fairness requires this reallocation of power. We should reformulate the issue. Our acquiescence in treating it as 'a question of standards' is absurd and self-defeating when you consider that we took no part in creating those standards and their fairness is one of the very things we want to call into question. (1991b: 1225)

While accepting most of these arguments, Daniel Farber cautions against seeing the invisible hand of white domination as the *only* rationale for such discourses (1994: 912). He acknowledges that in some fields and instances the criteria for job selection are inappropriate and the remedy would be to revise or replace them (1994: 919). But he also points to wider social factors that produce inequality that are unrelated to standards of judgement: the poor level of education and the changing economy which calls for different kinds of skill and education—which impacts more broadly on the opportunities for black and working class children to gain access to better paying jobs (1994: 919-924, 930). "Affirmative action in hiring cannot address this critical problem" (Farber 1994: 930). Christopher Ford takes a similar position:

Education, skills, and job experience were denied them precisely because this capital was, and is, essential to self-fulfilment, social development, and economic advancement in a modern society. To redefine 'merit' as including persons who lack the human capital necessary to take advantage of whatever further step is being offered is actually to do those many generations of historical injustice a favor by perpetuating their victims' collective unpreparedness. (1995/1996: 1981).

While I share the general position of the Critical Race Theorists, I largely agree with Ford as he acknowledges the consequences of racist education policies. But his view also implies that existing standards and criteria are foolproof, and the *only* ones that can be used to assess whether a candidate is worthy for the job—a position with which I disagree. Delgado (1991) notes that often it is the standards themselves that need to be reviewed, as standards are not inherent to tasks, but are often constituted by an array of competencies relative to the social construction of the task and are thus embedded in a power system. While there may be more common ground on these issues in the abstract, the real problems often occur in specific instances in which outsiders have to trust the

politics and integrity of those with decision-making power—a scenario already poisoned with racism and distrust. But what other basis can one use for judging whether the discourse of ‘merit’ and ‘standards’ is being used as a racist smokescreen, or whether it is valid in the situation at hand?<sup>27</sup>

Another critique of affirmative action is “that it is only affirmative: it does not address the overarching structural forces that shape the environment in which affirmative action is crafted and implemented” (Powell 2001: 397-398). Powell recognises that affirmative action may be useful for transforming institutions, but argues that what is needed is not redressing black subordination, but white privilege (2001: 398). Unless this is done, he argues, “...the way issues are talked about, understood, and addressed, let alone identified, remains shaped by assumptions and realities that flow from white privilege and racial hierarchy” (2001: 399). In this respect the media representations of affirmative action are important because they contribute to shaping the ways in which different kinds of social transformation are spoken about.

### **Textual analysis<sup>28</sup>**

*“Revolution on the Bench”, by Mungo Sogot (M&G 16-22 October 1998: 8)<sup>29</sup>*

This story is about the Judicial Services Commission’s (JSC) selection of a new judge president of the Transvaal (Judge Bernard Ngoepe), a new deputy judge president of Kwazulu-Natal (Judge Vuka Tshabalala), and a new judge president of the Cape (Judge Edwin King). A summary of the story is contained in the headline, “Revolution on the Bench”, which implies that a radical change has occurred. The sub-head elaborates on

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<sup>27</sup> Ford offers four principles for dealing with situations that necessitate affirmative action. The first he refers to as “Water the Roots, Not the Branches”, by which he means that the inegalitarian conditions that underpin the necessity for affirmative action need to be attended to (1996: 2014). Second, “Lower is Better”: this principle is that affirmative action is better applied at lower levels in an organisation or system than at the top; or earlier in an individual’s development, rather than later (1996: 2018). The third principle is “Identity-Meddling Minimalism”, which recommends minimal intervention on the base of codified racial identities, and a recognition that factors other than ‘race’ also create inequality, and therefore need to be addressed (1996: 2018). And finally, he suggests “Class-based Affirmative Action”, arguing this approach might be particularly useful in South Africa, where colour and class inequalities coincide to a great degree (1996: 2019-2021).

<sup>28</sup> In the following textual analyses, the numbers in square brackets refer to paragraphs in the original text in the appendix, and the italicised words are highlighted to inform my discussion of their use in the original text.

<sup>29</sup> The full text appears in Appendix 12.

the headline: “The Judicial Services Commission this week signalled the *end of the old boys’ club* on the Bench”. We are left to infer the make up of the “old boys club”, but it is quite likely to mean ‘the old *white boys club*’. The lead further qualifies the story by pointing to the significance of the JSC’s actions: “[they] selected *junior black judges* for key posts instead of *senior white candidates*” [1]. The lead thus confirms the inference, but adds the additional qualifier “junior” to the black judges, and “senior” to the white judges, signalling to readers that the issue was affirmative action. For many white readers this is synonymous with reverse discrimination, whereas for black readers it signals the redress of decades of discrimination and exclusion. The lead also offers the reaction of the judiciary—the prime source for the article—as a means of framing the story, thereby masking the writer’s position: “the judiciary was shaken to its roots” [1]. The structure of the article consists of four themes: the first deals with the choices made by the JSC; the second examines its decision-making process and its constitutional role; the third focuses on the Kwazulu-Natal selection process; and the fourth looks at the Transvaal process<sup>30</sup>. This structure suggests an attempt to provide a ‘balanced’ perspective.

A couple of points are significant. First, the headline, “*Revolution* on the Bench”, is ambiguous, and begs questions about the ‘revolution’. The word usually denotes radical change, and in left-wing circles is popularly associated with progressive change, while in conservative circles it represents a spoiling of the status quo and turning things upside down. In the headline, ‘revolution’ could refer to the judges who are up in arms against changes to the status quo—which is confirmed by the first part of the lead: “The judiciary was shaken to its core”; or it could refer to changes *to* the bench—which is confirmed by the second part of the lead: “the commission...selected junior black judges for senior posts instead of senior white candidates”. This latter change could either be read as progressive, or as ‘messing with the status quo’. The article as a whole deals with both referents (the views of the judges and the changes to the judiciary).

Second, the first theme is crucial as it frames the implied argument of the story. Four framing propositions are made:

1. The *judiciary* was shaken by the choices [1].

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<sup>30</sup> Appendix 12 gives a schematic outline of the structure of the article.

2. The choice was to select “junior black judges over senior white candidates” [1].

3. The JSC signalled that colour, rather than experience, is a key factor shaping the transformation of the judiciary [2].

4. “The Bench is the only branch of government effectively unscathed by South Africa’s negotiated revolution, remaining almost exclusively the preserve of white males” [3].

The fourth proposition, which appears last in paragraph three, provides the rationale for the JSC’s decisions. It is therefore arguable that this should appear first, as it provides readers with a framework for making sense of what follows. Instead, the lead begins with the response of the judiciary—whom we are told later is “the preserve of white males” [3], and later still that “scores of judges effectively tried to block Judge Mahomed’s appointment as chief justice” [11], and finally that some amongst them are *ex-broederbonders* [12]. Although we are given bits of information, in instalments, suggesting that the judiciary is an historically conservative institution which by and large supported the apartheid state, the article still leads with the judges’ view—as if they are credible arbiters of what is to follow.

The second theme focuses on the JSC, and can be read as an elaboration on the third proposition: “that judges will no longer be promoted on the basis of seniority or experience, and that race will be the most important factor shaping the judiciary” [2]. This proposition runs counter to commonsense logic, according to which seniority is related to experience and qualifications, and that race or gender should play no part. This proposition only makes sense when read with the following one (that as an apartheid-shaped institution the judiciary is mostly white and male). Having established this as a leading fact, the second section [5-10] elaborates on the JSC’s perspective: they “*questioned* the judiciary’s *slavish adherence* to a hierarchy based on seniority” [5]; and they “*criticised* members of the KwaZulu-Natal Bench for their *apparent unwillingness to sacrifice promotion according to seniority* for the appointment of less experienced black judges” [6]. The JSC is thus shown criticising and questioning views that many readers would regard as normal and commonsensical—thereby undermining the JSC’s actions through the use of irony. Moreover the JSC selected a white judge who was near retiring age rather than a black one who had “reversed the decision of the National Assembly to suspend Pan African Congress firebrand Patricia de Lille” [8]. The

implication here is that the decision was a political one. All of these statements thus offer implied critiques of the JSC. Readers are only later informed, in paragraph 7, that the JSC “is charged by the Constitution with fashioning a judiciary that reflects the racial make-up of South Africa”.

The third theme focuses on the selection of Judge Tshabalala as deputy judge-president of Kwazulu-Natal. His selection is placed in the context of “one of the ugliest rows to have hit the judiciary since scores of judges effectively tried to block Judge Mahomed’s appointment as chief justice” [11]. The next three paragraphs [12-14] elaborate on the row precipitated by fourteen KwaZulu-Natal judges petitioning for the selection of an *ex-broederbonder* as deputy judge president [12]—rather than Judge Tshabalala who “would not be able to ‘command the respect’ of other judges because of his lack of experience” [12]. There is irony in the notion that a judge with 29 years experience at the bar would not be able to command the respect of his peers, but an *ex-broederbonder* would. The journalist’s description of Tshabalala—“appointed to the Ciskei bench after 29 years at the Bar”—provides evidence for the fourteen judges’ views, as the implication is that he was not only not considered worthy of appointment for 29 years, but also that he was practising in the sticks: the Ciskei bench [13]. Thus while the KwaZulu-Natal judges can be slated for supporting a *broederbonder*, the journalist indicates that the alternative choice was questionable. This view was shared by the JSC at the time, who, we are told, “failed to select either Judge Booysen or Judge Tshabalala after a deadlock vote” [13]. With this as background, the remaining seven paragraphs [15-21] describe how the JSC grilled two applicants—one of whom had been a signatory to the petition of the fourteen judges, the other the *ex-broederbonder*. What is significant about this section is that the Democratic Party member of the JSC, Douglas Gibson, is represented as being the most critical of the KwaZulu-Natal judges—whereas an assumption might have been that it would be ANC members.

The final theme focuses on the selection of Judge Ngoepe as judge president of the Transvaal Division. This section of the article begins with the assertion that this “is regarded in legal circles as far more important” than the Natal decision, “although” it had been the most debated [22]. This post is deemed by the writer to be so important because

the incumbent must “reverse the degeneration of the Johannesburg High Court” which is “dilapidated and badly managed” [23]. Then we are told Judge Ngoepe was appointed to the Pretoria bench in 1995, had worked for the TRC since then, and had “temporary stints on the Constitutional Court and the Supreme Court of Appeal” [24]. While each position is impressive, holding so many in the space of three years potentially undermines the achievement. The overall impression conveyed is that he is not experienced—supporting the views of the judiciary expressed in the lead. This is followed by a description of one of the nominees Ngoepe “trounced”: “Labour Court head John Myburgh—a widely respected judge who received praise from several commission members for having built from scratch an efficient, *representative* court” [25]. This glowing description begs the question why he was “trounced” by Ngoepe. The following four paragraphs [26-29] elaborate on Myburgh’s achievements, beginning with the comment that “*Even* Judge Mahomed noted that Judge Myburgh had been ‘particularly successful in recruiting black judges to the Labour Court’” [26]. Judge Ngoepe’s response to Myburgh’s view of the Johannesburg judiciary is quoted later, indicating his (Ngoepe’s) unawareness of the situation described. But his proffered vision, “to restore its credibility” and to “take the court to the people” [30], sounds like populist rhetoric in comparison with the practical measures taken by Myburgh. The article ends with the last three paragraphs pitting Ngoepe’s views against those that point to his possible shortcomings. While the form is balanced, offering the views of both candidates, the journalist’s choice of quotations from Ngoepe indicates pragmatic rather than inspiring answers.

Although the second proposition of the lead is not directly addressed in the article—namely, that race was a key selection criterion—it is the implicit assumption. It features indirectly in section two, where the implied critique of the JSC is that *junior* black judges were selected over senior white candidates. The third theme points to the lack of experience of Tshabalala—but equally shows up the conservatism of the Natal judiciary. Although the fourth theme ends on a neutral note with a quotation from Ngoepe, the one paragraph that describes his CV reveals him as not having lengthy experience, whereas the bulk of the section elaborates on the qualities of the man he “trounced”. It is clear that in both cases the writer did not favour the selected candidate.

The journalist offers a narrow approach to a complex political issue: how to change an institution shaped by apartheid. The exclusion of black lawyers from the judiciary privileged white lawyers with experience, which is then used as a key criterion for the appropriateness of an appointment. Experience at the bar is a criterion that cannot be met by those who were denied this opportunity necessitating the need to look for, and spell out, other qualities, capabilities, and experiences that are also beneficial for a judge. But the journalist downplays these structural issues, and does not explore the difficulties involved in the selection of personnel in these circumstances. As journalism is a discourse that draws on others, it is a valid expectation that the issues and debates I raised at the beginning of this chapter should have arisen in the research for such an article—and should thus have informed its discussion. Such an approach would have amounted to journalism serving the public interest. Instead, Soggot focuses on lack of experience as a personal failing. It is this narrative that many of his colleagues objected to (see for example, Cowling 2003: 5; Mbhele 2002: 6).

*“Ill-judged appointments”, editorial (M&G 16-22 October 1998: 26)<sup>31</sup>*

This editorial deals with the same news item or ‘event’ as Mungo Soggot’s article, namely the appointment of new judges president for the Transvaal and the Cape, and a deputy judge president for KwaZulu-Natal. The headline clearly states the newspaper’s position: that it disagrees with the choice of candidates. The lead claims the paper’s impartiality, noting its earlier critique of the judiciary’s arrogance in its dealings with the TRC, and in summoning Mandela to the witness box. Having asserted its *bona fides*, the paper elaborates on its position declared in the headline. In this instance the paper supports the judiciary’s critique of the Judicial Services Commission [2]. The editorial then elaborates its view:

We say that with no disrespect towards the black candidates; the mere fact that they made it to the Bench in the face of massive disadvantages stands as tribute to their achievements. But their lack of preparedness for these particular posts is inescapable. [2]

The first sentence offers an apparently positive response by acknowledging what the black candidates have achieved. But the second sentence, qualifies this achievement by

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<sup>31</sup> The full text appears in Appendix 13.

pointing out that it is not good enough. A semblance of balance is thus attempted, but this statement cannot but be read as patronising. While disavowing disrespect to the black candidates, it impugns their worth, asserting that although they are not ready for “these particular posts”, their achievements in spite of disadvantages is laudable. The editorial thus champions the view expressed in Sogott’s article.

Having criticised the JSC’s selection of judges on principle, the next three paragraphs [3-5] recap the detail: the paper credits the JSC with appointing a white judge in the Cape, although it suggests that this decision reflects a political stand against the black candidate, rather than a positive view of the white one [3]. With respect to the KwaZulu-Natal decision it notes:

The judges themselves carry much of the responsibility for the Natal fiasco, but even the *joy of seeing* Judge Brian Galgut and Judge Jan Hugo being *hailed over the coals* for it cannot obscure the inappropriateness of Judge Vuka Tshabalala’s appointment. [3]

Here the paper repeats its position expressed in the first two paragraphs: its critique of the political stands the judiciary has taken in the past, and in particular the actions of the KwaZulu-Natal judiciary, but also its disapproval of the JSC’s final choice. This line is continued in the following two paragraphs (4-5) which focus on the Transvaal decision. This, the paper notes, “brings the issue most clearly into focus”. “The issue” has in fact not been made explicit, and has only been alluded to—leaving it to the reader to infer that “the issue” is the implementation of the government’s new affirmative action policy. The paper has skirted “the issue”, dealing with it by example. In this instance, the Transvaal decision exemplifies “the issue” for the paper: the selection of a black judge over a white one who “has distinguished himself by his *dynamism* and *courage, independence* of mind and determined *commitment* to the *true* ideal of affirmative action in building the labour court” [4]. Four qualities are attributed to this candidate in one sentence. In contrast, the black judge is not credited with any positive qualities, instead, his response to one situation (which we have to surmise about from Sogott’s news story) is used to define his capabilities—or lack thereof: “By contrast, Judge Bernard Ngoepe’s track record, while worthy, is limited and his naivety with regard to the strengths and weaknesses of individual members of the bench is *simply chilling*” [5].

The paper presents two very different cases as similar and comparable. But in the first one we are only given positive attributes, and in the second, negative ones—but as the cases described are different, the attributes accorded to them are incomparable. Moreover, as the “true ideal” of affirmative action represented by Judge Myburgh’s actions is not spelled out, we are left to infer that what is being practised by the JSC is a lesser form, or the false practice of affirmative action—but we are given no basis for making this judgement.

The editorial concludes that although the judiciary “was nearly destroyed” by decades of the National Party’s affirmative action policy for Afrikaners, it eventually recovered. Now, however, “it is *not only* the institution which has been put at risk, *but* the entire concept of the separation of powers. The Judicial Services Commission has done its country no service” [6]. The editorial equates the National Party’s affirmative action policy on behalf of Afrikaners with the ANC’s policy of affirmative action. But this is spurious as it equates the National Party’s exclusion of the vast majority (black workers) with the potential exclusion of a minority (white workers). In so doing, the paper adopts a ‘colour-blind’ approach to condemn the government’s affirmative action policy as a means of redressing decades of exclusion for the majority of South Africans. The editorial further implies that the Nationalist policies did not entail “the separation of powers”—a naïve view given its own critiques of the judiciary and the fact that there are still *broederbonders* and *ex-broederbonders* amongst the judiciary. So, the concluding view that the actions of the JSC have surpassed those of the National Party, is rash—especially for a paper such as the *Mail & Guardian*.

This editorial is based on the narrative constructions of one journalist. It assumes that his value-informed account is the only one—but the reader is left with questions that are not answered by the news piece, and thus the editorial. Although some positive statements are made about the black judges, this is overshadowed by the focus on the white candidates. The paper’s claim of political independence is not adequate, given its political views about how institutional change is to be brought about. The editorial offers strong evidence that it is against affirmative action, as practised by the JSC, but we are

not given enough evidence to support the view that its selections have “done its country no service” [6].

*“Deputy judge president steps down”, by Mungo Sogot (M&G 23-29 October 1998: 4)*<sup>32</sup>

This article follows-up the previous week’s story. The sub-head, “The deputy judge president of the Pretoria High Court has quit amid debate over the latest round of judicial appointments” answers questions raised by the enigmatic headline. It tells us which judge president stepped down, and the context in which he did so, but without giving the reason for his stepping down. The lead summarises the information contained in the headline and sub-head, and adds detail from the previous week’s story (“Revolution on the Bench”): “...amid the *controversy* surrounding the *meteoric promotion* of two junior black judges—appointments that have precipitated debate on the politicisation of the judiciary “[1]. The story relates the resignation of the deputy judge president of the Pretoria High Court, Piet van der Walt, to the decisions of the JSC, adding newly gained information based on interviews. The story has a two-part structure, the first dealing with the event (van der Walt’s resignation), and the second with responses to the JSC’s decision. The article can be divided into three components<sup>33</sup>: Van der Walt’s resignation as deputy judge president; a potted biography of the judge; views about the JSC’s decision.

My overall impression of this news piece is that it is ‘balanced’ and comprehensive. It locates the news event (Van der Walt’s resignation as deputy judge president), in two important contexts. The first relates to recent events surrounding the JSC decision; the second to another judicial resignation<sup>34</sup>. By referring to both resignations, the journalist constructs an *implied* argument that the judge resigned *because* of the affirmative action appointment of the black judges reported the previous week. Sogot does not assert a causal connection between these appointments and Van der Walt’s resignation, but merely a temporal one: “amid the controversy” [1]. However, he asserts,

<sup>32</sup> The full text appears in Appendix 14.

<sup>33</sup> Appendix 14 gives a schematic outline of the structure of the article.

<sup>34</sup> Judge Rex van Schalkwyk in 1996 [5]

Judge van der Walt *has given no reasons* in public *but there is little doubt* that he relinquished the post on Monday because of a decision on the part of the Judicial Services Commission to appoint Judge Bernard Ngoepe as the judge president of the Transvaal Provincial Division. [3]

His speculation is developed two paragraphs later by a second contextualisation:

His move is the *second judicial resignation since the 1994 elections*. In 1996 Judge Rex van Schalkwyk resigned from the Johannesburg High Court, publicly announcing his decision was motivated by what he considered the *deleterious effects of affirmative action on the Bench*. [5]

He validates the speculation later in the story when he reports Van der Walt's "unwillingness to serve as deputy to a junior judge" [9], but his preparedness to serve as a deputy judge president to a junior judge president, providing he was "not supposed to do the work and support a figurehead" [9]. Despite this interpretation of the judge's resignation, it contradicts Soggot's earlier description of Van der Walt's resignation as "an unprecedented move" [2].

The first theme is the news event: the judge's resignation. The journalist elaborates on this in the second theme: the man at the centre of the news event. Here his balanced approach is also evident, as he balances negative views of Van der Walt with positive ones. On the negative side he associates his resignation with that of Van Schalkwyk for which he openly blamed affirmative action [5] and mentions Van der Walt's membership of the *Broederbond* which he gained at the time of his appointment to the Bench in 1977—conveniently resigning a year before the democratic elections. Despite this Soggot also notes the positive qualities: that he is "generally well respected by lawyers and judges who operate in the division" [7], and that he is "fair-minded". He quotes an un-named advocate who describes Van der Walt as "an enigmatic judge [as] he is conservative, but fair-minded" [7]. This apparently contradictory evaluation is exemplified by his judgements in two similar cases. The one involved a white activist accused of treason, whom he sentenced to twenty-five years imprisonment in 1986, because she "was a dedicated Marxist and revolutionary and while this was understandable, though not excusable, in black South Africans, he found it difficult to understand in a white" [12]. The second judgment involved black activists also accused of treason in 1989. In this case Van der Walt argued that their actions were justified as

they were simply seeking a better life, which could not be considered a treasonable offence [14]. Soggot cites these two cases as representing the judge's "sensitivity to human rights" [11]. While this is one possible interpretation of the two judgements, another is that they display the same pragmatism as the timing of his membership of the *Broederbond* (joining soon after the Nationalists came to power, and resigning just before the ANC took power). Whereas 1986 (the time of the first judgement) represents the high-point of National Party repression, 1989 (the time of the second judgement) marked a new era with F W de Klerk's succession as state president, and the subsequent moves to a negotiated settlement beginning with the unbanning of the ANC in 1990 (Louw and Tomaselli 1991: 83-86).

We also see the 'balanced reporting' in the third theme, an elaboration on the previous week's story about the JSC's selection of two new judges president and a deputy judge president. The article focuses specifically on the responses to this event. The first four paragraphs of this section (15-18) give direct or indirect negative verbal reactions to the appointments, or express the view that the JSC is dominated by an ANC caucus. No black lawyer is quoted. Readers are given the views of Hugh Corder, a professor of law at the University of Cape Town [17]; Peter Leon, a Johannesburg attorney and head of the Democratic Party in Gauteng [18]; and unnamed sources: "*one* jurist" [15], "the post mortem of last week's other judicial appointments continued to dominate debate in *legal circles*, the *widespread feeling* being..."[16]; "it is *widely* argued..." [17]. This is followed by the direct response of the Minister of Justice, Dullah Omar, challenging the view that there is an ANC caucus in the JSC: "It's absolute rubbish. There are no party caucuses as far as I know. Of course people talk to each other [19]...people from the liberation movement are able to put into the background their political affiliations" [20]. Depending on one's political position and affiliations, these quotations could either be read positively, or ironically. Soggot further claims that the JSC's decisions represent a "turning point, as all members had agreed on the need for transformation of the judiciary" [20]. He also offers the minister's view on the mentoring of inexperienced judges by senior ones before assuming top positions: "Mentoring is very patronising. They [the new appointees] have the qualifications, they will develop the experience" [20]. These are important points that offer a different way of looking at the issue: indeed this is

potentially one way in which the issues and critiques could have been framed. Instead, these views appear after the negative ones. Furthermore, the quotations Soggot selected from his interview with the minister could be read ironically—which may be why Soggot selected them.

The remaining paragraphs deal with the selection of the Cape judge president, recapping the previous week's story. A new angle is added in the penultimate paragraph:

There *are suggestions* that the ANC has identified Judge Siraj Desai as a more suitable successor to Judge King<sup>35</sup>, and therefore wanted to block Judge Hlope. Judge Desai, who was formerly a partner in a law firm with Omar, *is considered* more favourably disposed to the ANC. Omar dismissed this rumour, saying Judge Desai's name had never been mentioned. [24]

The negative view is expressed in the first two sentences, and the response to it in the third. What is interesting about the first two sentences is the use of passives—"are suggestions" and "is considered"—for which there are no subjects. We are not told who made the suggestion, or who is doing the considering.

The article concludes by noting that the responses to the JSC's appointments were "predictably" split along racial lines, with "black lawyers generally welcoming the landmark appointments and white lawyers raising concerns about their experience" [25].

The article is apparently well-researched and Soggot seems to have consulted a number of sources. However no responses from black lawyers are cited—although the final paragraph asserts that they "welcome[d] the landmark appointments" [25]. The article is 'balanced', according to the journalistic norm of covering both sides of the story. However, the negative views—concerning Van der Walt himself, the responses to the JSC's decision, and the view that there is an ANC caucus in the JSC—come first, and are given far more weight than the so-called other side of the story. Used in this context, the term balance implies an objective stance, suggesting that the journalist is impartial and is simply reporting the facts. My analysis shows that the journalist has privileged certain views by dealing with them more expansively, and through prioritising their placement,

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<sup>35</sup> Judge King is due to retire in eighteen months [22].

according to the journalistic principle of the hierarchy of relevance. In my view, the article is thus not balanced, hence my use of scare quotes.

*“The bulldogs have lost their bark”, editorial (M&G 23-29 October 1998: 20)*<sup>36</sup>

This editorial makes essentially the same points as the previous week’s one regarding the JSC’s selection of junior black judges over senior ones, but the headline focuses attention on the response by the judiciary to the JSC. This is reiterated in the lead, clarifying that both the bench and academia “*are seething* with indignation over the appointments” [1]. The paper uses the verb, “are seething”, to suggest that the anger is pent-up.

The editorial has a simple structure consisting of three interlinked themes<sup>37</sup>: first, the silence of professional bodies who should be making a noise and protesting at the JSC’s decision—hence the “bulldog” reference in the headline; second, the issue is framed not as affirmative action, but in terms of the ANC’s control of the JSC, and hence the threat to the constitutional separation of powers; and finally, a statement about the paper itself as a real watchdog, making a noise while the “bulldogs” are silent. It also warns that the country may be witnessing a “racial variation of McCarthyism” [9].

A few points are noteworthy. This conclusion is over-the-top: it is ‘sensational’ in that it aims to provoke fear or anxiety; and it makes huge claims on the basis of very little hard evidence. On the one hand, the JSC’s decisions are compared with McCarthyism. On the other hand, this caution is qualified, suggesting uncertainty: “we *may* be” [9]. The comparison implies that the JSC is hounding (mostly) white judges and at least one black judge (Hlope) for anti-ANC activities. The selection of Judge King instead of Hlope saves the *Mail & Guardian* from being read in simple racial terms: “The commission, did, *admittedly*, appoint a white candidate in the Cape” (16-22 October 1998: 26, [3]).

A significant feature of this editorial is its use of qualifiers which modify the certainty of the views expressed: “what *appears* to be an African National Congress caucus” [4];

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<sup>36</sup> The full text appears in Appendix 15.

<sup>37</sup> Appendix 15 details the schematic structure of the editorial.

“The existence of such a caucus is *seemingly* assumed” [5]; “The poisoning of the selection process...*would appear* to be confirmed” [5]; “The explanation...*seems* to be” [6]; “while the politicians...which *may or may not* have something to do...”[6]; “The *suspicion* must be...” [8]; “we *may be* witnessing” [9]. In addition to these qualified assertions there are others that are vague or unsupported, leaving unanswered questions:

The explanation for this inverse polarisation seems to be that the black candidate was being given a *professional vote* of confidence by his peers—who are, of course, predominantly white—while the politicians, who are predominantly ANC-aligned, were voting on the basis of other concerns which *may or may not* have *something* to do with the future candidacy of a former law partner to the minister of justice. [6]

This statement raises a number of questions: first, why is it assumed that the black candidate is being given a “professional vote” and not a political one, and conversely that the white candidate is being given a “political vote” rather than a “professional” one? This begs further questions about the distinction between ‘political’ and ‘professional’ when it is common knowledge that apartheid *was* the politicisation of all spheres of life. The second part of the sentence that relates to concerns “which *may or may not* have *something* to do with the future candidacy of a former law partner to the minister of justice”, is not only vague, but also depends for its coherence on information provided by Mungo Soggot in an earlier news story.

In another paragraph, the paper makes this assertion: “And the nation, to the extent it reacts at all, applauds this travesty as overdue reform of the judiciary!” [7]. This is illogical. There is no evidence of ‘the nation’ reacting; second that it has reacted is questioned; and this ‘reaction’ is not only described in detail but is castigated as absurd (the use of the exclamation mark). There is muddled or conflicted thinking in relation to the second theme I identified, namely that an ANC caucus has control of the JSC, thereby threatening the constitutional separation of powers.

The third theme concerns the *Mail & Guardian’s* construction of itself as outspoken and fearless—a true watchdog, alerting the nation (its master) to the presence of intruders intent on destroying what it has (a democracy). In contrast to the law schools and professionals who fear “being placed in a position where they can be attacked as

opponents of black empowerment” [8], the editorial notes that the paper is fortunate that it does not “feel constrained by such a need for political correctness” [9]. Framing the issue in these terms is simplistic. The political difficulty is not black empowerment—but how it is to be realised, and its relation to issues of class and gender. Thus the problem is not political correctness but how to act in a politically progressive way. By reducing the complexity of the issues in this way, the editorial constructs a polarised situation of ‘us’ (outspoken, fearless, not politically correct but honest democrats), versus ‘them’ (those who either actively compromise the democratic state—such as the JSC and their supporters—or those silent bystanders whose fear of being seen to be against black empowerment enables the JSC to trample on the constitution).

### Conclusion

The analyses in this chapter show that the premise informing the arguments is what Lawrence calls a ‘color-blind’ approach—which purports formal, but not substantive, equality. Just as Lawrence identifies *substantive* and *procedural* racism, characterising the forms that racism takes in the law, so Hall identifies *overt* and *inferential* racism as the ways in which racism works in the media (1990: 12). He describes inferential racism as

those apparently naturalised representations of events and situations relating to race, whether ‘factual’ or ‘fictional’, which have racist premises and propositions inscribed in them as a set of unquestioned assumptions. These enable racist statements to be formulated without ever bringing into awareness the racist predicates on which the statements are grounded. (1990: 13)

Using this understanding of inferential racism, and Lawrence’s conception of racism as the perpetuation of white privilege, I conclude this chapter by showing how the assumptions and structure of the judges story could have produced the ideological effect of reproducing white privilege. Drawing on Van Dijk’s approach to discourse analysis and Thompson’s analysis of ideology outlined in Chapter 4, as well as understandings gained from Chapters 6 and 7 about the newsroom’s structures and practices, I view the texts as the outcome of these complex social relations.

While acknowledging the presence of *Broederbonders* and *ex-Broederbonders* in the judiciary, and the conservatism of the KZN Bench based on their race-privileged access,

the articles exemplify ways in which ideology works (Thompson 1988, 1990). The articles and editorials also illustrate how the different mechanisms noted in Chapter 4 — legitimization, dissimulation, unification, fragmentation and reification—work together, mutually supporting one another. ‘Legitimation’ denotes a chain of reasoning that ends up ‘serving power’— in this case what Critical Race Theorists identify as white supremacy, or white privilege. I tried to demonstrate this by analysing the texts according to Van Dijk’s concepts of thematic and schematic structures. The analyses confirm Van Dijk’s view that “news discourse may exhibit a thematical realization structure that is basically (1) top down; (2) relevance controlled; and (3) cyclical (in instalments)”, and that

...Political relevance as a criterion for thematic realization means that those conditions or consequences and participants are mentioned first that are compatible with the newspaper’s and readers’ model of the situation in general...and of the recent events in particular...(1988: 48).

The political significance of this received structure of news texts is that it points to the paper’s conception of its audience, and gives clues to its own political positioning. As Van Dijk notes, “underlying beliefs...may appear indirectly in the text in many ways: selection of topics; elaboration of topics; relevance hierarchies; use of schematic categories; and finally, in style, such as the words chosen to describe the facts” (1988: 75). With each article I showed how the argument was structured: the order of the building blocks of the argument; which ones were elaborated upon and which were not; whose views were cited, and whose were not. In this way, the argument *legitimated* the *narrative* that the black judges had less experience than the white judges, and by implication, that white judges were unfairly treated, and that the Judicial Services Commission, by applying the affirmative action imperative of the Employment Equity Act, “were doing the country no service”.

Another story about these events—the history of black lawyers’ exclusion from the judiciary; their legal work and political experience; their political and legal integrity—could have been told, but was not. Instead, the logic of the story was drawn from, and referred continually to, the accounts of white lawyers and judges. Thus the ‘common sense’ on which the story was based was not that racial privilege would have to be given up, but rather that the length of a judge’s term of office constituted “experience”, and that

as the black judges did not have this (because excluded from such positions) they were unqualified for the job.

This *narrative*—another means by which *legitimation* is secured—thus works in concert with another mode in which ideology works, namely *dissimulation*. The main strategy of *dissimulation* used in these texts, is *displacement*: when relations of domination are glossed over. Thus although they *are* mentioned in these articles—they carry little weight, except to serve the ideological function of showing that the journalist or paper is balanced and independent. In this way too, historical conditions are *reified* by *naturalising* them: although created in the past we have to live with present conditions, because ‘that’s how it is’. The analogy is made with the apartheid state, and how it almost destroyed the judiciary—but did not. To reinforce this argument, the further comparison is made with apartheid affirmative action (for white people), and a “racial variation on McCarthyism”, which are figurative *tropes* used as another means of *dissimulation*. In this instance, a framework of two political extremes—racism of the right and racism of the ‘left’; or white racism and black racism—is used to show affirmative action as reverse discrimination and thus to be shunned. In constructing the issue in this way, “[un]constrained by such a need for political correctness”, the *Mail & Guardian* presents itself as the self-righteous, honest voice of reason offering a position that articulates the ‘common sense’ of most of its readers.

The textual conflictedness identified in the last editorial in particular supports the view of many journalists that the judges story exemplifies how political differences within the newsroom were played out in the reportage. Both stories involved the editor and senior white journalists who were regarded by a number of other journalists as part of a ‘clique’ who socialised with one another, sharing similar political views, and providing the reference points for the views they expressed—and were thus cut off from popular discussions and discourses. It is significant—though not surprising—that the views expressed in both editorials are based on the representation of the issues outlined by Mungo Soggot—one of the ‘clique’—in his news pieces. A number of especially black journalists took a different view from that expressed by Soggot and the editorial, arguing in newsroom debates that “this is what affirmative action is meant for” (Mbhele 2002: 6;

see also Nkosi 2002: 6). These journalists objected to Soggot's representations because they gave the impression that the black judges were incompetent, and the editorials based on them were "hostile to the transformation of the judiciary"—a position that the *Mail & Guardian* should not have been taking (Cowling 2003: 5; Mbhele 2002: 6). While the journalists accepted that different people on the paper had different political views, they were angry that one view was taken up in the editorial, and presented as the view of the paper.

In the interviews I conducted, all the journalists explained that they had specifically chosen to work for the *Mail & Guardian* because they valued its political stance, which concurred with their own. Many had also spoken about their 'ownership' of the paper—not in material terms, but in identity terms: it represented their interests. It is therefore not surprising that the editorials were contested. In one such contestation Cowling acknowledged that a racist tone might have come through in the piece because of the anxieties of some white people about being excluded from employment opportunities:

...after all, you have to understand that we are all human, and from the perspective of a white person transformation can be quite threatening ...and maybe that has come through in the piece...but it is important we have these discussions...we understand the need for transformation, yes we understand the need for affirmative action, but obviously white people of our age who are in fairly responsible positions, sometimes feel threatened, because it's about our livelihoods, it's about our children and perhaps that can sometimes influence the way in which we present things....(Cowling 2003: 4-5)

Cowling's account bears out Ford's point that affirmative action resonates deeply with different constituencies. In this case, although the divisions were largely along racial lines, they were not solely along these lines—as indicated by the support of Cowling and other white sub-editors for the position taken by the black journalists. Her intervention shows how, in such a conflicted situation, there is a need to talk about what a policy like this means for different people. Once she had acknowledged that transformation can be threatening to white people, and that this might have informed the tone of the piece, it opened up the discussion, making dialogue possible.

The above analysis of the texts, and the responses of some of the *Mail & Guardian's* staff to them, bear out Van Dijk's and Fairclough's views that texts are shaped by the larger

socio-political context within which their production is embedded. The journalists operate from their own histories and ideological positions. Their associations with colleagues and the power dynamics within newsrooms also constitute the production context that shape both what is reported, and how it is reported.

This chapter shows that the *Mail & Guardian*, a liberal or social democratic paper, follows the norms of balanced, fair and objective reporting. In most cases ‘both sides’ of the story are given. But it is evident that the *way* in which these two sides are covered is often *qualitatively* different. The ideological stance of the writer or paper is evident despite this apparent attention to journalism’s ideals. The ideological power of whiteness is maintained in the coverage through the selection of sources (often key definers—but from a particular, limited perspective); the assumptions on which arguments are made; the kinds of validation resorted to; the lack of context, or scope of context; the narrative construction (which facts are chosen) and framework of the story; and finally, the choice of words. So, in this instance of reporting, it is evident why some sectors of the *Mail & Guardian’s* readership took issue with its position, and why there was a view that its coverage of certain issues helped to sustain white privilege.

## CHAPTER 12: Contending Human Rights: Freedom of Expression (16), Equality (9), and Human Dignity (10)

As the current media and the people in it were part of the media that were in peaceful co-existence with apartheid, it is only logical that we satisfy ourselves that they fulfil the tasks we expect from them...The media do not have rights above those of other people and institutions. The media are part and parcel of our country and its future, and must be prepared to be part of this vision. (Thami Mazwai 1999: 8)

How do you say that no unified voice exists that could, with legitimacy, speak for all black journalists? (Phylicia Oppelt 2000: 18)

We see a different world than that which is seen by Americans who do not share this historical experience. We often hear racist speech when our white neighbors are not aware of its presence. (Lawrence 1990: 435)

I offered a reading of particular *Mail & Guardian* articles showing how, despite the paper's adherence to the journalistic norms of balance and objectivity, they articulated a position which could be read in terms as "inferential racism": "those apparently naturalised representations of events and situations relating to race...which have racist premises and propositions inscribed in them as a set of unquestioned assumptions" (Hall 1990: 13). I have also suggested that the *Mail & Guardian* distinguishes itself in the South African media by its thoughtful concern for the politics of race and class, offering space for issue-based debates of this kind<sup>1</sup>. The diversity of the *Mail & Guardian's* reportage thus confirms Hall's view that,

it would be wrong and misleading to see the media as uniformly and conspiratorially harnessed to a single, racist conception of the world...It would be simple and convenient if all the media were simply the ventriloquists of a unified and racist 'ruling class' conception of the world. But neither a unifiedly conspiratorial media nor indeed a unified racist 'ruling class' exist in anything like that simple way. (1990: 12)

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<sup>1</sup> See for example, the exchange between Pallo Jordan (ANC MP), Jeremy Cronin (SACP) and academic Heribert Adam: Jordan, "New role models or new Randlords?" (*M &G*, 6-12 March 1998: 22); Cronin, "Neo-colonials and mint imperials" (*M &G*, 13-19 March 1998: 20); Jordan, "Soul-brother talk or empowerment?" (*M &G*, 20-26 March, 1998: 26); Adam, "Empowering the black fat cats" (*M &G*, 9-16 April 1998: 22); and Jordan, "Class differences without division" (*M &G*, 23-29 May 1998: 31).

Hall's comment would thus be a fair assessment of a paper like the *Mail & Guardian*.

The first two quotations that introduce this chapter highlight the different, but deeply held views about the media that the SAHRC's inquiry into racism in the media provoked. Thami Mazwai implies that all media were complicit with the apartheid regime. He speaks on behalf of an unacknowledged "we" who must be satisfied "that they [the white media] fulfil the tasks we expect from them". He thus describes a clear-cut "us/ them" situation—but tellingly, neither party is revealed. In contrast, Phylcia Oppelt challenges the presumed unified voice—which she clarifies as the voice of black journalists. Charles Lawrence is an American legal scholar who writes from a Critical Race Theory perspective, in which 'race consciousness' is a necessary starting point for redressing racism. His "we" is a black "we", who share a common oppression and experience of the world. These three perspectives highlight some of the difficulties that arise out of the allegations of racism.

This chapter examines the contending rights to freedom of expression, and dignity and equality, in order to make sense of their meaning and value for the different constituencies that held them so firmly. These discourses provide the legal framework that shape not only the popular understanding that informs journalistic ethics and practice, but also the social understandings of those who were critical of the *Mail & Guardian's* practice, and chose to address the problem of what they perceived as its racism by approaching the SAHRC. I have found it necessary to examine different jurisprudential approaches as the debates about freedom of expression are often premised a normative understanding of the law. Significantly, the BLA/ABASA complaint is framed in a way that challenges this normative understanding, but because its own position is not clearly identified, its arguments were challenged by the *Mail & Guardian* lawyers. I suggest that it is because the plaintiffs chose to frame their complaint in terms of Critical Race Theory that they addressed it to the SAHRC, as the very terms, and indeed the substance of the complaint would not have stood up to the jurisprudential approach of South African courts. The chapter is divided into four sections. The first outlines different jurisprudential approaches to the problem; the second examines the key

rationales for freedom of expression; the third focuses on the media debates about freedom of expression; and the fourth looks at the legal limitation to freedom of expression.

### **Approaches to human rights jurisprudence on freedom of expression.**

The law is popularly seen as the ultimate arbiter of social problems. This section outlines three different jurisprudential positions that can be taken in order to understand the relationship between freedom of expression and the rights to dignity and equality. They show that the law is constructed on social understandings and premises that are not value free, pointing to a possible source of the conflict between the *Mail & Guardian* and its detractors. The first position is based on liberalism, and underpins the western approach to law and the privileged place of free speech in a democracy—which in turn justifies journalism’s sense of its special place in society. The other two approaches question the premises of liberalism in different ways, and in so doing, question the kind of justice that is rendered through its adjudication processes.

### ***The Liberal, Rights-Based Approach***

The first view, based on liberalism, is that free speech is the *sine qua non* of a democracy, and should not, under any circumstances, be compromised. It is part of the Enlightenment ideal that we can know the world, and improve it through rational debate and empirical research. Modernist legal theory is based on this premise—with various historical movements modifying this broad outlook (Hunt 1993). The development of a rights approach to the relationship between governance/law and society, is one such development. Within this framework, “[C]itizens have personal rights to the State’s protection as well as personal rights to be free from the State’s interference, and it may be necessary for the Government to choose between these two sorts of rights” (Dworkin 1977: 193). According to Dworkin, a fundamental right is one that has an individual moral basis and is held against the state, and thus cannot be countered by the utilitarian argument that the greater good of the majority should take precedence (1977: 191, 193-194). In his view, the only basis for a competing right is “if that person would be entitled to demand that protection from his government on his own title, as an individual, without regard to whether a majority of his fellow citizens joined in the demand” (1997: 194).

The premises informing an understanding of rights are rooted in the concepts of human dignity and political equality: “we must treat violations of dignity and equality as special moral crimes, beyond the reach of ordinary utilitarian justification”, writes Dworkin (1977: 198, 199). This, in his terms, is “taking rights seriously” (Dworkin 1977). This raises questions about the relationship between individual rights and the law. Dworkin’s view is that “the law...must state, in its greatest part, the majority’s view of the common good” (1977: 205). But he cautions: “The institution of rights is therefore crucial, because it represents the majority’s promise to the minorities that their dignity and equality will be respected. When divisions among the groups are most violent, then this gesture, if law is to work, must be most sincere” (1977: 205). Rights are therefore seen as the codification of fundamental moral principles, and because of this they are deemed to provide an objective guide to adjudication: “...rights foundationalists of all persuasions believe that rights trump positive law because only rights can claim transcendent lawmaking authority” (Hunt 1993: 52).

But the adjudication process depends crucially on the existing social and power relations:

The institution requires an act of faith on the part of minorities, because the scope of their rights will be controversial whenever they are important, and because the officers of the majority will act on their own notions of what these rights really are. Of course these officials will disagree with many of the claims that a minority makes. That makes it all the more important that they take their decisions gravely. They must show that they understand what rights are, and they must not cheat on the full implications of the doctrine. (Dworkin 1997: 205)

Although Dworkin frames the problem in terms of minorities and majorities, implying that the majority has social power, in a newly democratic, post-colonial state such as South Africa, political, economic and social power are distributed along different axes of class and race, resulting in a lack of trust in the bases of decision-making.

At least two sets of problems associated with rights have been identified. One is the social basis and normative values that underpin them. A second, referred to as the ‘myth of rights’ by its detractors, is that the identification of rights, followed by litigation to enforce them, will necessarily lead to a remedy, and possibly, social change (Hunt 1993: 228).

### *Critical Legal Studies*

The second broad perspective offers a critique of the normative position on which the rights structure is built. Associated with the Critical Legal Studies (CLS) movement it argues that the normative values and world view that inform the rights structure continue to be privileged through the rights framework. It thus challenges the objectivity of the law (legal positivism), arguing instead that: “the practices of legal institutions work to buttress and support a pervasive system of oppressive, inegalitarian, relations”<sup>2</sup>.

According to Martha Minow, Critical Legal Studies seeks

to explain both that legal principles and doctrines are open-textured and capable of yielding contradictory results, and that legal decisions express an internal dynamic of legal culture contingent on historical preferences for selected assumptions and values. (1986: 79)

Critical Legal Studies theorists argue that “law is politics” (Minda 1995: 114).

Furthermore “there is no politically neutral, coherent way to talk about law because law’s internal logic depends on fundamentally contradictory concepts and principles” (Minda 1995: 110-111), such as the conflict between individual and group, self and other, public and private, subjective and objective. They build on the Frankfurt School’s focus on the role of ideology in legitimising the status quo, the ideology of the law being one such means, but reject the Frankfurt School’s “attempt to construct an empirically informed theory of moral and political truth” (Minda 1995: 115, 116). While holding onto a critique of social structures, some also challenge the liberal, modernist, faith in such essential concepts as ‘neutral’, ‘objective’, ‘free will’ (Minda 1995:111), thus acknowledging the post-structuralist critique of language and its relation to ‘the real’, leading to a postmodern view of social contingency. One critical response to the CLS position, described as a ‘rights without illusions’ position, is that it fails to acknowledge that some advances for social justice can be achieved through a rights framework—despite its normative, hegemonic foundation (Crenshaw 1988: 1357). Kimberle Crenshaw suggests that the CLS’s critique of the fundamental contradictions that underpin a liberal, capitalist state negate the fact that a rights framework at least makes some forms of redress possible. It is arguable that this is the current position in South Africa—regardless of the fight over the adjudication of different rights.

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<sup>2</sup> Statement of Critical Legal Studies Conference, quoted in Fitzpatrick and Hunt (1987).

### ***Critical Race Theory***

The third broad perspective, developed along poststructuralist and postmodernist lines with respect to race, has been identified as Critical Race Theory (CRT). Critical Race Theorists argue that, “color-blindness has infected civil rights scholarship thus preventing legal scholars from understanding the meaning of discrimination from the victim’s perspective” (Minda 1995: 171). They argue that in a world structured by racial inequality, colour-blind law is not neutral, but privileges the unspoken values and experience of the white subject. These theorists therefore argue for a ‘race consciousness’ approach, because

the belief in color-blindness and equal process...would make no sense at all in a society in which identifiable groups had actually been treated differently historically and in which the effects of this difference in treatment continued into the present. (Crenshaw 1988: 93)

This approach favours listening to the victim’s story<sup>3</sup> to gain an insight into the special circumstances and factors that need to be taken into account in adjudication—thereby contradicting the American First Amendment requirement “that we endure whatever pain racist and hate speech inflicts for the sake of a future whose emergence we can only take on faith” (Fish 1995: 109). This is the unacknowledged source of the reasoning that influenced the formulation of the BLA/ABASA complaint. While it offers pertinent insights, especially in a post-colonial situation, it is not an unproblematic perspective as it assumes that experience is the key to specialised knowledge and a reference point for sense-making—a position challenged by Kennedy (1989) and Hall (1980b)<sup>4</sup>.

### **Contesting the Right to Freedom of Expression in a Democracy**

The most commonly held view about freedom of expression—held by most media practitioners—is that it should be sacrosanct in a democracy: it is this right that marks out the privileged place of their work. Indeed, one of the ways of judging whether a society is democratic or not, is whether the state upholds freedom of expression (and freedom of the press) (Lichtenberg 1990). But there are different theoretical perspectives on how

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<sup>3</sup> See Mari Matsuda (1988/9), “Public response to racist speech: Considering the victim’s story”.

<sup>4</sup> See Randall Kennedy (1989) re the application of this reasoning in the field of legal studies, and Stuart Hall (1980b) in the field of cultural theory.

rights are to be considered. Mindful of these different positions, Kevin Boyle notes, “it is possible to conceive of a different selection of materials and opinions which might operate from the starting point which favours equality and non-discrimination over freedom of expression” (1992:1). Given that both these positions are defensible, this section outlines the debates that elucidate “those circumstances and conditions in which one right should be preferred over the other” (Boyle 1992: 1). As Boyle points out:

There is also a need to offer coherent justifications for which right is preferred in particular circumstances... To point out that there are circumstances in which other interests should win out over freedom of expression is not inconsistent with a strong commitment to the value of freedom of expression. Equally to argue that the law should not interfere with certain kinds of antisocial speech or insulting and denigrating publication does not mean that free speech advocates are indifferent to the rights of racial or religious minorities. To the contrary, they strongly believe that freedom of expression is a vital right in the struggle to defeat discrimination, bigotry and intolerance. (1992: 1-2)

South African constitutional lawyer Johann van der Westhuizen (1994) notes three main reasons why freedom of expression is regarded as “one of the most basic human rights” within a liberal democratic perspective (1994: 267): first, the “*quest for truth* or “*market-place of ideas* paradigm” (1994: 267); second, is that “*speech* [is regarded as] *an expression of self*” (1994: 269); and third, that freedom of expression is “*central to the concept and ideal of democracy*” (1994: 269, emphasis in original)<sup>5</sup>. I will discuss each of these in turn, including critiques from other perspectives that argue for the limitation of freedom of expression under certain circumstances.

### *The quest for ‘truth’ or the ‘market place of ideas’*

Regardless of whether ideas are “true, contentious, or false”, their expression “represents a potential contribution to humankind’s ongoing search for the truth and its desire to understand the world” (Van der Westhuizen 1994: 267). It is the means by which citizens come to hold the views that they do (see also SAHRC 2000b: 82). Van der Westhuizen suggests that this is a useful “basic starting point”, noting the danger of suppressing ideas that are not popular. But, he avers, this view is not without its limitations. First, there is the argument that racism is indefensible, and therefore to

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<sup>5</sup> See also Irwin Cotler (1992: 124); Derek Spitz (1994: 304); Eric Neisser adds a fourth, “the safety valve theory” (1994: 345).

suppress racist views does not suppress the truth (Van der Westhuizen 1994: 268; Meyerson 1990: 394; Manwaring 1992: 113). Second, the association of the 'market-place of ideas' with market capitalism does not guarantee that intrinsically worthwhile ideas will prevail—only those that can be successfully marketed and sold (Suttner 1990: 372)<sup>6</sup>. Furthermore, contemporary capitalist societies are marked by differences of social power along lines of class, race, gender, sexual preference and age, so that some people, or group, have more power than others, and are therefore more able to exercise their right to free speech. Considering the impact of racism on the marketplace of ideas, Charles R Lawrence III writes:

The real problem is that the idea of the racial inferiority of non-whites infects, skews, and disables the operation of the market...Racism is irrational and often unconscious. Our belief in the inferiority of non-whites trumps good ideas that contend with it in the market, often without our even knowing it. In addition, racism makes the words and ideas of blacks and other despised minorities less saleable, regardless of their intrinsic value, in the market place of ideas. (1990: 468)

He concludes: "Racism is an epidemic infecting the marketplace of ideas and rendering it dysfunctional" (Lawrence 1990: 468). These limitations of the 'market place of ideas' need to be taken into account when weighing the value of freedom of expression.

Denise Meyerson disagrees, arguing that power relations in society should not justify limitations on free speech. Rather, efforts should be made to extend the access of people currently or previously disempowered (1990: 394-398). This position implies that procedural democracy does away with all power relations—including those based on race, gender or class. Ursula Owen challenges this, noting:

however laudable in principle, it is arguable that these views lack force in the face of much of twentieth century history. They perhaps require us to believe too simply in the power of democracy and decency and above all, rationality... (1998: 36).

A third limitation of the 'free speech' / 'market-place of ideas' theory argued by Raymond Suttner is that free speech is seen as having intrinsic transcendental worth,

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<sup>6</sup> Graham Murdock supports this view, noting: "The tensions between 'consumers' and 'citizens' are part of a problematic general relationship between the requirements of democracy and the dynamics of capitalism...However, as the nineteenth century wore on and corporate ownership became more concentrated, it became increasingly clear that the activities and aims of the major capitalist companies were antithetical to the extension of citizenship" (1999: 10).

whereas it should be examined and evaluated in its historical context (1990: 372; see also Cotler 1992: 124; Lichtenberg 1990: 121). Finally, Van der Westhuizen argues that not all speech is directed at ascertaining the truth, nor indeed does it necessarily express an intelligible thought, but rather can be the expression of emotions such as fear, hatred, sorrow, or can be used to denigrate or intimidate its addressee (1994: 268,9). Laura Lederer takes a similar view, arguing that the aim of racist speech is to hurt and intimidate:

...the purpose of racist speech is to keep selected groups in subordinated positions...Racist speech...function[s]...as [a] sophisticated form[s] of hate propaganda that both create[s] and prop[s] up a system of inequality and exclusion. (1995: 131)

...hate propoganda is not directed at rational argument, but is a discursive strategy which attempts to "short circuit all thought and decision". (1995: 135, quoting Ellul)

Her point is that as hate speech does not serve rational debate it does not justify the privileged position of freedom of expression in a democracy. Thus curbing such speech is a proactive way of validating the dignity and equality of social groups subjected to hate speech. South African constitutional lawyer, Raymond Suttner, argues that one must first "understand the 'good' which forms the rationale for freedom of speech", and if some utterances are deemed to be inimical to the rationale or existence of the freedom, then "*in suppressing them one is not suppressing a freedom, but a threat to that freedom*" (1990: 377, emphasis in original). He further argues that the suppression of racist views is as much a part of freedom, as the expression of democratic views (1990: 388). He also calls for a distinction to be made between the differences in social *content* of various utterances. This should affect decisions as to what should be allowed to be expressed—raising questions about how one judges the social impact of particular kinds of speech (1990: 392).

### *Speech as an expression of self*

A second defence of freedom of expression is that "*speech [is regarded as] an expression of self*" (Van der Westhuizen 1994: 269). It is deemed an essential human characteristic, and to prevent a person from expressing her/himself, would be a violation of her/his basic dignity, freedom and human autonomy (see also Lichtenberg 1990: 108-109). Neisser

also argues that encouraging individual development has a utilitarian benefit as it “increases the contentment of citizens, thereby fostering social harmony, and unleashes creative forces likely to produce social benefits—in the form of both cultural and scientific advances” (1994: 344).

### *Freedom of expression and democracy*

The rationale that is most pertinent to journalism’s self-identity is that freedom of expression is “*central to the concept and ideal of democracy*” (Van der Westhizen 1994: 269; Marcus 1994: 140). It is generally accepted that for a liberal democracy to function effectively, citizens need access to different points of view. Neisser draws a distinction between this rationale and the ‘market place of ideas’ perspective: “its (centrality to democracy) emphasis is not on the accuracy or quality of the end-product but on the breadth and quality of participation in the process” (1994: 345). One value of freedom of expression to a democracy is that it is also a kind of safety valve: it allows the necessary exchange of ideas, albeit ones that might express hate, racism, sexism, homophobia. It is better that these are expressed verbally, than to stifle them to the extent that they find expression in other ways (Neisser 1994: 344). Meyerson concurs, arguing that precisely because ‘progressives’ seek truth through reason, debate, and democracy—by demonstration, not revelation—they should engage with all speech (including racist and hate speech) through these mechanisms, rather than through legal/state sanctioned fiat (1990: 397/8).

This rationalisation can be countered on a number of grounds<sup>7</sup>. Suttner, for example, argues:

safeguards against such abuses must be sought and enforced...the fact that there may be, and in fact have been errors or abuses is no argument against [using safeguards]....The remedy for an abuse is to check abuse, not to renounce safeguards necessary to freedom. (1990: 389)

Suttner is thus not against legislation that can restrict abusive or harmful speech. Another view is that while “more speech”<sup>8</sup> is a seemingly appropriate response to hate speech, in reality it is neither effective nor safe, as victims of racist or hate speech are often in close

<sup>7</sup> See also Alfred Cockrell (1991: 339-340).

<sup>8</sup> The ‘more speech’ argument is that it is better to enable a diversity of views, than to limit particular kinds of speech.

proximity to those assaulting them verbally (Futch 1995: 324; see also Owen 1998: 36). And finally, it is argued that the object of limiting harmful speech is “to express society’s collective disapproval of racism or sexism...and to discourage those who propagate such ideas and thought publicly” (Gutto 1996: 122)<sup>9</sup>. Legislation that limits free expression is one way in which society makes explicit its ethical standards of what it deems good and just.

Freedom of expression is also defended on the grounds that it enables the media “to investigate and disclose possible malpractices and abuse of power in administration and relevant aspects of the professional and private conduct of those putting themselves forward as leaders” (Van der Westhuizen 1994: 270). In this regard media freedom works in concert with other rights, such as freedom of assembly and association to secure the effective operation of a liberal democracy. While freedom of expression may mean little to those without social and economic rights, it is “an indispensable tool in pointing out the illnesses and injustices of a society to the world and in campaigning for better education, housing and health policies” (Van der Westhuizen 1994: 270). Freedom of expression thus makes possible the media’s watchdog role in liberal democracies. But Lichtenberg (1990) draws a distinction between freedom of expression and freedom of the press: while fully committed to the former, she argues that any commitment to the latter “should be contingent on the degree to which it promotes certain values at the core of our interest in freedom of expression generally” (1990: 104). In sum:

Freedom of the press...is an instrumental good: it is good if it does certain things and not especially good (not good enough to justify special protections, anyway) otherwise. If, for example, the mass media tend to suppress diversity and impoverish public debate, the arguments meant to support freedom of the press turn against it, and we may rightly consider regulating the media to achieve the ultimate purpose of freedom of the press. (1990: 104-105)

Given the changes in the structures of press ownership, she argues it is no longer convincing to claim that only governments present a threat to press freedom—a view shared by Charles R. Lawrence:

But there is no recognition in First Amendment law of the systematic private

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<sup>9</sup> See also Sharyn Ch’ang (1992: 104), and Kitty Eggerking (1992: 86): “Perhaps society is in a position to educate the media. It is no longer acceptable to insist on blanket freedom of expression; that expression must be qualified and balanced against other, sometimes competing, rights and obligations, in this case the right to be free from racial vilification and defamation”.

suppression of speech. ...we act as if the government is the only entity that ever limits anyone's speech. We valorize the market place of ideas as if all its voices were equal, as if none were ever silenced. First Amendment discourse does not accommodate an understanding of how those who are silenced are always less powerful than those who do the silencing. (1995: 120).

For Lichtenberg, "[R]egulation is needed just because private power poses a grave threat to the independence and integrity of the press" (1990: 127). She also argues that one needs to show why one would trust corporate media power above the institutions of the state—which is not a monolithic entity, but is composed of many different agencies "some of which can be more insulated from partisan politics than others" (1990: 127).

Her argument is that government regulation of the press does not necessarily entail censorship, but is a means of ensuring a diversity of views (1990: 122, 127). The fear that the media will lose their autonomy if there is state interference confuses the right to speak with questions about the place and form of such speech, and in so doing, "the ability to express oneself becomes entangled with questions of property" (Lichtenberg 1990: 121). Instead, she argues: "Time, place, and manner...lie at the heart of the matter" (1990: 121). This view also challenges those who claim that any limitation on such rights could provide a loophole for governments to curb speech or ideas that they disapprove of (SAHRC 2000b: 82)<sup>10</sup>.

Mindful of the value of Van der Westhuizen's argument about the value of freedom of expression to democracy—especially a new one like South Africa—I nevertheless share the position taken by Lichtenberg and Lawrence as their arguments about press ownership, and the exercise of power in inegalitarian societies respectively, are especially pertinent to South Africa.

### **Analysing the public (print media) debates**

The arguments delineated above provide the basis for examining the public discourses surrounding the SAHRC's inquiry. They enable one to identify the different perspectives

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<sup>10</sup> Concern was expressed that the current SAHRC Inquiry into racism in the media would be a means by which the government could intervene in the regulation of the media. For some it was reminiscent of the 1982 Steyn Commission of inquiry into the press: "The last time such an inquiry into the mass media was held was in the 1980s during P W Botha's rule" (*M&G*, 13-19 November 1998:2).

of the those who were critical of the inquiry, and what they saw as state intervention to ensure the media's role in contributing to South Africa's new democracy.

I examined over 200 mainstream newspaper articles covering the SAHRC's inquiry into racism in the media<sup>11</sup>. Three related issues were prominent: first, the legitimacy (or illegitimacy) of state intervention in examining media; second, concern about media accountability—whether the media should be accountable to the state or whether the media enabled the state to be accountable to the reading public; and third, the merits of the right to press freedom in relation to the rights to dignity and equality. I will discuss these debates from two perspectives. The first concerns journalism, as all three issues focus on the authority, power, and place of journalism in the new democratic order. In Barbie Zelizer's words, "journalistic authority" or "the media's persistent presence as arbiters of events of the real world" is being challenged (1997a: 23, 24). She suggests that one way of approaching this issue is to consider journalism as representing an "interpretive community" who "use news to achieve pragmatic aims of community" (1997a: 25). She invites us to see news and journalism not only as an outwardly directed social practice, but also one that constitutes the power and authority of journalists as a particular social group.

The second approach is to consider the actual debates from the perspective of Critical Race Theory, as it is one that is not commonly aired, and yet takes into account the experiences of most South Africans. With respect to the tension between the rights to freedom of expression, and dignity and equality, John A. Powell, one such theorist, asks two questions: first, why, and for whom, does freedom of expression matter so much? And second, why, and for whom, do the rights to dignity and equality matter so much? He describes the two questions as relating to "two narratives that describe different worlds" (1995: 333). Commenting on the hegemonic liberal position of 'rights fundamentalism', he describes the free speech tradition as telling the story of "people asserting their autonomy through participation, free thought, and self-expression in the

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<sup>11</sup> Articles dealing with the SAHRC Inquiry in *The Citizen*, *The Star*, *Sowetan*, *City Press*, *Sunday Times*, *Sunday Independent*, and the *Mail & Guardian*, between August 1998 and April 2000 were compiled by the *Mail & Guardian* librarian. The compilation formed my data base for examining media responses to the inquiry.

polity...wary of government constraint [being] an evil to be avoided in society” (1955: 333). The equality tradition, on the other hand, tells the story of

people whom communities and government conspired to exclude from any meaningful participation in the polity or public institution. It tells the story of a government that until very recently actively engaged in efforts to exclude, and now passively stands by while private actors and powerful social forces continue to shut the door to persons seeking full membership in society. This tradition also tells of a long struggle for status, not just as members of the polity, but as complete and respected human beings. Indeed the great evil to be avoided, as seen from this framework, is discrimination that undermines or destroys someone’s humanity. (Powell 1995: 333).

Powell’s context is America, not South Africa, though the words apply equally well here. The ‘free speech’ constituency represents those who have power within a system with which they are familiar, and that they do not want changed in any way. The equality constituency represents those who are new participants in the democratic order, and who do not only want to participate, but also want to have a say in the rules and conventions governing participation. While both constituencies support freedom of expression, the latter sees it as conditional, rather than as absolute. Although Powell’s view is a useful way of interpreting the ‘freedom of expression’ and ‘right to dignity and equality’ constituencies vis-à-vis the role of the media in society, his formulation should not blind us to the class component of both ‘the people’, and those organisations who claim to speak for them. Notwithstanding this limitation, his is a useful framework for making sense of the public discourses about the hearings and the role of the media.

### *Questioning the ‘Legitimacy’ of state intervention*

One such discourse probed whether or not it was legitimate for a state agency to intervene in matters concerning media performance. Some saw state action as part of its duty to defend its moral and constitutional commitment to the rights to equality and dignity. For example, three members of the University of Durban Westville (a member of convocation, ex-president of their Student Representative Council, and a professor of philosophy), and a professor of politics at the University of Venda, wrote a letter to *The Citizen* (24 February 2000: 12) urging black editors to testify at the SAHRC hearings. In their view,

The principle is simple: transformation of the media, particularly on matters of racial prejudice. This is exactly the basis of the HRC’s subpoenas to various

editors. Those who are uncomfortable with this part of transformation of our society have reduced the whole process to the following: 1) a matter of the HRC versus the media fraternity;...3) creating a false black and white homogeneity across the media fraternity; 4) creating a fictitious media solidarity and camaraderie across black and white; 5) avoiding accountability by hiding behind false pretences that media freedom and independence are under threat; 6) creating a misperception that the media are beyond ordinary democratic principles of transparency, accountability and responsibility...

They conclude their letter with the following injunctions to black editors and journalists:

...take a stand for transformation in the media...Resist co-option on false pretenses of maintaining media freedom and autonomy. Instead take a stand for media accountability, transparency and responsibility. Make a stand for better presentation of African values in the media. Ignore any calls to boycott this transformation process. Go and testify at the HRC hearings.

For them, the key issue was the transformation of all social institutions—a matter of state policy—and from which none, including the media, should be exempt. The state ought to hold the media accountable to the values enshrined in the constitution; and such intervention did not constitute a threat to press autonomy. They also imply that the media do not represent a homogenous voice, and call on black journalists—who, they imply, do have a unitary identity—to speak out for what they see as “African values in the media”. Such views were shared by six black editors<sup>12</sup> who supported the hearings—despite opposing the issuing of subpoenas (Bengu and Khangale 2000). As the opening quotation to the chapter shows, this view was shared by Thami Mazwai— former journalist and current owner and publisher of *Enterprise* magazine<sup>13</sup>—in a piece headlined, “We want this Commission”.

In contrast to these views, a *Sunday Times* headline reads, “Don’t mistake silence for solidarity” (23 April 2000: 18). In this piece columnist Phylcia Oppelt probes the silence of black journalists in responding to the inquiry. She writes, “How do you say that no unified voice exists that could, with legitimacy, speak for all black journalists?” She queries whether her own silence, and that of other black journalists, implies that they agree with the Commission’s Chairperson, Barney Pityana, and the Commission’s examination of racism in the media; whether they agree, by extension, with Christine

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<sup>12</sup> Lakela Kaunda, *Evening Post*; Mike Silume, *Sowetan*; Kaizer Nyatumba, *Daily News*; Cyril Madlala, *Independent on Saturday*; Charles Mogale, *Sowetan Sunday World*.

<sup>13</sup> The magazine’s sub-masthead reads, “Where Black Business Lives”.

Qunta, the lawyer who spearheaded the complaint; and finally, whether they agree that the *Mail & Guardian* is racist. She writes: "I'm sick and tired of Pityana and equally so of Qunta. I am offended that Qunta believes she speaks on behalf of all black people in her accusations of racism while she earns money by writing the SABC's submission to the same commission". She concludes the piece by suggesting that perhaps the Commission's time and energies would be better spent investigating violence against farm workers: "... we, in our silence, tell Pityana and Qunta that they're doing fine work for the new South Africa. Perhaps we, too, believe in the dominance of the black elite's voice and to hell with the poor, uneducated workers and everyone else" (*Sunday Times* 23 April 2000:18). Her view differentiates speech (media racism) from action (violence against farm workers), and questions both the race essentialism and the class perspective of the complainants. A discourse of class is used to delegitimise both the activity of the SAHRC, and the *bona fides* of the complainants. In contrast, a discourse of race is implicit in Mazwai's support for the legitimacy of the SAHRC's enquiry.

The critique of the inquiry was also based on a fear that it set a precedent for state intervention in the media—a hallmark of the apartheid regime. Sheena Duncan, "one of South Africa's most prominent liberal voices", resigned as an SAHRC commissioner over the racism probe:

I am old enough to remember the process by which the press was controlled and freedom of expression denied by the National Party government in the apartheid years... The rights to equality and human dignity cannot be protected by the violation of the right to freedom of expression which includes the freedom of the press and other media. (in Wa ka Ngobeni 2000: 10)

But constitutional lawyer Shadrack Gutto points out that apartheid legislation was aimed at defending racism, and was used to silence those who spoke out against it. He writes:

The laws were not, as they appear to depict, directed against all types of speech and expression. They were very purposive and focused. They had very clear objectives. This distinction needs to be made because failure to do so easily leads to conclusions like what is required in the future is blanket legal encouragement of all forms of expression, even those directed at promoting racism, sexism and all manner of harmful speech and expression, or those purposely meant to or whose effect is to further the ends of domination and the promotion of inequality and hostility between various groupings in society. (1996: 115,116)

### *Media accountability: to the state or watchdog of the state*

Another discourse, linked to the issue of the legitimacy of the inquiry, was framed in terms of issues of representation—or media accountability. The divisions along race and class shaped attitudes to whether it was the state or the media who best represented the interests of the people. This tension is evident in the *Mail & Guardian's* and *Sunday Times'* challenge to the *locus standi* of the BLA and ABASA in bringing their complaint on behalf of “the previously disadvantaged persons who are discriminated [sic] and marginalized” (SAHRC 2000a Vol.1: 1). Even though their challenge was dismissed by the SAHRC, the issue of who speaks for whom is a thread that can be seen throughout the process:

The media inquiry may be carried out in the name of the masses—in reality, it will be a probe instigated by an elite with little concern for the masses of historically disadvantaged South Africans it purports to speak on behalf of. (Ferial Haffajee, *Mail & Guardian*, 1998: 30)

The editor of the *Sunday Times* expressed a similar view:

But serving the poor and illiterate is not the concern of the race whingers...A trick they employ is to assume to speak on behalf of all black professionals. Mazwai, in his writings, makes the same assumption—namely that because he is black, his views *ipso facto* represent the views of black people in general, and specifically those black professionals. Again, is this true? Or do Jon Qwelane or Justice Malala writing in the *Sunday Times* more accurately capture the concerns of this class of people? (Roberts 1999: 25)

Both of these writers question the race essentialism of the complainants and suggest that their discourse of race masks the class interests of particular constituencies of black South Africans. Rather, they defend the media's role of protecting the interests of 'all', or 'the people', in their watchdog role. In this, however, the media themselves are blind to the structural constraints under which journalists work that result in their privileging the views and values of the powerful<sup>14</sup>. However, because there is no longer a simple class/race divide in post-apartheid South Africa, there is a dispute about who in fact

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<sup>14</sup> See, for example, the arguments of Curran (1996: 139ff), and Schudson (2000: 180): In all political and economic systems, news 'coincides with' and 'reinforces' the 'definition of the political situation evolved by the political elite' (Murdock 1973: 172). This basic intuition seems incontestable. The greatest research interest lies in determining its limits and specifying what structural and cultural features of the media can work to keep news porous, open to dissident voices and encouraging genuine debate. (Schudson 2000: 180)

represents the interests of ‘the people’, and indeed on what basis this representation is made—through the lens of class or race<sup>15</sup>?

Then deputy editor of the *Star*, Mathatha Tsedu, argued that even though the dominant position articulated in the media was that the enquiry represented a threat to press freedom, it could not be seen as a representative view:

Media activists and editors of various outlets took different stances on the matter, but the biggest voice was those who said it [the enquiry] was unnecessary and would inhibit the freedom of editors and journalists to work without looking over their shoulders. That this view was loud should not necessarily mean it was the most wide-spread, it just means those holding the view had easier access to media outlets. (*Star*, 29 November 1999: 14)

Implicit in his view is a critique of a particular social group’s controlling access to the media—and thus whose interests the media represent<sup>16</sup>. He believed that the subpoenaing of news editors should not even have been necessary, because “we should all be so happy to explain how we work to people who need and are requesting that explanation” (*Star*, 29 November 1999: 14). He seems to support the view that journalists and editors should be accountable—not only to their readers, but also to the state, which represents the people in a democracy.

Theorising the tension in the media-state-civil society relation in a democracy, John Keane notes:

...the onus must be placed on government to justify publicly *any* interference with *any* part of the information system. Government must not be considered the legitimate trustee of information. Erskine, in Paine’s defence said it all: ‘other liberties are held *under* governments, but the liberty of opinion keeps governments in due subjection to their duty.’ (1989: 49)

This in effect “leaves the onus on us, as journalists and members of civil society to organise and agitate for media that serve our interests” (Steenveld 2004: 110).

Lichtenberg makes a similar point when she argues that because of the character of

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<sup>15</sup> See Steenveld 2004 for an analysis of the forces that tilt local media towards the powerful, and those which tilt them towards the less powerful.

<sup>16</sup> Testimony led at the Truth and Reconciliation Commission was that ‘the white media’, including both English (with some exceptions) and Afrikaans press had, in various ways, upheld apartheid practices thereby sustaining the apartheid state (1998). See media hearings at: <http://www.truth.org.za/index.pl?&file=report/4chap06.htm>

contemporary mass media, it is legitimate to question whether they should be left to their own devices, or whether regulation would enable them to serve the social role that is demanded of them (1990: 128).

The differences in the Haffajee/Roberts and Tsedu positions reveal, that within the media constituency itself, the SAHRC's subpoenaing of editors became another national moment in which the long-established South African racial order enabled the renewed construction of racialised identities. The polarity, 'freedom of the media' versus 'the rights to dignity and equality', was stereotyped as representing the positions of two agencies: the former by the media (popularly regarded as representing white interests), the latter by the state (regarded by Tsedu and Mazwai as representing black interests). Most editors, however, regardless of race, were opposed to the use of subpoenas to enjoin their participation in the public hearings, expressing in this instance a primary identification with their profession.

The political complexity of the issue is captured by Mathatha Tsedu, then deputy editor of *The Star*, in an article headlined 'Two wrongs don't make a right' (2000: 14):

More than two weeks ago, when the HRC chose to invite editors to the hearings through subpoenas, it was clear to many of us that this would create the conditions within which the fringe but loud coterie of freedom of expression fundamentalists would launch another assault on the inquiry.

This indeed came to pass, and contributed to a situation in which virtually all the editors were at one, demanding the withdrawal of the subpoenas. But within that seeming unity were disparate voices motivated by different reasons. Some were opposed in principle to any hearing, while others felt the hearings were correct but the subpoenas should go. However, the fringe sought to interpret the unanimity as indicative of support for their stance to scrap the inquiry....

The work of dealing with racism in our sector is the primary prize to which our collective gaze must stay glued...

That means going to the hearings... That is the way forward, and not the pseudo-militancy of men who, in their prime, edited papers that practised racism in salaries, allocation of beats, canteens and toilets but who today have the guts to agitate for disobedience of a subpoena [sic] to talk about racism.

Tsedu points to the different worlds that the members of the media come from, and therefore, too, the differing positions they hold regarding the importance of freedom of expression, and the rights to dignity and equality. From Powell's perspective, each of these constituencies (subject positions) are the product of two different narratives, the former representing the 'old order', the latter the new (1995: 333). He suggests that it is not helpful to ask narrative is more correct, as this assumes that there is some other formulation that we can use to decide which is the better one. Instead he argues, depending on which world one lives in one will choose the story that best accords with one's interests. This is a post-modern, Critical Race Theory perspective—and yet ironically, it is still framed within the Enlightenment discourse of “full and equal citizenship and its extension to the general notion of human rights” (Murdock 1999:7).

#### *Freedom of expression/press v rights to dignity and equality*

Of the over 200 articles surveyed, it is significant that perhaps only one—in a very rudimentary way—deals with the arguments and rationalisations for limiting (or otherwise), freedom of expression (and the media) in relation to the rights to dignity and equality. Many editors were interviewed. They, understandably, championed an absolute notion of freedom of expression (and by implication of the media)—but without exploring, or justifying why it should be a primary right in a democracy. Not one journalist probed the counter-arguments for limiting freedom of expression, represented by the needs of the contending rights and the historical conditions of contemporary South Africa. The editors were interviewed because they represented authority figures in the media, and yet they did not give authoritative views on the debates at hand. A comment by A.H. Raskin, made in response to a “paean to the market model”, is not without relevance here:

We journalists have an infinite capacity for autohypnosis. Most of us are wont to propagate certain articles of faith with all the dogmatism of a fundamentalist preacher, no matter how much contrary evidence must be consigned to hell's fire in the process. (1989: 25).

One of these 'articles of faith' is that freedom of expression—and freedom of the media in particular—is both paramount, and sacrosanct. But contemporary media debates indicate that many media practitioners are not adequately informed about why media freedom is contentious, and what conditions this freedom rests on. Critical Race

Theorists challenge the fact that freedom of expression is often fought for the 'greater good of all', when in it is the victims of racism (and sexism, and homophobia) who have to pay the costs of hurt, pain, and indignity (see Lawrence 1990: 472). According to Lawrence, "we assign them this burden without seeking their advice, or consent" (1990: 472). He thus argues:

To engage in a debate about the first amendment and racist speech without a full understanding of the nature and extent of the harm of racist speech risks making the first amendment an instrument of domination rather than a vehicle of liberation. (1990: 459)

Perhaps the closest media discussion of what is at stake was the exchange between the editor of the *Sunday Independent*, John Battersby, and the then political editor of the *Mail & Guardian*, Howard Barrell. Battersby's arguments echo the views of Van der Westhuizen and Lawrence. A report on Battersby's presentation at the hearings noted:

Racism and freedom of expression were not mutually exclusive, but two sides of the same coin...But given South Africa's past, he [Battersby] noted:

'There cannot be meaningful debate around freedom of expression (and press freedom) in SA until the issue of racism has been satisfactorily addressed.

'There is clearly little future in debating freedom of expression in a society where the dice is still loaded against the majority because of racist attitudes among the economically empowered [white] majority.

Human rights, like the right to freedom of expression and association and equality before the law, needed to be weighed in relation to the right to shelter, a job, basic health care and education.

'Once these issues have been addressed South Africans need to be exposed to a culture of freedom of expression and how it relates to press freedom and democracy.' (*Mail & Guardian* 13-19 April 2000: 26-27. Reprinted from SAPA 13 April, 2000; see also *Sunday Independent* 9 April 2000: 7)

This view was stridently contested in a *Mail & Guardian* editorial, headlined 'The M&G's not for burning' (*Mail & Guardian* 7-13 April 2000: 22):

To suggest that press freedom can somehow be delayed is nothing less than an attack on the freedom of expression of the individual and as such an attack on the Constitution.

It is in part in order to facilitate action to tackle the great social issues of the day—such as unemployment, the homeless, basic health care and education—that the Constitution guarantees freedom of expression. Informed debate, which is vital to

social reform, is to be discovered in the variety of perspective and opinion, not in the limitation of it.

While this view represents the liberal view, Shadrack Gutto reminds us that the “press can be either a tool of and for repression and authoritarianism or an instrument for the defence and promotion of democratic values and human rights. We must be able to make the distinction” (1996: 111). Drawing this distinction is at the heart of assessing media practice.

The significance of the SAHRC’s enquiry is that it enabled a public re-examination of the political place of the media in a new democracy. But the impoverished media coverage<sup>17</sup> of the underlying issues and debates points to their inadequacy, in this instance, in fulfilling one of the key rationales for media freedom: to provide citizens with the information that they need in order to be effective participants in a democracy. Despite the divisions amongst journalists, the media’s representation of these issues represented a forum for the media themselves to “create shared interpretations that make their professional lives meaningful” (Zelizer 1997b: 27)—one aspect of which is to confirm their central role in a democracy. Referring to the qualitative textual analysis of racism in the media by Claudia Braude, Stefaans Brummer of the *Mail & Guardian* suggested that “Claudia [Braude] was trashed because they [the media] wanted to trash her, not because they read what she said” (2002: 29). Braude had been commissioned by the SAHRC to do a study of racism in media texts which formed part of the SAHRC’s Interim Report (1999). This was criticised by some academics for being poorly theorised<sup>18</sup>, and by the media—largely because they misunderstood her brief and the rationale of qualitative research.

### **Limiting freedom of expression in South Africa**

Given the substantial philosophical arguments concerning the limitation of freedom of expression, the key question centres on the criteria that should be used in exercising such

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<sup>17</sup> Discussing media response to criticism, Zelizer sums up Lule’s (1992) research: “Press criticism was found to function symbolically for reporters, who use media criticism not so much to generate real debate over appropriate journalistic practice as to uphold and maintain the larger canon of objective journalism (1997b: 27).

<sup>18</sup> See Steenveld’s submission to the SAHRC.

constraint. Van der Westhuizen offers five guidelines. First, the kind of forbidden expression should be clearly and precisely stipulated, and must “be narrowly interpreted in conformity with the limitation clause” (1994: 272)<sup>19</sup>. This means in effect that the law should be used to limit free expression only to the extent that it is absolutely necessary. Second, the law could be used to strengthen and support particular moral and political values, but that this should be a last resort. Ideally, it is argued, a vibrant civil society should actively use its “freedom of expression, assembly, and demonstration” to achieve the desired ends (Van der Westhuizen 1994: 272). Third, Van der Westhuizen notes that, “As a general rule some demonstration of *harm* should be required in order to justify the curtailment of free speech” (1994: 273). He continues:

This does not necessarily have to be concrete harm to particular persons directly affected by the practice in question, or harm which can be proved by evidence acceptable in a court of law. It may consist of some effect on social customs and institutions which seriously influences the social environment in a negative way, and thus affects all or some members of society directly. In determining the significance of such influences the history of a society is a relevant factor...

He and other commentators emphasise that speech that harms the dignity of particular groups of people might justify the curtailment of such speech<sup>20</sup>. This is a context-related judgement call that depends on a consideration, first, of the underlying purpose of free expression in a democracy: to enhance “the free flow of ideas, which is necessary to enhance democracy, to enable the members of a society to function as dignified and equal human beings, and to strive towards progress” (Van der Westhuizen 1994: 273). A third consideration in South Africa, writes Van der Westhuizen, is that

The constitutional protection and limitation of freedom of expression has to be interpreted within the context of appreciating where our society comes from and where we want it to go. Today we strive for equality and freedom, openness, reconciliation, and tolerance, and aim to become a truly exemplary democracy in Africa and the world. In doing so we are conscious of a history of denial of these values, of race discrimination, sexism, an obsession with secrecy in the face of perceived onslaughts, and state censorship aimed not only at preserving white

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<sup>19</sup> See also Frank Michelman’s comment that regulations should be “narrowly drawn to catch the clearest cases of racially vilifying and personally harassing speech” (1992: 344). Shadrack Gutto notes: The scope of regulation I am suggesting is therefore wider than the very narrow “incitement to violence” category suggested by Meyerson (1990), which was appropriately challenged by Cockrell (1991)” (1996: 121). Lawrence argues that “Good lawyers can create exceptions and narrow interpretations limiting the harm of hate speech without opening the floodgates of censorship (1990: 481).

<sup>20</sup> See also Raymond Suttner 1990: 384; Robin D. Barnes 1995: 159; Eric Neisser 2000: 79; SAHRC 2000b: 79.

minority rule but also at enforcing the morality of a small group by the instrument of the law. (1994: 273)

This commentary shows that the legal limitation of speech is complex, and that it has to be established on a case-by-case basis. The legal commentators offer broad guidelines that have to be tested in particular circumstances. The perspective of prominent local constitutional lawyers (Van der Westhuizen, Marcus, Suttner, Gutto) is mindful of the critiques raised from the standpoints of both Critical Legal Theory and Critical Race Theory. In sum: “The overall object is to protect and promote human rights as a whole, not only some chosen rights and freedoms preferred by a particular class or group of people” (Gutto 1996: 121).

### *The findings of the SAHRC*

One could view the claims of racism against the *Mail & Guardian* and the *Sunday Times* as an attempt by two civil society organisations, the BLA and the ABASA to use a statutory body, the SAHRC, to probe the ethical practices of these two news organisations. They publicly challenged the legitimacy of certain kinds of media representation, thereby questioning the view commonly held by the media that freedom of expression is unassailable. Suttner argues that the question should not be whether every utterance is permissible, but what the criteria of “permissible speech” are, and who formulates those criteria (1990: 385). He recognises that these are social questions, which need to be posed constantly because they beg further questions about who we are accountable to, and for what purpose. As the media are major arbiters of whose views are publicly aired, their notion of ‘permissible speech’ needs to be re-evaluated periodically (Murdock 1999: 8).

In its final report on the enquiry into racism in the media, the SAHRC probed the right to equality (section 9) in relation to the right to freedom of expression (section 16). It noted that “the research and complaints received did not accuse the media of propagating racial hatred which ‘constitutes incitement to cause harm’ (Section 16 (2) (c))” (2000b: 76).

Instead,

the BLA and ABASA accused the two newspapers of selective reporting and racially insensitive news coverage. They allege that the *Mail & Guardian* was reporting allegations of criminal actions and misdemeanors of black people in leadership in a distorted manner so as to create prejudice against all black people

(our interpretation). (2000b: 76)

It argues that the misdemeanours allegedly committed “do not fall under the exceptions<sup>21</sup> stated in ss.2 of Section 16 of the Constitution. They [the media texts] are therefore protected speech in terms of our law” (2000b: 76). But, the Commission continues:

Those who seek to limit that right must demonstrate the justification for such limitation by recourse to the limitation clause and other legal principles. Likewise, it must be stated, that those who allege unfair discrimination on the ground of race are in no weaker position by the mere fact that they are accusing the news media of propagating race hatred or incitement to cause harm. (2000b: 76)

The SAHRC report offers the following understandings that need to be taken into account when assessing protected speech that allegedly compromises the equality provision (section 9) of the Constitution. First, it points to Eric Neisser’s broad definition of hate speech (or speech that is not protected—section 16 (2)(c)):

any expression that insults, disparages, or offends a racial or ethnic group by suggesting either the group’s inferiority or simply others’ hatred of the group. (1994: 345).

Second, it cites a South African case, *City Council of Pretoria v Walker*<sup>22</sup>—supported by a ruling of the international Convention on the Elimination of Racial Discrimination (CERD)<sup>23</sup>—that makes no distinction between direct and indirect discrimination (SAHRC 2000b: 76). From this it concludes that, “any human rights violations should be under the spotlight not simply the extreme versions of racial hatred” (SAHRC 2000b: 77). Drawing on the *Walker* case, they also note that Justice Langa had ruled that there was no requirement of “proof of intention [as in American jurisprudence] to discriminate as a threshold requirement for either direct or indirect discrimination” (SAHRC 2000b: 77). In support of this ruling it cites CERD Article 1 that defines racial discrimination as:

Any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which *has the purpose or effect* of nullifying or impairing recognition, enjoyment or exercise, *on an equal footing*, of human rights and fundamental freedoms in the political, social, cultural or any other field of public life (our emphasis). (SAHRC 2000b: 77).

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<sup>21</sup> Section 16 (2) of the Constitution notes that freedom of expression does not extend to: “(a) propaganda for war; (b) incitement of imminent violence; or (c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm” (1996: 9).

<sup>22</sup> Per Langa, DP at 1998 (3) BCLR 257 (CC).

<sup>23</sup> SAHRC notes the CERD “General Recommendation XIX on the application of Article 3 in 1995: (2000b: 76).

This definition is far broader than that of the South African Constitution, which only prohibits hate speech. The SAHRC thus notes: “it becomes necessary to understand how the Constitution regulates the relationship between free speech and the right to equality” (2000b: 77). In this regard, it notes, firstly that in South Africa all rights are understood as “reinforcing one another” (2000b: 77). Second, as with the European system of human rights, freedom of expression in South Africa is limited to ensure the “respect of the rights and reputations of others” (2000b: 78). Given this, full cognisance must be taken of the right to equality:

9(4). No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3)....

9 (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair. (The Constitution of the Republic of SA, 1996, Act 108 of 1996).

On this basis, the Commission concludes

that there is discrimination in the way in which South African news media treat different races. We do not hold that this is done consciously but nonetheless a discerning reader, listener or viewer would notice. (SAHRC 2000b: 80).

However, a breach of the equality provision is that the discrimination should be unfair. To establish whether the media had unfairly discriminated against black people in their reporting, the Commission cites *Harksen*<sup>24</sup> because the case “focuses primarily on the impact of the discrimination on the complainant and others in his or her situation” (SAHRC 2000b: 80). It further stipulates that the “impact of the discriminatory action should be judgeable on objective grounds because ‘it recognises that conduct which may appear neutral and non-discriminatory may nonetheless result in discrimination, and if it does, that falls within the purview of section 8(2)’” (Langa, DP in Walker at 272F, (our parenthesis)” (SAHRC 2000b: 80). To determine fairness, Judge Goldstone (in *Harksen*) listed 3 factors that needed to be evaluated. First, the position of the complainants in society—with regard to whether they have suffered past patterns of disadvantage, and whether the discrimination under review was specified (2000b: 81). Second, the aim of the discrimination needed to be probed. Was it aimed at achieving a worthy social goal (as argued by *Mail & Guardian* vis-à-vis public interest)? This then needed to be evaluated in relation to whether the complainants had in fact “suffered the impairment in

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<sup>24</sup> *Harkesen v Lane N O & Others* (1997 (11) BCLR 1489 (CC)

question” (2000b: 81). Third, owing to these two factors, consideration should be given to whether the discrimination had seriously affected the fundamental human dignity of the complainant (2000b: 81). Following the threefold Goldstone test, the SAHRC found that that the complainants had indeed suffered from past discrimination. It noted that the impairment of the right of equality affects the enjoyment of other rights such as dignity, security, expression, and belief (2000b: 81). It stated that the second point needed to be understood with the defence of freedom of expression. The SAHRC stressed that the “importance of the right to freedom of expression cannot be over-emphasised”, and that given South Africa’s history,

South Africans would, understandably, wish to guard jealously the right to freedom of expression including the freedom of the press and the media. Likewise, one can understand the suspicions about the power of government to control and fears about the process initiated by the Commission. (2000b: 82).

It cites Judge Hefer, who noted that

The vital function of the press [is] to make available to the community information and criticism about every aspect of public, political, social and economic activity and thus to contribute to the formation of public opinion<sup>25</sup>. (SAHRC 2000b: 83)

Having established the importance of freedom of expression, the SAHRC considered what limitations could be brought to bear on speech not usually described as hate speech.

This was its view:

The point is that what may appear as harmless speech or neutral communication in the direct, immediate sense, may upon examination reveal the deeply embedded forms of racism that lurk behind civility. The consequences nonetheless would be as harmful to one’s dignity and self-esteem and, more seriously, they could be the precursor to the more violent expressions of hate propaganda. (2000b: 83)

Notwithstanding this, the Commission recognised that the right to freedom of expression posed “some intractable challenges to the prohibition against discrimination based on race” (2000b: 83). First, it noted that greater indulgence would usually be afforded to the claimants if they were protesting against state action—not against another civil body, as in this case (2000b: 84). Second, “the limitation of the right of freedom of expression comes up in defamation cases”, whereas here it was used as a defence against an alleged violation of the right to equality (2000b: 85). It suggested that because defamation laws

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<sup>25</sup> National Media Ltd. V Bogoshi 1999 (1) BCLR 1 (SCA) at 11E

were designed to protect rights to dignity and privacy, “greater latitude is accorded to political speech than otherwise because the public has an interest in the performance of public representatives and in their fitness for public office” (2000b: 85). It favourably cited Judge Hefer’s ruling in the *Bogoshi* case, that “strict liability would not serve the interests of democracy in the new South Africa and could stifle the press in its duty, the so-called ‘chilling effect’”<sup>26</sup> (SAHRC 2000b: 85). Hefer concluded that

...the publication in the press of false defamatory allegations of fact will not be regarded as unlawful if, upon consideration of all circumstances of the case, it is found to have been reasonable to publish the particular facts in the particular way and at the particular time. (SAHRC 2000b: 85)

South African courts still require proof that publication was “reasonable”, and the onus to establish this resides with the defence (2000b: 85). In order to limit freedom of expression, the state needs to establish “a pressing need”, which the SAHRC notes could be the media’s defence against accusations of racism (2000b: 86). In reviewing the jurisprudence in this area, the SAHRC concludes:

The *Bogoshi* dictum of doing away with strict liability virtually insulates the media against attack and the Act makes it virtually impossible to seek an effective remedy against hate speech....It is our view that the *Equality Act*<sup>27</sup> may be open to constitutional attack. (2000b: 86 emphasis in original)

The *Bogoshi* judgement thus gives legal weight to the watchdog role of the media in South Africa’s new democracy. The SAHRC quotes Joffe<sup>28</sup>:

The role of the press in a democratic society cannot be understated...it is the function of the press to ferret out corruption, dishonesty and graft wherever it may occur and to expose perpetrators. The press must reveal dishonest mal- and inept administration. It must also contribute to the exchange of ideas already alluded to. It must advance communication between the governed and those who govern. (qtd. SAHRC 2000b: 86)

Given this view of the news media, and the constitutional domain within which they operate, it seems that while freedom of expression is not given the same status as the first

<sup>26</sup> National Media Ltd. V Bogoshi, 1999 BCLR 1 (SCA) at 14B

<sup>27</sup> The Act refers to *The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000*. “Section 10 of the Act, however, places an onerous burden on those who will seek protection under it” (SAHRC 2000b: 86)

<sup>28</sup> in *Government of the Republic of South Africa v ‘Sunday Times’ Newspaper and Another 1995(2) SA 221 (T)*

amendment in American culture, in South African jurisprudence it still is a virtually unassailable right.

Despite the media's anger at being interrogated by a state body and its fear that this was a sign of the state closing in on the media, the SAHRC described its investigation as "an exercise in public accountability" (2000: 88):

It is because we affirm the right and duty of the mass media to subject public representatives to scrutiny, that they too, their policies and practices should be put under the microscope. Accountability does not threaten press freedom... Ultimately, the authority and integrity of the media will be enhanced by the extent to which media organizations and practitioners subject themselves to scrutiny... (2000: 88-89)

In light of this approach, it made numerous findings and recommendations. The findings included: institutional racism (2000: 90) that accounted for inferential racism (2000:89)—which it argued should not be conflated with "bad journalism" (2000:89), and the need for a diversity of perspective in multiple languages (2000: 92-93). It recommended ways in which private bodies like the South African National Editors' Forum and the Institute for the Advancement of Journalism, together with Universities and Technikons could redress the noted shortcomings—thereby allaying fears of state intervention in the form of further regulation. These included various kinds of racism awareness training, including courses on the Bill of Rights, focusing on the Promotion of Equality and Prevention of Unfair Discrimination, and a review of existing Codes of Conduct; research to monitor the media's accountability; the urgent recruitment and training of black journalists; and the establishment of a Media Diversity Agency (2000: 90-94). The final report thus offered benign recommendations, which retrospectively supported the rationale of those who welcomed the investigation as a means of challenging the dominant media view that they are accountable to none but themselves.

### *The ethics of press freedom*

Notwithstanding the legal status of freedom of expression, media theorists Kaarle Nordenstreng (1998) and Robert White (1995) both question the free speech fundamentalism of some journalists. They argue that media ethics should be based less on the ethics of media professionalism, than on the ethics established by the social contexts in which the media operate. Nordenstreng draws the distinction between what

he calls 'fortress journalism' and 'cosmopolitan democracy' (1998). The former is based on functionalist, media-centric ethics that legitimises a routinised set of journalistic practices that results in the media's support for the status quo. He suggests that

a self-centred fortress journalism alienated journalists from the people whom they were supposed to serve and that this professional ideology was supported by the natural inclination of journalists (and journalism students) to remaining independent, thus creating a paradox whereby freedom and autonomy turned against democracy. (Nordenstreng 1998: 127; Nordenstreng 1995: 118).

Instead of this narrow view guiding journalistic practice, he proposes an internationalist perspective based on a 'United Nations ideology', "with values such as peace and international understanding becoming cornerstones next to the traditional values of truth, fairness, etc." (1998: 127). He writes:

Here it is no longer the media and practitioners that dominate the paradigm as the beginning and the end of professionalism. Instead, we are led to consider journalism and media just as means—instruments of universal values and principles as laid down in international humanitarian law. (1998: 127)

In a similar vein, White criticises the conventional approach to media ethics that focuses on the ethics of the individual journalist battling with her/his conscience vis-à-vis how to approach a particular issue of media representation. Following Christians et al (1995:xii), he writes:

The most frequently recognized contradiction is the clash between the individual sense of professional ethics and the 'realities of the market-place' or 'realities of politics' faced by private and public media organizations. (1995: 442)

This individualistic approach to media ethics, he argues, is "too limited to provide norms for evaluating the performance of public media or the role of professionals within it" (1995: 442)<sup>29</sup>. Instead he suggests that:

media ethics must be seen as an integral part of the responsibility of all members of a given society for the quality of information available for collective decision-making in the society. This is not to deny the importance of a code of ethics for those most directly involved in the production of information, but the effectiveness of journalists and editors is equally conditioned by the owners and administrators of media, by the legislators and policy-makers, by specialists in media ethics and

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<sup>29</sup> See also Denis McQuail 1992: 14-15

communication theorists, and not least by the communication values of the general public. (1995: 442)

These constituencies, he argues, shape media practice. Cognisant of these social forces, he argues for a move away from communications ethics based on individual conscience and the power dynamics of the organised media industry, to one based on what he calls 'public cultural truth' (1995: 444). In this model, the "criterion of truthfulness is not just correspondence to reality in an epistemological sense, but justice, that is, respect for the sense of human dignity and the dignity of all other forms of existence" (1995: 444). He continues:

The movements to question the truthfulness of a statement arise out of the sense of alienation, the sense that one's existence is in some way denied and destroyed. Thus, the public cultural truth is the systematic representation of the 'problems', the proposed lack of justice, that the members of the society must collectively be aware of and resolve if that society is to exist as a unity. Since the definition of what is a 'problem' depends on the particular cultural movements and cultural values in play at a given moment, the public cultural truth is a continually shifting construction of meaning. (1995: 444)

Nordenstreng and White thus foreground the social, political, and cultural context in which journalists operate, and in so doing, challenge the dominant view amongst journalists that their 'professional' judgements are sacrosanct.

## **Conclusion**

This chapter opened with Lawrence's Critical Race Theory perspective:

We see a different world than that which is seen by Americans who do not share this historical experience. We often hear racist speech when our white neighbors are not aware of its presence. (1990: 435).

This is arguably the BLA/ABASA position, but as the other two opening quotations show, it does not represent the position of all black South Africans—as shown by the interventions of Haffajee and Robertson. Their different positions reveal two major problems in making legal judgments about racism. The first is that texts or statements can be read in different ways, and that one cannot infer a necessary link between statements and the harm they cause. This problem is exacerbated by what Hall calls inferential racism, in which racism is not overt, but is there by implication, by the unspoken assumptions on which statements are made. One cannot prove that such

statements are racist—it is a matter of interpretation. The problem is further exacerbated if Neisser’s broad criterion of ‘harm’ is used, as opposed to the more restricted assessment of hate speech set out in our Constitution: “advocacy of hatred... that constitutes incitement to cause harm” (1996: 9).

The second problem in adjudicating racism relates to the ‘standpoint’ perspective of Critical Race Theorists, which implies a unitary identity of those associated with the standpoint—in this case, black people. But as the discourses of journalists like Robertson, Haffajee and Oppelt show, in South Africa, there is still a strong class-consciousness which cuts through racial identifications—perhaps why modernist legal discourse appeals to an ‘objective test’ for adjudication.

The perspective of key South African legal theorists is informed by critiques from within Critical Legal Studies and Critical Race Theory, even though South African legislation is broadly framed within normative legal theory. From a Critical Race Theory perspective is drawn Lawrence’s (1990) benchmark observation that a culture of racism silences, and thus fundamentally compromises, the idealised efficacy of the marketplace of ideas rationale for absolute freedom of expression. Mindful of this, and South Africa’s history of racism and other forms of exclusion, and the use of state censorship to enforce “the morality of a small group by the instrument of the law”, Van der Westhuizen concludes:

The constitutional protection and limitation of freedom of expression has to be interpreted within the context of appreciating where our society comes from and where we want it to go. (1994: 273)

A review of South Africa’s legal framework reveals a commitment to an historically contingent view of freedom of expression (Suttner 1990, Van der Westhuizen 1994). In Suttner’s words:

there can be no absolute criterion for determining the scope and limits of freedom of speech. One cannot argue that all people have a right to say anything at any time or place... The justifiability or otherwise will depend on the application of ‘principles’ to concrete conditions. (1990: 374)<sup>30</sup>.

Both Suttner and Van der Westhuizen (1994: 264) share this view, rather than seeing freedom of expression as a transhistorical concept with a transcendental meaning (1990:

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<sup>30</sup> See also Irwin Cotler (1992: 126).

375)<sup>31</sup>. Rather, Suttner suggests, “freedom can best be understood as an historical process” (1990: 375). Quoting Cornforth (1976:195), he says it is “something which is won—and which is won gradually, bit by bit, created and realised in the course of ages of human and social activity” (1990: 375). Furthermore, freedom of speech is also related to other freedoms such as freedom of thought, opinion, the press, assembly, and organisation. He also argues that access to the media relates to broader questions about the relationship between civil and political rights, and economic and social rights (1990: 375). In light of this, I view the SAHRCs enquiry into racism in the media as one such historical process in which the meaning of freedom of expression was publicly contested. According to the SAHRC’s final report:

We sought to understand the core content of the rights, examine the relationship between rights, heard how the media practitioners understood and applied these rights in their ordinary work environments. The Commission served as an interrogator of cherished ideals, challenged assumptions and sought to test commitment to some core principles....we found ourselves developing, albeit at an embryonic level, a theory and praxis of freedom of expression, in particular, freedom of expression as it applies to the press and the media... (2000b: 3)

The SAHRC enquiry was critically important at a time of social change—in the newsrooms, in political institutions, in civil society, and thus in the relation between journalism and its publics—as it enabled different positions to be aired, and the principle of media accountability to be placed on the public agenda.

One of the strongest sections of the SAHRCs final report, *Faultlines: Inquiry into Racism in the Media*, is its thorough and instructive account of the jurisprudential problems involved in adjudicating claims that could be rationalised from the perspectives of both freedom of expression and the rights to dignity and equality. But its failure to elaborate on alternative legal paradigms such as Critical Legal Theory and Critical Race Theory perpetuates a fundamental misunderstanding about the law: that it is a neutral arbiter, rather than a socially constructed interpretive system. Critical Race Theory is mentioned once, but as it is not referenced in the only official document, it meant that the only other possible way of publicising and discussing the BLA /ABASA perspective was through

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<sup>31</sup> Lawrence argues: “even those values the first amendment itself is intended to promote are frustrated by an interpretation that is acontextual and idealized, by presupposing a world characterized by equal opportunity and the absence of societally created and culturally ingrained racism” (1990: 437).

the media (2000: 80). But the media's representations focused on the illegitimacy of the SAHRC's enquiry, and promoted the views of 'freedom of expression fundamentalists', who represent the dominant element of South African journalism.

Despite the SAHRC's conclusion that

The *Bogoshi* dictum of doing away with strict liability virtually insulates the media against attack and the Act makes it virtually impossible to seek effective remedy against hate speech... It is our view that the Equality Act may be open to constitutional attack. (2000b: 86)

the chapter also identified Van der Westhuizen's guidelines for limiting freedom of expression, especially in social contexts in which individuals' or social groups' ability to make their thoughts and views known is circumscribed—whether for economic or ideological reasons. The legal limitation of free speech is a complex issue. On the one hand, the law provides a regulatory framework that appears to have fixed boundaries, and on the other, the practice of law is based on an interpretation of the boundaries in relation to contextual issues, and developed on a case-by-case basis. The development of postmodern legal jurisprudence in the 1980s and 1990s has fundamentally challenged the 'objective', 'rule-bound' criteria of judgment, and has focused instead on "language, meaning and culture, rather than on law and legal reasoning" (Minda 1995: 252). The legal commentators, from different perspectives, offer broad guidelines that have to be tested in particular circumstances.

The complaint of racism against the *Mail & Guardian* was lodged with the SAHRC and not a court of law, precisely because it would not have stood up in court. However, had the media researched the story more effectively, instead of being defensive and protecting their turf by taking the ethical position of fortress journalism, their coverage of the incident might not only have benefited themselves, but also the public. It is important for the public to know that 'the law' is a socially constructed system of evaluation; it is important for journalists to know why freedom of the press is critical to democracy, but also when it might be morally right to constrain speech. Unfortunately, the impoverished journalistic coverage of the issue failed in both respects.

## CHAPTER 13: Race against democracy

The political bias that appears in the papers, is a result of a particular matrix of organisational processes—processes which commence in the recruitment of the reporter, carry on through his (sic) socialization, and culminate in his working arrangements. (Sigelman 1973: 149)

The *Mail* was always kind of young and challenging, well maverick and contrary...I think to an extent the personality of the editor does have an influence. Under Anton and Irwin it had more of a playfulness; under Phillip van Niekerk it became more bombastic, pretty much the way his personality is...under Howard it went kind of establishment. (Brummer 2002: 3)

In this chapter I draw together the main arguments about why the *Mail & Guardian* was accused of racism, and address some of the journalists' concerns about the kind of journalism needed in South Africa's new democracy. I suggest that "institutional racism" and "journalism as a social practice" are useful frameworks for understanding how the *Mail & Guardian's* internal organisational structures and practices—shaped by its editors—may have facilitated the production of news copy that discomforted readers and some of its own journalists. I also probe the media's role in a democracy, arguing that Fraser's (1990) critique of Habermas's (1989) notion of the public sphere is a useful starting point for addressing the criticisms that some *Mail & Guardian* journalists had of their paper's practice.

### **Institutional racism and the *Mail & Guardian's* social production of news**

One conundrum posed by the SAHRC enquiry into racism in the media, was that while many editors and journalists conceded that there was racism in the South African media, most defended their particular practices or papers as being 'not racist'. Many conceded that as South African society is constituted by racism, no-one is immune to it. But only a couple admitted racism on their part. Phillip van Niekerk and Howard Barrell represented the *Mail & Guardian* at the hearings. Van Niekerk was outraged at the complaint against the *Mail & Guardian*, and repudiated the textual evidence supporting the original claims by the BLA and ABASA. Barrell took a different tack, pointing to the number of people through whom copy passed, making it impossible for the claim of racism to be sustained (2000: 8). The problem is to consider whether what the claimants described as racism can indeed be considered as manifestations of racism, and secondly

how racism could be a feature of South African journalism, without it being overtly evident.

The notion of 'institutional racism' offers one line of enquiry. This is differentiated from overt acts of racism, and is defined as "those actions and inactions which maintain 'black' people in a disadvantaged situation and which rely on 'the active and pervasive operation of anti-black attitudes and practices'" (Carmichael and Hamilton 1968: 5, qtd. Miles 1989: 51). Miles notes that this understanding of racism was taken up and extended to include not only beliefs and attitudes, but also actions and processes that maintained white domination, and the continued subordination and inequality of black people. This was the basis of the claim of racism against the *Mail & Guardian*.

What is distinctive about this formulation is that the social formation is analysed in terms of its constitution by two homogenous groups, one white the other black, that exist in a hierarchical relationship of domination and subordination. Thus "the struggle between these two groups constitutes the primary, if not the sole, dynamic within the social formation" (Miles 1989: 54). This has resulted in the view (implied by both the claimants, and some members of the SAHRC panel) that racism is exclusively a white phenomenon, expressed in the equation, prejudice + power = (white) racism (Katz 1978: 10, cited Miles 1989: 55). This formulation suggests that all acts that sustain the status quo are racist, ignoring the class constitution of capitalist societies (Miles 1989: 55, 56; Hall 1980a). From this perspective, white media that support the status quo are *de facto* racist. Because the definition is all-inclusive, Miles argues that it is not able to distinguish between those white actions that are racist, and those that are not: per definition, all white actions are racist (1989: 56). Any counter argument, or defence of an action described as 'racist' is met with the critique that the person is 'in denial'. "This inflated concept of racism", writes Miles, "conflates explanation: the complexity of contradictory and interlocking, of structural and conjunctural processes are reduced to a single determinant, ...all that 'white' people do to maintain their domination" (1989: 56).

Miles' critique is especially valid in a country like South Africa, where there has been an historical tension between understandings based on race and those based on class. But

what is useful about the concept of institutional racism is that it attempts to move away from a focus on individual ideas and practices that are conscious and premeditated, to those that are institutionalised within a collective—often unconscious—way of thinking and acting. Media representatives and the commissioners seemed to talk past each other because the former used an individualist notion of racism, whereas the latter seemed to be using the notion of “institutional racism”—which as Miles points out, is not without its problems.

Given these analytical problems, Miles offers a different conception of institutional racism: when exclusionary practices are the result of some form of racist discourse, whether extant or not, and are thus embodied in them (1989: 84). He suggests that “in order to determine the presence or otherwise of institutional racism, one assesses not the consequences of the actions, but the history of the discourse in order to demonstrate that prior to the silence (or to the transformation), a racist discourse was present” (1989: 85). Although he does not define the term ‘discourse’, I interpret it as both the way an issue is spoken about, as well as the practices that constitute this mode of speaking. I see Miles’ notion of institutional racism as explaining the decades of ways of thinking about race, and acting with respect to race, that have become culturally unconscious—‘the norm’. In Lawrence’s words:

Because of this shared experience, we also inevitably share many ideas, attitudes, and beliefs that attach significance to an individual’s race and induce negative feelings and opinions about nonwhites. To the extent that this cultural belief system has influenced all of us, we are all racists. At the same time, we are unaware of our racism. We do not recognize the ways in which our cultural experience has influenced our beliefs about race or the occasions on which those beliefs affect our actions. In other words, a large part of the behavior that produces racial discrimination is influenced by unconscious racial motivation. (1986-1987: 322)

Considering racism in this way is helpful in interpreting institutionalised social practices, such as journalism.

### **Journalism as a Social Practice**

Viewing journalism as a social *practice* enables us to consider both its textual manifestation and its economic, organisational aspects simultaneously (Cottle 2000).

Cook (1998) defines an institution as a collective abstraction that is constituted through

the practices of disparate organisations that share common ideals and formal ways of achieving them (routines), which have become naturalised over time.

As an institution, journalism is associated with the political and civic life of local, national, and international communities. Summed up in Habermas' ideal notion of a public sphere, journalism is expected to provide a space in which information is shared, and ideas are contested; in which representations of the myriad aspects of social life are aired, enabling citizens to recognise their life worlds; ideally it is a form of social practice that enables citizens to be 'free and self-governing' (Kovach and Rosenstiel 2001:12). Although the failure to realise the political ideal of journalism is criticised, particularly from the perspective of political economy (Curran 2000, Golding and Murdock 2000, McChesney 2000), there is still the recognition of the value of this conception of journalism as an ideal (Curran 1996, Dahlgren 1995).

Cook's (1998) conception of journalism as an institution is similar to Foucault's notion of discourse (1972): the embodiment of ideas, ideals, sources of knowledge which constitute power, and the modes of operation through which these are actualised in specific disciplines, such as journalism. A key difference between the two conceptions is Foucault's identification of knowledge as a form of power that significantly shapes how an institution is operationalised. While the ideals of journalism might endure over space and time, how they are actualised in particular historical moments, in particular places, will depend on how the different 'knowledge/power' elements are configured. These Foucauldian insights are drawn on by Willmott (1994) and Knights and Willmott (1989) in their theorisation of power and subjectivity in organisations, and are used in this study to probe the power relations within the newsroom, and the ways in which this impacted on organisational changes that may have contributed to changes in the *Mail & Guardian's* content. Knut Helland sums up the link between particular news organisations and the institution of journalism:

It is in the tension between performing idealized societal functions and serving up attractive products on the market that news reporting evolves as productional practices, as texts, and as objects of interpretation. (Helland 1999: 189, qtd. Allern 2002: 139)

These understandings—journalism as a social practice, and institutional racism—help us make sense of the complex construction of the *Mail & Guardian*'s ideology of news—or what is commonly called news values.

The discussions in Chapters 6 and 7 reveal several distinctive features of the *Mail & Guardian*'s organisational structures during Van Niekerk's editorship—some of which were carried over into Barrell's. Many journalists noted that they chose to work for the *Mail & Guardian* because of its political reputation. This 'self-selection' meant the paper was staffed by people who regarded "the ANC as their uncomfortable political home" (Brummer 2002: 15). Although they broadly supported the ANC, they were critical of different aspects of its politics or policies. The 'judges story' discussed in Chapter 11 brought their political differences to the surface, although they were largely united against the accusation of racism levelled at the paper. Also, because the paper was small it retained an informal 'family' culture in which collegial and friendship associations were fluid. Several journalists commented on the deleterious effects of the development of a "clique" during Van Niekerk's editorship. Not only did it become an informal decision-making group—a space from which power operated—but the closed circle resulted in their becoming political reference points for one another—and to some extent insulated from the views of others both in and beyond the newsroom (Cowling 2003, Rossouw 2003, Brummer 2002, Mbhele 2002). Although the concept of 'newsroom socialization' is common, what is not often discussed is the inter-relationship between personal and work-based contact (see Sigelman 1973: 138). In this instance, one can see how the interpersonal connections which influenced who was hired and how jobs were assigned<sup>1</sup>, are part of the process of 'socialization'. For example, it is not insignificant that Mungo Soggot, who arrived in the country as a novice from England<sup>2</sup>, rose to become one of the paper's 'star' investigative journalists within 5 years—no doubt accomplished by having been taken under the wing, first, of David Beresford, the

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<sup>1</sup> David Beresford's daughter, Belinda Beresford was hired, and some journalists felt that she was given preferential treatment. Howard Barrell applied for the deputy editorship because his friend Phillip van Niekerk invited him to apply.

<sup>2</sup> Soggot describes his family as being in "semi-exile". He returned in 1993, worked as Beresford's "dogsbody" for three months, and then joined *Business Day* in 1994. He recalls: "I was very close to David Beresford and always wanted to work with him. And so I went to work with Anton... And I think I was also very close to Phillip and I worked a lot with him, even when he left the paper..." (2003: 1)

*Guardian's* correspondent at the *Mail & Guardian*, and then of Phillip van Niekerk (Soggot 2003: 1).

Within this broadly consensual newsroom culture, in which the political parameters had initially been set by the paper's relation to both the apartheid state and the extra-parliamentary opposition movements, a strong culture of individual freedom for the journalists prevailed. Encouraged to come up with their own news stories, what was included or excluded as 'news' was initially determined by the journalist's personal ideology and sense of news values—which could have been mediated by an unconscious racism about what issues, actions or events were regarded as newsworthy. But as the process of news production became more centralised during Van Niekerk's editorship, his news values became a major determining factor of what was selected and what was not—confirming Sigelman's view that although journalists appear autonomous, they operate under the hidden constraints of the organisation's structures (1973: 145).

Giddens' notion of structuration reminds us that structures are themselves the outcome human action—and a post-structuralist view of our humanness suggests that our subjectness is constituted by an array of discourses—political, journalistic, racial, gendered—with which we engage dynamically, some of which we become subjected to, despite our sense of being 'free and self-governing'. These processes are attested to in the journalists' accounts of the dynamic processes within the newsroom, in which I argue, the editor's identity is critical.

Because Van Niekerk was a hands-on editor who often took over the news desk, he was less concerned with the overall vision of the paper (Brummer 2002). He would be intensely involved in some stories, but not others (Cowling 2003: 6-7). The "more senior journalists"—the clique identified by other journalists—were left to their own devices—and it was often their 'big' stories that were controversial (2002: 27). As Brummer recalled:

The trainees would be interfered with, but no one will tell Mungo Soggot what to do. Mungo Soggot will come up with 'I've got a great story.' And everybody will go, 'hallelujah—go and do it'. So the only place where you find any explanation as to why he did X story and not Y story, is inside Mungo Soggot's brain—maybe unconscious. (2002: 27).

Sigelman also noted this pattern, and observed that “star” reporters have more autonomy and influence than other reporters as they often have more personalised contact with the editor, and may be drawn into discussions about the editorial, and may even write or have their copy used as a basis for the paper’s editorial (1973: 143). Soggot certainly occupied this place in the newsroom. Nurtured by experienced colleagues, he built his reputation on solid investigative journalism. The editorial about the appointment of black judges was based on his news story, and would have been written by one of the senior journalists, identified by colleagues as the ‘Parktown clique’<sup>3</sup>. This is but one illustration of the complex way in which journalistic identities are shaped and drawn on in the construction of the paper’s identity—which goes beyond a mere understanding of structuralist newsroom ‘roles’.

Cowling also noted that structural changes in the subs-desk, and in the routines of sub-editing, resulted in less “debate about what should be going into the paper” (2003: 13). These too were the effect of Van Niekerk’s interests, his privileging of writing as a key journalistic activity, his different relationships with journalists—all of which impacted on “the newsroom balance that’s so important in a newspaper...its checks and balances”—which “went out of the window” (Cowling 2003: 18). These changing power dynamics and news production processes were thus contributing factors in the production of news copy that some journalists were critical of.

In addition to these ‘structural’ features of the newsroom, two other factors that could have shaped news output and the paper’s relationship with its external environment are important: the gendered culture of the organisation, and its class approach to news values.

According to Alvesson & Billing:

Gendering organizations usually means paying attention to how organizational structures and processes are dominated by culturally defined masculine meanings. Feminine meanings dominate less frequently although they may be central in some organisations. Masculinity is a vague concept, but can be defined as values, experience and meanings that are culturally interpreted as masculine and typically feel ‘natural’ to or are ascribed to men more than to women in a particular cultural context. (1997: 83)

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<sup>3</sup> Wally Mbhele was under the impression that the editorial had been written by David Beresford. Both Soggot and Beresford were part of the ‘Parktown clique’.

A metaphor commonly used to describe the paper was that of a sassy young street fighter who took on ‘anyone’—described in terms such as: anti-establishment, rebel, fighting, in-your-face, sassy, brave, not afraid of criticising, take on anybody. Such metaphors have distinctly masculine connotations. Under Van Niekerk, this was experienced by Brummer as “bombastic, pretty much the way his personality is—also quite intolerant of criticism... We were always fighting with other newspapers” (2002: 3). Barrell described himself as willing “to cross the road for a fight”. It is possible that this masculinist culture encouraged a tendency to crassness: one of the critiques of the paper by some of the journalists was that the paper’s response to some situations was not “nuanced” enough, and lacked “sophistication” (Haffajee 2002: 10).

The second factor that could have shaped the paper’s relation to its external environment is the class dimension of its news values. Class was one of the aspects highlighted by investigative journalist Stefaans Brummer, to describe the paper’s news values. “It never saw itself as doing battle on the class [front]” (Brummer 2002: 9). When questioned on his views about the accusation of racism brought against the *Mail & Guardian*, he responded:

There is probably an argument to be made that many of the wrong-doers—the powerful people in this country are not actually in government, they are in business, and they happen to be white, and why aren’t we taking them on in the same way? Then we come back to what I said from the start—the *Mail* was anti-establishment in one sense, and also in criticising in terms of race, but not so much in terms of class. The *Mail & Guardian* pretended, at times I think, to be left in terms of class, but I don’t think it ever really was that. So in a way, well, big business just never became a target as much as your formal powerful people. It’s also sexier in a way, in terms of story value, I think, to be criticising a politician rather than...some big businessman. (2002: 9)

As the new government under the leadership of the ANC was predominantly black, a focus on governance necessarily leads to a critique of black politicians. While most of the journalists pointed to ‘critique’ as a fundamental aspect of the paper’s identity, few discussed the framework for critique. Many spoke about the paper’s watchdog role, a concept that applies to the role of journalism in a liberal democracy. But a Marxist critique of this position is that it overlooks how power works in society, and particularly the role and power of big business. Brummer stresses that under the changed social

conditions (where black people hold political power, but whites retain economic power)<sup>4</sup>, the paper's liberal news values have the effect of producing news coverage that could be regarded as racist because it overlooks the abuse of power in the economic realm—a view shared by Hanlon (2001: 5).

This array of circumstances—the changed political environment; the rise of a new political class; the impact of Van Niekerk's editorship on the *Mail & Guardian's* own news production processes (his choice of Barrell as political editor, the new 'clique', 'gutting the subs desk', and so on); the paper's news values; and the possible animus of an angered lawyer—I argue, prompted the accusation of racism against the paper. That the complaint against the paper was one of racism, rather than 'classism', is in part indicative of the hegemony of the framework of race as the key element animating social clashes and contradictions in contemporary South Africa. But as the analysis of selected texts show, 'normative journalism' is underpinned by an unconscious racism. The challenge faced by journalists was how to critique those in power—who may be black—without drawing on deeply held assumptions about black people's capacities and the 'inevitability' of a 'decline' in social processes and the social fabric.

The complaint of racism against the *Mail & Guardian*, and the SAHRC's subsequent hearings posed special problems for those journalists who had raised issues about the paper's news values and the direction it was taking. They had viewed the paper's critique as sounding like a voice of 'opposition' to the newly-elected ruling party, rather than as the voice of critical democrats who were encouraging debate within the country. For them, the emphasis on a particular brand of investigative journalism at the expense of other kinds of reporting, plus the expression of Democratic Alliance (DA) sentiments could have prompted the accusation of racism against the paper (Cowling 2003: 5; Brummer 2002: 4; Haffajee 2002:7; Nkosi 2002: 22). Their own critiques had resulted in internal debates about "how to cover the new democracy and the political position of the paper" (Haffajee 2002: 22). As Haffajee commented, "they inevitably had 'racial' overtones", but "they were not about racism. They were about the role of the media post '94. And yes, they take on racial undertones, but its bigger story is about how you cover

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<sup>4</sup> See Steenveld 2004.

democracy” (2002: 22). Their response to the hearings was thus complex. According to Haffajee:

It was a very difficult time for us because there had been this internal debate. So the instinctive response was almost to say: ‘You see, now everyone thinks like this. We told you this is what you’re doing.’ But on the other hand...maybe this is a liberal view that you feel, ‘aha, we’ll fix this ourselves. No regulation. The HRC must go and do other things’. (2002: 21)

While all the journalists interviewed were clear that there was no conscious racism at the *Mail & Guardian*, Brummer suggested that as racism permeated South African society, it was not inconceivable that it “could play some role in our decision-making”, but he doubted that it was any more than for other newspapers, such as the *Star*, that were not criticised (Brummer 2002: 28). He thus maintained that ‘subliminal racism’ was possible:

Phil trashed the subliminal racism thing completely. I think it... may play a role in the way one makes decisions—as much as it shouldn’t and we try and deny that. (2002: 26).

But he also agreed with other journalists that the motivation for the charge of racism against the paper was disingenuous: “I think a lot of criticism of the *Mail* is justified, but I think my feeling was that the criticism was terribly opportunistic” (Brummer 2002: 23):

It was pretty much to beat the *Mail & Guardian* back in line, because of political factors rather than a genuine concern that it was being racist. The ruling elite did not like being criticised—not because they are white or black, they did not like being criticised, and they wanted the *Mail & Guardian* to criticise less. (2002: 28)

Senior journalist Sechaba Nkosi was also critical of the motivation of the complainants:

I think it was a group of people who thought they represented the general voice of the black population, when to me they had no support whatsoever. I think it actually represented a camaraderie that was developing within the black intelligentsia and the feeling that if you do not defend so and so, whether he’s right or wrong, next week it may be me. It was blind camaraderie to me. And the reasons why they thought the *M&G* should be investigated were themselves racist. To argue that black journalists just sit in the newsroom for the whole week and get paid was a vote of no confidence. (2002: 21).

This view, he believed, was one that was shared amongst many in the newsroom:

We were united in that it was a paranoid reaction to a situation. And we were united that the people who want the paper to be investigated were not credible enough to be worthy of a sample of what the black view would be. (Nkosi 2002: 21).

Van Niekerk related the motivation behind the complaint to the paper's involvement with one of the main figures behind the complaint, the lawyer Christine Qunta. She had represented Don Mkhwanazi, then Chair of the country's Central Energy Fund, which the *Mail & Guardian* had investigated for giving a "very curious contract to Emmanuel Shaw II, a very dubious Liberian businessman" (Van Niekerk 2000: 1).

All the journalists interviewed believed that the motive for the accusation of racism was to discredit a paper that was a thorn in the side of the government and sections of the black elite because of its constant critique. These circumstances, and Suttner's caution that one must first "understand the 'good' which forms the rationale for freedom of speech" is a good basis for judging the merits of the complaint against the *Mail & Guardian*. He suggests that if some utterances are deemed to be inimical to the rationale or existence of freedom of speech, then "in suppressing them one is not suppressing a freedom, but a threat to that freedom" (1990: 377). This was not the case with the *Mail & Guardian's* reporting—suppression of publication in these circumstances would not benefit 'the good', it was designed to protect. In this instance, press freedom ensured that citizens received information—however limited—enabling critical contestation and debate, important constituents of a working democracy.

But despite the legal justifications, Brummer felt that the *way* Van Niekerk handled the criticism of the paper was problematic:

Phil responded in too bombastic a way—typical of Phil. You can't go and say there's no such thing [as unconscious racism], which is pretty much what he was trying to say. (2002: 29).

He suggested that a different approach should have been taken: one that acknowledged the possibility of subliminal racism in all the news media—rather than being specific to the *Mail & Guardian*; and that probed the motivation behind the accusation (2002: 29). He thought that not "all the accusers were wrongly motivated", some were (2002: 29). One can infer from this that although the motivations might have been suspect, the critique was symbolic of some level of social dissatisfaction that was not unconnected to the tone and tenor of the paper under Van Niekerk's editorship, continuing in a different way under Barrell.

### **Journalism and democracy: what kind of journalism do we need now?**

The media, from both a liberal and radical perspective, has an important role to play in creating a public space for discussion and dissent (Golding and Murdock 2000, Dahlgren 2000). In John Keane's words, "communications media should be for the public use and enjoyment of all citizens and not for the private gain or profit of political rulers and business" (1989: 49). Glasser and Craft suggest that the purpose of journalism is "to promote and indeed improve, and not merely to report on or complain about, public or civic life" (1998: 2004). Based on Marshall's (1964) theorising of citizenship, the rationale is that the media serve citizens by making them aware of their rights so that they can exercise them. The media ought to provide access to the information and debates that citizens need to make informed political decisions; and provide the means through which citizens "recognize themselves and their aspirations in the range of representations" which confirm and construct their personhood, and their identity as citizens (Murdock and Golding 1989: 183; Gitlin 1998: 168; Ronning 1994: 15). The media are thus judged by the extent to which they facilitate and promote the various dimensions of citizenship—an identity constituted by discourses relating to civil, political, social and cultural rights (Murdock 1992:20).

Central to this understanding of the media's social role, is the conception of 'the public sphere' through which these dimensions of citizenship are to be engaged. Habermas's (1989) notion of the public sphere is "the God-term of democratic discourse theory" to which everyone turns (Gitlin 1998:168), but I will use Nancy Fraser's critique of the Habermasian public sphere as a means of elucidating the struggle some *Mail & Guardian* journalists had in articulating the paper's role in the formally democratic, post-apartheid state. But before I do so, I present their understandings of the *Mail & Guardian's* role.

All the journalists interviewed joined the *Mail & Guardian* because of its anti-apartheid, outsider, non-mainstream politics. It was a paper run by young people, attracting like-minded ones with energy and enthusiasm who believed in the power of the pen. Although their social backgrounds were varied, they had a similar interest in politics, and a belief

that journalism had a political role to play against the apartheid state, and later, in the construction of South Africa's new democracy.

Most of the journalists were clear that the media ought to play the watchdog role, but they had different views about what this meant during this long transitional moment. In Haffajee's view:

I think it still needs that investigative identity, but it needed far more to remain the voice of the establishment. And that means writing about policy and government, the executive and parliament. (2002: 10)

For her, the voice of the establishment meant the new establishment, that is, the ANC-led government. Many journalists pointed out that the *Mail & Guardian* was well-placed to access this voice because of its history of both opposing the Nationalist Party, and giving the ANC a voice when other papers had not. Mungo Soggot, on the other hand, took an opposing view. For him, parliamentary politics was boring, and South Africa post-1994 was far less interesting than pre-1994 (2002: 2). Although Haffajee praised his investigative journalism, describing the Emmanuel Shaw II coverage as "brilliant", she was critical of the tone of the investigations:

The notion of investigative journalism became too narrow. Often in fact it began to look like 'Banana Republic Reporting'. That you'd expected that this is what would become of a new democracy, and you went out looking for it. So investigative journalism was not a cover on why we are losing so many new DGs [director generals]; it was not a cover on inside cabinet on a particularly hot issue of the moment; it was not a story on how the decision on GEAR was made. For me there should also have been key investigations of the paper, like that. (2002: 10)

Implicit in this view is an idea of the paper's readers. The "Banana Republic Reporting" implied that the paper was playing to a gallery that expected the new government to fail, or to be corrupt, or for things to go down the Zimbabwean road—which bothered her.

But Mungo Soggot had precisely this view of *Mail & Guardian* readers:

But I also think that it was a new government and a very powerful majority government...I think one of the things a newspaper needs to do—particularly in one party states—is keep an eye on what government does. And it's both a duty, but also something which readers are going to want to read about because *they're going to want to look to a newspaper like the Mail and see where the government's getting it wrong. So it's going to attract readers, it's going to entertain with that kind of information, and it's going to have the side effect of causing some good and changing the way things happen.* (2002: 16, my emphasis)

This is a cynical view of readers' interests—based on the presumption that they do not want their elected government to succeed.

Wally Mbhele's views appear similar to Soggot's, but he emphasises journalism's watchdog role in protecting the new state—rather than in showing up the failings of the government. While these are two sides of the same coin, Soggot's emphasis is on critique, whereas Mbhele sees this kind of journalism as playing a constructive role. He distinguishes “oppositional journalism” from “watchdog journalism”—the former relating to the media's role in a non-democratic state, the latter to the role once democracy has been achieved:

As an opposition you actually align yourself with the popular movement of the time, [but] where you have democracy you are no longer aligned to that particular movement” (2002: 5)...So in a situation like South Africa, for instance, you would think that journalism was more important when South Africa was still under apartheid, but what I realise now is that it has become even more important than before we attained democracy in South Africa...I think it's important because the achievements of the people of South Africa have made in terms of attaining democracy, they have to be protected and you cannot leave that important task to the politicians to say they're the ones who are going to protect this democracy...(2002: 3)

Mbhele thus suggests that the prime function of the oppositional stance was its “alignment” with the popular movement, rather than *contra* the apartheid state, whereas the watchdog role in a democracy is a means of protecting the state. In this formulation, the watchdog role specifies a relation to the state, and only indirectly its relation to civil society. While Haffajee agrees that the watchdog role is important, she also seems to be searching for a role that focuses on civil society, which will then indirectly impact on the nature of the state.

The paper's political editor during Barrell's editorship, Drew Forrest, generally shares Mbhele's view, but also sees the paper as being more than simply a watchdog. He describes the paper as “anti-establishment”—and as “the leaders of the ANC are undeniably the country's new political establishment”, they are fair game as they are for the mainstream media, “but the difference lies in the *M&G's* tradition of journalistic extremism” (*M&G* 7-13 September 2001: 23). “Democracies”, he writes, “need at least

one paper of this kind, because it gives the truth a better chance of making it into the open” (*M&G* 7-13 September 2001: 23). But he also sees another role for the *Mail & Guardian*:

There is another area where the *M&G* may have a unique contribution to make—as an aid to rebuilding a left-wing project in South Africa. It would not mean indiscriminate opposition to government and the ANC, nor uncritical support for the unions and the SACP. There are left elements in the government’s programme, and many ANC members remain true to its proud traditions. (*M&G* 7-13 September 2001: 23)

Here he seems to be suggesting a role similar to the one Haffajee was searching for: one that could identify and clarify positions—within and between different political perspectives—and in this way both enable these publics to articulate their own positions, and present the contestatory positions within them, thereby challenging an essentialist view of each public’s identity. He is also mindful of the paper’s own ‘feisty’ identity, and sees its role as a politically independent voice, free to take up which ever cause it deems appropriate:

The government and the ANC must appreciate that it [the *Mail & Guardian*] is not a respectable mainstream paper and will lose its *raison d’etre* if it tries to become one. It must observe the standard canons of accuracy and fairness, in the sense of getting all versions of the story and giving the right of reply. But it cannot be so fair as to lose its sense of outrage and slide into mealy-mouthed neutrality. (*M&G* 7-13 September 2001: 23)

These testimonies show the journalists’ concern about how to critique constructively, and how to represent popular interests and sentiments, rather than being a maverick outsider easy for politicians to ignore. Although the metaphor of the ‘watchdog’ over-determines liberal discourse about the role of journalism in a democracy, many journalists are aware of its inadequacy as the only role that the *Mail & Guardian* needs to play in South Africa’s new democracy. They struggle with what kind of ‘public’ they are addressing (or should be addressing), and the kind of ‘public sphere’ they want to construct.

These issues are usefully addressed by Nancy Fraser (1990) in her critique of Habermas’s view of the public sphere. Habermas’s ‘public sphere’ is a space in which private individuals come together to discuss issues of common, public concern:

The discussion was to be open and accessible to all; merely private matters were to be inadmissible; inequalities of status were to be bracketed; and discussants were to

deliberate as peers. The result of such discussion would be 'public opinion' in a strong sense of a consensus about the common good. (Fraser 1990: 59)

Fraser challenges this conception in 'actually existing' democracies. First, she questions the notion of a single, all-embracing public sphere, arguing that there had always been different public spheres representing groups, such as women, working class and black people, who were excluded from '*the* public sphere' in which everyone was supposedly free to participate. She draws on Geoff Eley's (1992) argument that the 19<sup>th</sup> century development of networks of social, professional, cultural, and religious clubs and societies which constituted civil society were not open and accessible to all, but were rather the 'training ground' for the new male bourgeoisie who would subsequently represent their class as 'the universal class' (Fraser 1990: 60). Eley argues that the notion of a single, *bourgeois* public sphere can be read as the hegemonic victory of that class over both the older aristocratic elites as well as the newly forming working class.

Second, Fraser notes that a major consequence of the exclusion of women was that a particular style of public speech and behaviour was promoted: one deemed "'rational', 'virtuous', and 'manly'". In this way, "masculinist gender constructs were built into the very conception of the republican public sphere" (Fraser 1990: 59). Finally, she claims that the numerous competing publics existed in a relation of conflict between the bourgeois and other counter-publics, which contested their exclusion from the bourgeois public sphere, developing their own "styles of behavior and alternative norms of public speech" (Fraser 1990: 61). Habermas's public sphere was not "simply an unrealized utopian ideal; it was also a masculinist ideological notion that functioned to legitimate an emergent form of class rule" (Fraser 1990: 62). This view of the public sphere therefore calls into question four assumptions that are fundamental to the specifically bourgeois, masculinist version. First, that members of society can 'bracket off' their social location (class, race, gender) and act within the public sphere as if they are all social equals (Fraser 1990: 62). Second, that "competing public spheres...is a step away from greater democracy, and that a single, comprehensive public sphere is always preferable to a nexus of multiple publics" (Fraser 1990: 62). Third, that discourse in the public sphere should always be about the 'common good'—determined by what are 'public', rather

than 'private' issues (1990: 62). And fourth, "that a functioning democratic public sphere requires a sharp separation between civil society and the state" (Fraser 1990: 63).

Each of these has implications for the media's role in the constitution of 'a public sphere'. I will examine assumptions 1, 2 and 4, as they are particularly pertinent to understanding the difficulties the *Mail & Guardian* faced in defining its role in the post-apartheid state.

First, Fraser challenges the assumption that once formal equality is attained, it is possible to 'bracket off' other aspects of social identity. Standpoint theorists, like Critical Race Theorists, and feminist theorists, argue that colour or gender neutrality does not promote substantive equality in societies that are structurally unequal. Instead,

In stratified societies, unequally empowered social groups tend to develop unequally valued cultural styles. The result is the development of powerful informal pressures that marginalize the contributions of members of subordinated groups both in everyday life contexts and in official public spheres. (Fraser 1990: 64).

Notwithstanding the gender and economic inequalities created by patriarchy and capitalism, liberal theorists argue that it is possible to create a democratic polity by 'separating' or insulating political institutions from social and economic ones that are premised on structural relations of inequality. Fraser challenges this, arguing that the bourgeois conception of the public sphere is inadequate as it implies that "social equality is not a necessary condition for participatory parity in the public sphere" (1990: 63). The implications of this for media practice are that liberal media will promote the view that they can enable public participation by giving voice to an array of perspectives that challenge forms of liberal governance, despite the economic system that creates social inequalities. Ideologically, they promote the notion of 'bracketing' standpoints, presenting the hegemonic view 'as if' subaltern groups are able to challenge the dominant consensus in a social system that is structurally inegalitarian. In contrast, more radical media would need to challenge this premise, showing how structural inequalities compromise formally inclusive public spheres, shaping the kinds of discursive interactions that take place within and between them. This might mean highlighting the

standpoints that challenge the hegemonic view that formal equality produces substantive equality and justice.

Critical to an understanding of the *Mail & Guardian*, is Fraser's discussion about the value to democratic practice of the normative ideal of a single (bourgeois) public sphere, as against the promotion of several, conflicting public spheres. Fraser re-evaluates Habermas's single public sphere looking at both stratified (structurally inegalitarian) and egalitarian multi-cultural societies. She claims that stratified societies inhibit the parity of participation in public debate. She considers whether several counter-public spheres—rather than a single one—would better serve subordinate groups as they would offer them a means of developing their own perspectives and identities, and the language and confidence to develop them—whereas these benefits are compromised in a single public sphere in which the views, values and language of the dominant groups will prevail as the consensual position (1990: 66-67). She recognises that such subaltern counter-publics are not always “virtuous”—that they can be anti-democratic and anti-egalitarian, practising their own forms of exclusion, but that insofar as they are themselves a response to exclusions, they nevertheless “expand the discursive space” (1990: 67). She also stresses the “contestatory function” of these counter-publics, and “in order to complicate the issue of separatism” (one of the problems of a standpoint perspective), she argues that in the long-term these counter-publics militate against separatism as their *publicness* forces their engagement with others—thus contributing to the pool of views of ‘the public at large’ (1990: 67). Subaltern counter-publics thus have a dual function in stratified societies: “On the one hand, they function as spaces of withdrawal and regroupment; on the other hand, they also function as bases and training grounds for agitational activities directed toward wider publics” (1990: 68). She continues:

It is precisely in the dialectic between these two functions that their emancipatory potential resides. This dialectic enables subaltern counter-publics partially to offset, although not wholly to eradicate, the unjust participatory privileges enjoyed by members of dominant social groups in stratified societies. (1990: 68)

She validates Eley's view that we should rather think of ‘the public sphere’ as “the structured setting where cultural and ideological contest or negotiation among a variety of publics takes place” (qtd. Fraser 1990: 68).

She also considers egalitarian, multi-cultural societies, asking whether they are better served by a single public sphere or by multiple publics (1990: 68-69). As a single sphere implies a culturally neutral space—which is not possible—it inevitably ends up privileging the expressive norms of the culturally dominant group, leading to “the demise of multi-culturalism (and the likely demise of social equality)” (1990: 69). Even in such cases, multiple publics are beneficial for developing participation in a democratic polity, even though it is also useful to have a common space in which both differences and areas of common interest can be spoken about (1990: 70).

This view has several implications for the media. One is that we could conceive of different media constituting different publics—strengthening their viewpoints, and offering a place in which particularist cultural and political views and identities can be articulated<sup>5</sup>. Second, in inegalitarian societies, the challenge to media addressing themselves to a single public sphere is to highlight areas of common interest (despite other differences), as well as noting their own and other positions. The *Mail & Guardian* presents itself as this kind of newspaper: independent of particular party-political affiliations, but a space for articulating what is of common interest, although it is culturally directed towards ‘the intelligentsia’. But this identity historically has class, racial, and gender implications, that the *Mail & Guardian* does not explore, assuming the position that these can be ‘bracketed’, creating this ‘universalist’ class. So, although it might deal with common issues (crime, the environment, social transformation, affirmative action) it does not offer multiple perspectives on them—which would be an acknowledgement of the contestatory relationship between different publics in an inegalitarian society. As Haas and Steiner note:

journalists should help citizens consider how social inequalities may harm some participants’ ability to participate on an equal footing. Moreover, journalists themselves must be mindful of how some people are silenced, and actively seek out those people in terms, at times, in places, and on issues that will permit their participation. (2001: 128)<sup>6</sup>.

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<sup>5</sup> James Curran (2000) supports this view, describing a comprehensive media system consisting of different kinds of media which constitute different kinds of publics.

<sup>6</sup> Haas & Steiner qualify this point by noting that, “This does not imply that journalists should essentialize, promote divisiveness or exaggerate the impact of minor differences...journalists can help citizens distinguish between significant and trivial differences. Moreover journalists should not mechanistically or reductively assume that single identifiers determine social perspective” (2001: 128).

So, for example, when covering government policy, it would be important to point out the implications of policies for differently located social groups. Haas and Steiner suggest that “Highlighting the historical differences in power and status that give rise to conflicts and rank-ordering the salience of different interests between the already-powerful and the relatively powerless could therefore be more useful” than framing the story as “sensationalized controversy for its own sake” (2001: 129). They also argue that emphasising the different standpoints that people take gives readers “the opportunities to reflect on how racial self-understandings affect” people’s reading of issues (Haas & Steiner 2001: 130). Furthermore, showing a range of opinions challenges essentialist notions of identity—which is critical in a society in which identity is still popularly conceived of in essentialist terms. Although the *Mail & Guardian* does offer different ‘opinions’ in specially designated opinion spaces, it assumes an ‘objective’ stance in news reporting, thereby sustaining the myth that the media facilitate the working of ‘the public sphere’, when, as Fraser argues, they are promoting a masculinist bourgeois public sphere.

This might be the approach to reporting that journalists like Haffajee were hankering after, and Forrest believed was the new role the paper could play. According to this approach, the paper’s news policy would take into account different publics, thereby helping to advance a participatory democratic culture—rather than focussing solely on the state, and emphasising the paper’s ‘watchdog’ role. Furthermore, even though the paper is aimed at ‘the intelligentsia’, the suggested approach is equally useful for ordinary people.

During the apartheid era the *Mail & Guardian* addressed a ‘counter-public’—the mass democratic movement—articulating a variety of counter-discourses: hence its status as a member of the alternative press. In the post-apartheid era, it has been unable to translate this earlier stance into a progressive approach—arguing instead that the liberal ‘watchdog role’ was still valid. As some of its readers and its own journalists have argued, this approach was not sufficient for those who needed a more acute understanding of the dilemmas faced by the new government, and the different ways in which issues could be approached. As Howard Barrell noted, this continuing ‘watchdog’ approach provided

racists with a 'gratifying experience'. Haffajee complained that this was the paper's only approach, assuming a singular understanding of the public sphere and journalism's relation to it. The paper failed to consider the existence of multiple public spheres, and to explore the different positions that constitute them. The paper expressed surprise that 'ethnicity was back in vogue'. But the issue was not whether ethnicity was in vogue or not, but how ethnicity was understood, and how it was being articulated in different political circumstances, doing different kinds of political work. Failing to realise this, the paper adopted a 'colour blind' position as if it were the only valid one—rather than articulating different possible positions and their strengths and weaknesses.

Haas and Steiner suggest that Fraser's injunction that standpoint positioning should be acknowledged, could also be applied to journalists themselves, who often pretend "to occupy a privileged and uniquely neutral position above or detached from" particular concerns (2001: 130). The judges story, for example, highlighted the differences within the newsroom, but the newsroom discussions about them, (and the subsequent discussions about the SAHRC enquiry) appeared to be dealt with in relation to that particular issue, rather than being seen as having broader implications for 'journalism'. For some journalists, the issue raised fundamental questions about the practice and *identity* of 'journalism'—which necessarily raised questions about their own identities as 'journalists'. What does it mean to be 'a journalist' in post-Apartheid South Africa? This is what the newsroom contestations were in effect about: the construction of journalistic identity—and the conflicts revealed that journalists were interpolated by different discourses which they took up in different ways. Some struggled with 'the paper's' only articulated identity as being "oppositional" and "independent" of party politics—as for them, it was not sufficient to guide the paper's news policy in the post-apartheid era, when the 'anti-apartheid' public that had constituted its earlier readership had dissolved into differently constituted publics.

Finally, Fraser challenges Habermas's distinction between the public sphere as a place of deliberation, and the state as the site decision-making. She describes the former as 'weak publics' and the latter as 'strong' ones, and argues that in a democracy there should be a relationship between the two, which cannot be determined independently. Challenging

the view that the public sphere need not only be a place of deliberation, raises questions about the media's role. Do they only promote a space of deliberation, remaining themselves independent or 'neutral' with regard to the outcomes, or do they adopt an advocacy position encouraging their readers not only to deliberate, but also to take action of one kind or another? Theorists like Charity (1995: 144-146), Merritt (1998: 97) and Rosen (1996: 13-15) argue that journalism's contribution to building a democratic culture should be to encourage deliberation and debate, rather than prescribing particular forms of action. In other words, they support a 'procedural' role for the media in a democracy. The *Mail & Guardian* adopted this position during the apartheid era, stridently claiming its independence—which insulated it from state attack. In contrast Glasser (1999) and Schudson (1999) take a different view, arguing that journalists should not only be concerned with democratic procedures, but also their outcomes. But Haas and Steiner argue that this "processes/outcomes distinction...defines the problem of journalistic involvement too narrowly" (2001: 137). They argue instead that "Journalists need to offer citizens opportunities to debate measures advocated by various institutions (including journalists themselves), to pose alternatives, and to reflect on whether solutions at the national or even international level may not be more appropriate than community-based interventions" (2001: 138). Although still declaring its independence in the post-apartheid era, the *Mail & Guardian* nevertheless played an advocacy role on occasion—such as calling for the electorate to vote for the ANC, or even suggesting that action of one kind or another be taken against officials it deemed 'corrupt'—even before their legal trials. But interestingly, it was precisely this kind of action that many readers objected to. Considering the "proper reach of journalistic involvement", Haas and Steiner argue that the "if journalism is indeed an important social institution, it retains the responsibility to advocate measures appropriate to particular problems under investigation" (2001: 137). They conclude that Fraser's (1990) critique of Habermas's (1989) theory of the public sphere "offers a democratically viable public philosophy for journalists working in communities marked by widespread social inequality" (2001: 140).

Fraser's critique of Habermas's notion of the public sphere, and Haas & Steiner's elaboration of it for journalism, is a useful starting point for addressing the concerns of some *Mail & Guardian* journalists about the kind of role the paper could play in the post-

apartheid state. The complaint of racism challenged 'the paper's' identity as a public watchdog—which is the defining characteristic or 'essence' of normative journalism. The complaint touched a nerve for some journalists who were unhappy with some aspects of the *Mail and Guardian's* journalism: it raised questions about their own identities as journalists, and about the identity of 'journalism' itself. For some, the hegemonic conception of journalism was not adequate to the role they felt 'journalism' needed to play in helping to build an egalitarian, democratic South Africa.

### **Conclusion**

This chapter has attempted to draw together the many issues that the accusation of racism against the *Mail & Guardian* was symptomatic of. It has shown the significance of two inter-related factors: South Africa's history of racism which is not only sedimented in the (un)consciousness of individuals, but also manifested in what is described as institutional racism; and the social practice of journalism. The power and identity of the *Mail & Guardian's* editors shaped how the paper put into practice normative journalism's ideal of serving the public interest. Using Fraser's (1990) critique of Habermas's (1989) notion of the public sphere, I offer an approach to journalism which need not only be critical of the state, but, by elucidating its own and other positions on important issues, can contribute to the development of multiple public spheres—thereby promoting an engaged citizenry who can better participate in developing a democratic culture.

## CHAPTER 14: Conclusion

I think it had the same culture of people, but leadership plays a big part in determining the news values of a publication. (Ferial Haffajee 2002: 11)

This thesis set out to probe why the *Mail & Guardian*, with its history of having given voice to the ANC in the dark apartheid years, was accused of racism five years into South Africa's new democracy. This issue speaks to the heart of South African politics: the history of how race has been constructed and taken up by different constituencies at different times, and its place in the political struggle. Race and class are subject positions over which there has been much conflict, and they resonate deeply with people, giving meaning to their identities. The *Mail & Guardian* played its part in this battle—defined by its own origins and identity, which I argue was shaped by the identities of its editors.

The complaint of racism against the *Mail & Guardian* thus challenged its own self-identity as an independent, feisty, non-racial, street-fighter doing battle on behalf of the people. In essence, the complainants, the BLA and ABASA, accused it of harming the people with its representations of potential black icons as villains of one kind or another. Its non-racial politics was challenged.

I approached this contest with ambivalence: on the one hand, sceptical of much mainstream media practice, and yet believing in the ideal of their critical role in a democracy; on the other hand, sceptical of the claim to power of the black bourgeoisie, and yet mindful of the extra-ordinary violence done to black people by apartheid—and the lack of acknowledgement of this profound travesty by many, resulting in a lingering malaise of anger and distrust. As this position is best expressed by Critical Race Theorists, I used their arguments as a framework for discussing the *Mail & Guardian's* representation of issues relating to affirmative action—which provoked the accusation of racism—and the contending rights to freedom of expression, and dignity and equality. From this perspective, race matters: colour-blindness in a racialised/racist world does not produce substantive equality and justice. This I can accept. But I also see their implicit

reification and essentialising of race as deeply problematic. Although their standpoint challenges the failure of the Enlightenment promise of freedom and equality for all, it also perpetuates a divisive, chauvinistic race essentialism that cannot produce an egalitarian social order, as it does not challenge the economic foundations of that order. Instead, it offers the legitimising ideology of the ‘patriotic bourgeoisie’<sup>1</sup>, one of the protagonists in an unfolding scenario that Marais predicted would be characterised by “the deployment of increasingly ambiguous variants of African nationalism as stabilising and disciplining devices to draw the boundaries of permissible dissent—by distinguishing ‘legitimate’ interests, activities and criticism from ‘deviant’ or ‘destabilising’ ones” (1998: 265-6). This is the effect of the discourses invoked by the accusation of racism against the *Mail & Guardian*. What was at stake was critique: who has the legitimacy to make what kinds of critique—begging questions about the role and accountability of the media in a democracy.

My thesis is an attempt to probe these questions. As there are occasions when the complaint could be valid, and as the media are critical constructors and mediators of social values and attitudes, it is important to understand how such constructions are effected by them, despite their own belief in their non-racialism. I approached my study cognisant of the broader political context in which this dispute erupted: namely, the history of various understandings of race in South Africa, the contemporary social changes wrought by the Mbeki deputy/presidency, and the identity of the *Mail & Guardian* as a member of the alternative press of the 1980s. Mindful of this context, I focused on the *Mail & Guardian*’s newsroom, probing its production relations and practices, and the changes and impact of its editors, at the time just prior to the accusation of racism, and during the period of the SAHRC hearings and its aftermath. Constructing a time frame for the study was not easy as the accusation itself was a marker of a situation that had been developing, and that was ‘in process’, without a neat ‘ending’. Similarly, Mbeki’s influence was strongly exerted while he was deputy president and continued into his presidency. At the *Mail & Guardian*, Phillip van Niekerk inherited a situation from Anton Harber, appointed Howard Barrell as his political editor, who then

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<sup>1</sup> For an example of Mbeki’s views on this theme, see Mbeki 2000.

became the next editor. As these are all fluid and overlapping historical processes, the time frame is imposed as a means of highlighting aspects of these processes that could enable me to understand the complaint of racism against the *Mail & Guardian* as a confluence of a number of contingent factors.

Along with other theorists I argue that media texts are the outcome of a matrix of forces: economic, political, and ideological at a macro level, and organisational and routine at a micro level. But I also argue that in the case of a small and relatively young organisation, such as the *Mail & Guardian*, the subjectivity and power of the editor fundamentally shapes the organisation and its practices, and hence its textual outcomes. The editor's post is more than a 'role' in a newsroom: it is also a subject position constituted by a range of professional and other ideological discourses which inform the performance of editorship. The newsroom is a complex organisational space peopled by journalists with complex histories and political and social affiliations that shape their ideas about race, class, and gender—and therefore too, their understanding of what is newsworthy. The newsroom is a site of both shared understandings on some issues, and contestation over others. Newsroom relationships and the identity of 'journalism' constituted by the paper are critically mediated by the editor's power and subjectivity—which includes his understanding of 'journalism' and its social role. This was played out in different ways under Phillip van Niekerk and Howard Barrell, impacting on the texts that were produced, and the paper's relationship with its readers.

The *Mail & Guardian* did produce some texts which could be read as supporting an ideology of white privilege. But they also produced others that challenged the disciplinary import of the ideology of African Nationalism—crucial in the building of an anti-racist democracy, in a situation over-determined by racial and ethnic conflict. But despite this, some journalists were troubled by aspects of the paper's practice, challenging them to consider what 'journalism' could be, and in particular, how it could best contribute to building the egalitarian society South Africa desperately needs.

Despite the critiques levelled at the SAHRC and its enquiry into racism in the media, I maintain that it was an important process for confirming the principle that the media are socially accountable: they are not a law unto themselves. But unless they are well-informed, self-critical, and represent diverse constituencies, they will not perform their own ideal of helping to build a culture of democratic practice. Some *Mail & Guardian* journalists were aware of this, but struggled to find a way of articulating an approach that was both critical and constructive: the liberal 'watchdog' role did not suffice. Ironically, the public enquiry potentially strengthened the hand of these journalists, but given the structure of commercial newsrooms in which the editor has final decision-making power, shaping the processes and discourses that constitute what becomes news, they were stymied. For radical change, newsroom power relations need to be acknowledged and addressed. In contemporary circumstances, this would be a long-term process. In the short-term, abandoning the fourth estate notion as the defining conception of journalism, and articulating multiple standpoints could be a starting point for these journalists in their search for a progressive role for the *Mail & Guardian*. This approach necessitates being explicit about the significance of particular positions, and for whom they matter. It also enables a complementary relation between the 'information role' of journalism and its identity-building, socio-cultural role—thereby offering a different understanding of politics. The ideology of liberal journalism privileges the 'strategic ritual' of objectivity and independence, and yet most *Mail & Guardian* journalists joined the paper precisely because they had particular political standpoints that they felt could be expressed at the paper. In articulating these varied positions, the paper would function less as 'reporter', 'watchdog' or 'judge'—all of which are at a remove from the public it 'serves'—and instead take up a position of accountability in the fray of public life.

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## Appendix 1: Interview schedule for *Mail & Guardian* journalists

### *Personal questions*

1. Background—how did you get into journalism? Why?
2. When were you at the *M&G*?
3. Why did you leave the *M&G*?
4. How would you describe your politics?
5. Do you think one's political position matters as a journalist?
6. Was there ever a tension between your politics and that of the paper? How was it dealt with?
7. What is the importance of journalism in society (in general), in South Africa (in transition--any difference?)

### *Newsroom dynamics and organisation and their impacts on *M&G* journalism*

1. What do you think were the newsroom dynamics that impacted on what was produced by the *M&G*?
  - Identity of the paper?
  - News values: what were they?
  - News conferences: how were news decisions made—re selection of news; re questions of angle/spin/ethics/discussion of published stories and responses to them
  - Participation of staff in news conferences: did you feel your voice was heard? If not, how did you respond to this situation? (kinds of stories/sources etc—socialisation of journalists)
  - Tone of stories... what do you understand by this? Were there conflicts around this? On what basis? (ethics)
  - Did you feel you 'fitted into' the *M&G*?
  - One ex-journalist has described the *M&G* as a 'dysfunctional family'. How do you respond to this description?

### *M&G and its local socio-political context*

1. How did you understand the role of the *M&G* in SA during this critical period of 'transition' (from the Mandela to the Mbeki presidencies)
2. Do you think the *M&G* had a particular voice/role to play vis-à-vis other papers in the print landscape? What was this? (this part 'marketing'...)?
3. How did you understand the criticisms that were leveled at the *M&G* during this period (racism... the HRC's hearings –complaint that black corruption looked at, but not white; 'government' corruption but not business/private sector corruption)? Source of criticisms? Were they fair/justifiable?
4. In context of the criticisms of the paper, what kind of discussions/disagreements took place within the paper (between staff)—how did this impact on staff?

*'Government' - M&G relations*

1. Do you think the *M&G's* relationship with the political powers-that-be changed during this time? How did this impact on your ability to operate as a journalist?
2. How do you view the *M&G's* reliance on 'un-named sources'—why? Does this tell us something about the broader political landscape?
3. Were there pressures on you to back-off from stories? Were there pressures on you to cover some stories and not others?

*Political impacts on journalism*

1. How were issues of race and power dealt with at the *M&G*?
2. How would you characterise the editorships of the *M&G*? Did the politics of the paper change under the different editorial regimes? How did you experience this?
3. Consensual politics on the *M&G*? If not, what were the divisions/cleavages? How did this impact on story selection/story assignment/story angle etc?
4. Reporting corruption: questions of truth; when to break a story (allegations versus 'legal findings'... were there guidelines? Were they contested/contestable?

*Economic impacts on journalism*

1. Were you aware of particular economic constraints at the *M&G* which impacted on your ability to operate as a journalist?
2. Did you feel comfortable with your own practice as a journalist working for the *M&G*, or did you sometimes feel that you had to make compromises? What kind? Around what kind of issues?

## Appendix 2: Interview schedule for *Mail & Guardian* editors

<i>Anton Harber</i>	<i>Phillip van Niekerk</i>	<i>Howard Barrell</i>
1985-1997	1997- Dec. 2000	2001-Sept.2002
<i>oppositional</i>	<i>accountability</i>	<i>critique</i>

### *The politics of the paper (1985-1997)*

1. How would you characterise the politics of the paper?
2. What was driving it? (How would you describe your editorial regime?)
3. What was your intentional role for the paper
  - (a) as an 'anti-apartheid' paper, part of the alternative press?
  - (b) post-apartheid Mandela era (1994- 1997... why did you leave at this point?)
4. How would you describe the identity of the paper... did it change?
5. Do you think the *M&Gs* relationship with the powers that be changed during the Mandela and Mbeki periods? Why?
6. Do you think the *M&G* had a particular voice/role to play vis-à-vis other papers in the print landscape? What was this? (marketing? I.e. getting particular types of stories because they 'fitted' your sense of the paper's identity, politics, role etc.) Sourcing stories—in relation to these issues?
7. Do you think the *M&G* attracted journalists with a particular political orientation? How would you describe this? Was there diversity of perspective? How was this 'managed'? Where/how did race 'fit in' to the politics of the paper?
8. How would you describe the changing editorial 'regimes' (see above)?
9. How do you understand the criticisms leveled at the *M&G* during the 1999-2000 HRC hearings? Were they fair/justified?

### *Ownership/management*

10. Can you plot the significant ownership changes
11. How did this relate to the structures of power in the paper ie. (selection of Board members etc.)... change from a 'struggle paper' to a 'mainstream' one—impact of the need to become 'independently financially viable' (i.e. shift from foreign donorship to foreign ownership?)
12. What kind of 'management' and editorial impacts did this have? E.g. how did this impact on the selection of editors?
13. Financial management structures? Practices? Editorial-advertising ratio? How did budgeting relate to your perceived role of the paper (re interns [educating new generation of black journalists]; investigative journalism [finding stories etc.] + sources
14. Audiences? Changing profile? Changing expectations of the paper in changing political circumstances?

### *Internal newsroom dynamics*

15. Editor as policing the 'wall' with management?
16. What were the newsroom dynamics that impacted on what was produced by the *M&G*?
17. News conferences: how were news decisions made—re selection of news; story assignment; questions of angle/spin/ethics etc

### **Appendix 3: Interviewees**

#### **Editors**

Anton Harber, 11 December 2002

Phillip van Niekerk, 7 November 2000

Howard Barrell, 3 October 2001; 12 October 2002.

#### ***Mail & Guardian Journalists***

Stefaans Brummer, 13 December 2002. [investigative journalist]

Lesley Cowling, 29 March 2003 [science writer]

Ferial Haffajee, 12 December 2002 [senior reporter]

Barbara Ludman, 29 March 2003 [senior reporter]

Wally Mbele, 11 December 2002 [senior reporter]

Sechaba Nkosi, 2002 [senior reporter]

Rehana Rossouw, 29 March 2003 [Deputy Editor]

Mungo Soggot, December 2002 [investigative journalist]

Evidence wa ka Ngobeni, 2 March 2006 [reporter]

#### **Financial Staff**

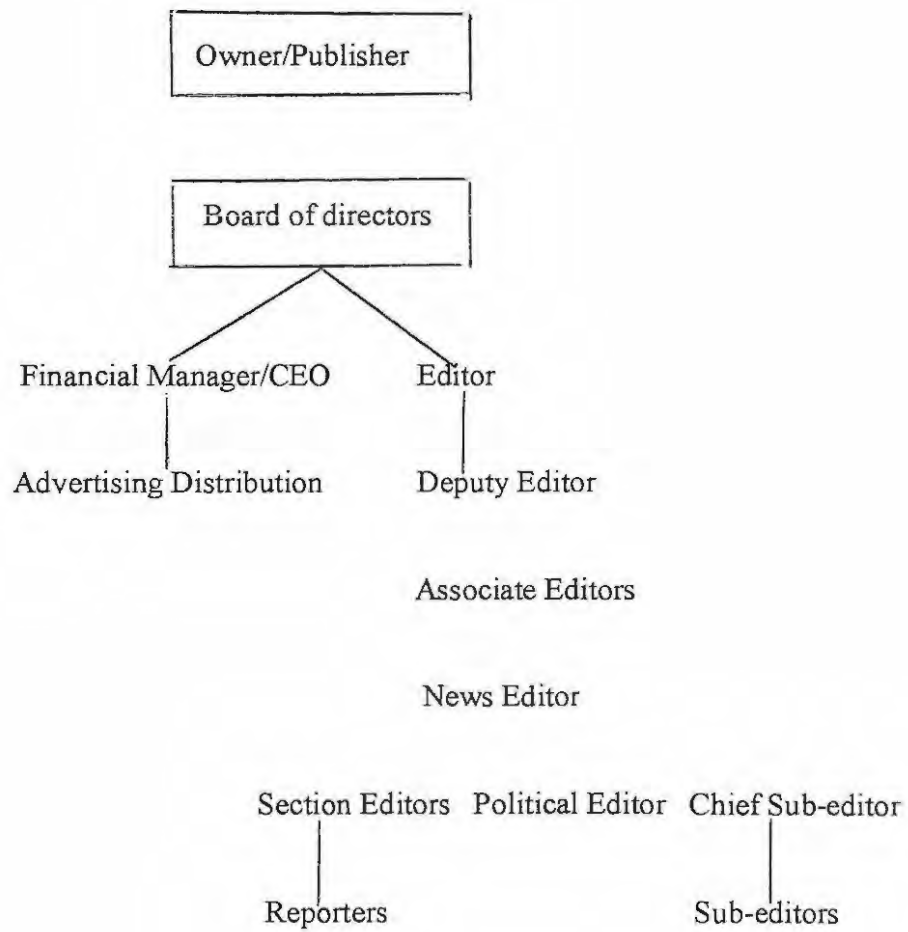
Mike Martin, 3 March 2006 [Financial Manager]

Hoosain Karjiekker, 11 September 2002 [Financial Director]

#### **Outside commentator**

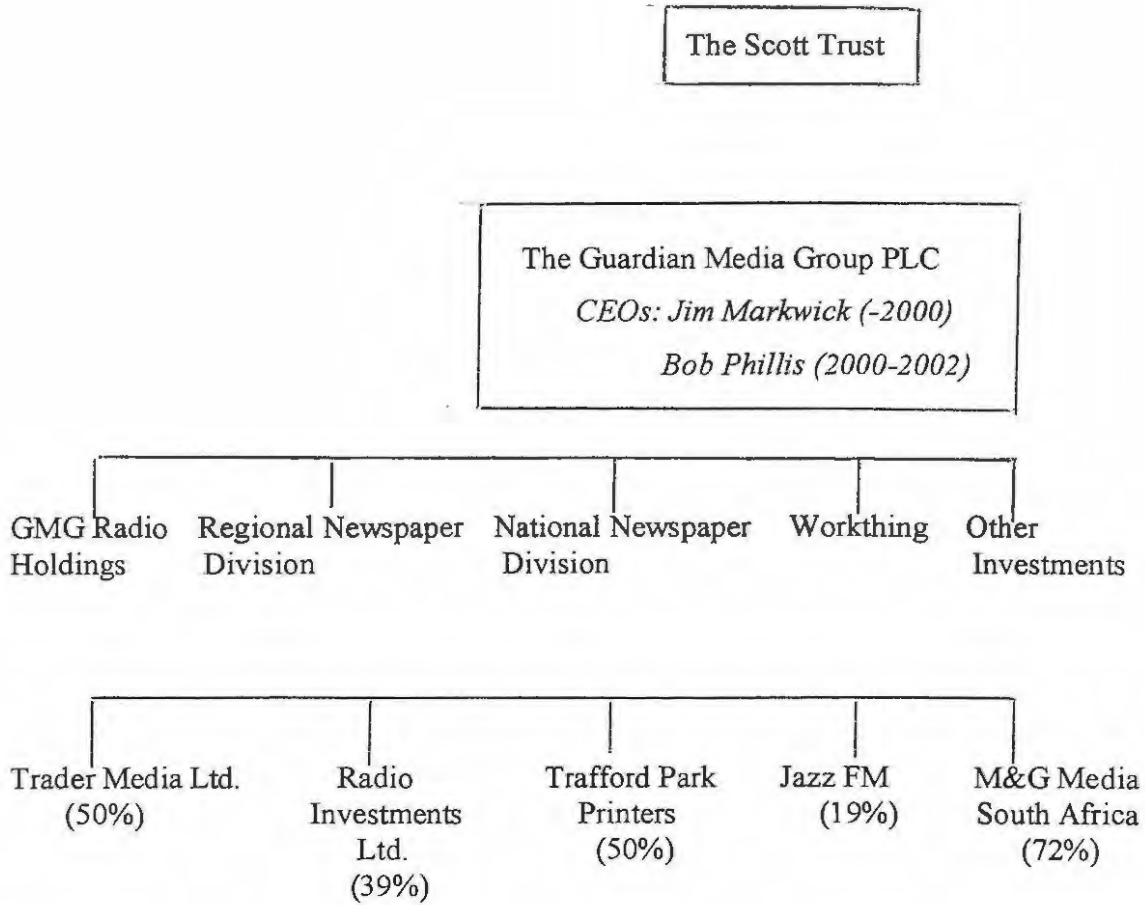
Joseph Hanlon, 12 October 2002 [Journalist, Mozambiquan specialist]

**Appendix 4: Structure of *Mail & Guardian*<sup>1</sup>**



<sup>1</sup> I discerned this structure from talking to journalists, and constructed it with the help of Lesley Cowling, one of the journalists.

**Appendix 5: Management structure of the Guardian Group**



Source: <http://www.gmgplc.co.uk/gmg/aboutthegroup/organisation/>  
September 2002.

**Appendix 6:** The Emanuel Shaw II saga consists of articles relating to the following headlines:

1. Shady Liberian gets R3m state salary.	7-13 November 1997:1
2. R3m for shady Liberian	7-13 November 1997: 2
3. State oil scandal: A dossier of sleaze	14-20 November 1997: 1
4. Oil man's CV of sleaze	14-20 November 1997: 2
5. 'M&G' will make Shaw rich	14-20 November 1997: 2
6. Minister orders probe into R3m contract	14-20 November 1997: 2
7. Who is... Don Mkhwanazi? South Africa's 'Mr malaysia'	14-20 November 1997: 30
8. How Mkhwanazi set up oil man	21-27 November 1997: 2
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## Appendix 7: Selected articles from the Emanuel II Shaw story

### Mungo Soggot investigates an extraordinary deal undertaken by the Central Energy Fund

**A** confidant of two of Africa's most notoriously corrupt leaders has landed an extraordinary R3-million a year contract as an adviser to South Africa's state-run oil company, the Central Energy Fund.

Former Liberian finance minister Emanuel Shaw II and his son, Emanuel Shaw III, pulled off the deal without going through tendering procedures and without the knowledge of the Minister of Minerals and Energy, Penuell Maduna.

Shaw got the highly influential job in July on the recommendation of the company's chair, Don Mkhwanazi, who also introduced him to senior ANC leaders, including Deputy President Thabo Mbeki in 1992.

Shaw II served as Liberia's finance minister under the comic-opera dictator Samuel Doe. In addition to the South African post, he was recently appointed ambassador extraordinaire by Liberia's current President, Charles Taylor. Shaw is also economic and financial adviser to Taylor, a former warlord and fugitive from justice in the United States, where he is wanted on fraud charges. The two men were believed to be together in Taipei this week after stopping over at the Ritz Hotel in Paris.

A successful court action was brought against Shaw in Johannesburg in 1995 for the recovery of an alleged debt of R55 000. At the time of the action Shaw was involved in negotiations to mint Liberian coins in Cape Town.

Shaw's contract gives him enormous power over the Central Energy Fund (CEF). His agreement with the company states he will steer its restructuring — and possible privatisation — and will also be advising Mkhwanazi on "all issues affecting the chair's position". The agreement also says Shaw's company should "expand its advisory role to encompass the execution and implementation of the corporate strategy".

Shaw is not new to the CEF. Two years ago he was involved in a management audit of the company's oil trading operations. Maduna's predecessor, Pik Botha, and the auditor general say the audit was instigated on the advice of Mbeki. During the final stages of the audit, the deputy president's office came to Shaw's rescue when he was expelled from the country because of visa problems.

Shaw will share his CEF package with his son, who has also been present at the CEF's Johannesburg office. The son declined to discuss their work with the *Mail & Guardian* this week. Shaw's contract with CEF, signed on July 14, stipulates they be paid quarterly in advance, and they have already received their first tranche.

The chair of the CEF, Mkhwanazi, omitted to inform the parliamentary portfolio committee on minerals and energy about Shaw's appointment this week when he briefed the committee on the state oil company's restructuring. He said restructuring plans were at an early stage. He told the *M&G* after the briefing that he had not yet appointed consultants.

Mkhwanazi — who was congratulated by members of the parliamentary committee for his straight talking — admitted later in the week that Shaw had got the contract. He said Shaw had worked with him on his National Empowerment Trust, and was particularly well



Penuell Maduna: Ignorant of the deal

qualified for the job because of his prior work with the CEF.

He said he had first met Shaw when he came to South Africa in 1992 and asked to be introduced to the ANC leadership. He introduced Shaw to Mbeki, who was then head of international affairs, after checking his background.

Asked whether Shaw's tenure under Doe was a problem, Mkhwanazi said Shaw told him he was imprisoned by Doe. The *M&G* could not confirm this and understands from numerous sources — who dismissed the possibility — that Shaw was a close confidant of Doe and fled the country when it became clear Doe's days were numbered.

Mkhwanazi said Shaw's credentials had also been confirmed when Taylor offered him Liberia's finance ministry this year. Mkhwanazi said Shaw had showed him Taylor's written invitation. "He is more than qualified to do what he has to do," Mkhwanazi said, adding that Shaw had also worked in Liberia's national petrol company. He was not aware of the details of Shaw's contract, but believed his remuneration was in line with normal consultants' fees.

Mkhwanazi confirmed the deputy director general of the Department of Minerals and Energy, Dr Gordon Sibiyi, had written to him to express his unhappiness at the appointment. He said he had not yet discussed the matter with Maduna.

Sibiyi said this week he was unhappy about the appointment as it had taken place without the approval of the board and without any open tender procedure. Sibiyi, who is also a member of the CEF board, said he was not aware of Shaw's expertise in the oil industry and did not know why he had been selected for the job.

Maduna said the CEF had not yet discussed with him the appointment of Shaw's company, International Advisory Services, and that he had not yet seen a copy of the firm's contract with the CEF. He said he had instructed the CEF to inform him of any appointments linked to the company's restructuring, which

is a politically sensitive matter.

The minister said he discussed some energy policy matters with Shaw shortly after he took over the portfolio last year. But he dismissed oil industry talk that Shaw recommended Mkhwanazi's appointment as the CEF chair.

Maduna recalled that he first became acquainted with Shaw when Shaw was carrying out the CEF audit two years ago. The minister said Shaw had been having problems with his visa — "he might even have been sent out [of the country]" — and the deputy president's office had asked Maduna, who was then deputy minister of home affairs, to investigate as Shaw had to complete the CEF investigation. "I was called by the deputy president's office to investigate. That is actually how I got to know him [Shaw]."

It is understood that other officials in Maduna's ministry and department are uncomfortable about Shaw's appointment.

The contract pays Shaw's company a monthly retainer of R125 000 and a monthly "secondment fee" of R75 000 — as well as a \$1 000 per diem fee for work done outside South Africa and R2 500 per diem for work done inside South Africa. The Shaws will also have access to an expense account which will be fed by a float of R50 000. The contract says that of the R75 000 monthly secondment fee, Shaw gets R55 000, his senior research assistant (his son) gets R15 000 and their secretary R5 000.

The contract was signed by the CEF's acting general manager, Howard Roberts, who this week said he believed the remuneration was in line with normal consultants' fees. He was unable to say how often Shaw and his son were at the CEF.

**S**haw's background in either the oil industry or privatisation is not clear — except for the fact that during his time in the Doe regime he presided over the neo-privatisation of the Liberian Petrol Refining Company. Local newspapers reported that the company's core activities were taken over by a new company which was widely believed to have senior government officials as shareholders.

One of Shaw's other notable achievements was to mastermind an arrangement between Liberia's main iron ore mine and a company called the African Ministry Corporation (AMCL), in terms of which AMCL took over management of the mine.

AMCL was set up expressly for the deal and is run by a man called Ethelberg Cooper, who is a partner in Shaw's International Advisory Services consultancy. AMCL took over the mine in 1989 and has yet to submit financial statements, despite receiving calls to do so by Liberia's mines minister.

In November 1988, USAid recalled a team of 17 officials who had been loaned to Doe's government to help counter financial impropriety by co-signing all financial transactions. Doe's government continually found ways of avoiding the US watchdogs, so USAid decided that to continue the project would be a waste of US taxpayers' money.

Shaw's appointment coincides with unprecedented turmoil at the CEF, which has been wracked by the controversial suspension of its top oil trader, Kobus van Zyl. It is understood that Shaw was extremely hostile to Van Zyl.

Mkhwanazi told the parliamentary committee this week that the company had paid accountants firm Nkonki Sizwe Ntsaluba R1.2-million for its probe into the company's accounts, which triggered a clash between Maduna and the auditor general. The board has set aside R2.5-million for the probe.

# R3m for shady Liberian

November 3-13 1992

# Minister orders probe into R3m contract

November 14-20, 1993

## Mungo Sogot

**T**he Minister of Minerals and Energy, Penuell Maduna, has ordered a full investigation into the award of a R3-million state oil job to Liberia's former finance minister, Emanuel Shaw II.

Maduna — who also sought advice from Shaw last year — is understood to have been startled when he learnt of the appointment in July. He immediately advised the Liberian to reject the job, but Shaw refused.

Maduna has now told his officials to probe Shaw's contract. The results of the probe will be made public.

The minister's department this week accused state oil company chair Don Mkhwanazi of riding roughshod over standard procedures to give the job to Shaw.

And the deputy director general of minerals and energy, Gordon Sibiya, is to quit as board member of the state oil company, the Central Energy Fund (CEF), after leading the attack against Shaw's appointment.

"I have a lot of important work I am doing for my minister in the department. For this reason and for the sake of peace between Mkhwanazi and myself, I have decided to approach the minister shortly, requesting him to relieve me of my duties as a member of the board of the CEF," Sibiya said.

The department was not informed that Shaw was also employed as a consultant by a listed oil company, Engen — which represented a clear conflict of interest. Shaw's brief at the CEF includes its possible privatisation. The state oil company also regulates the profits earned by petrol companies in South Africa. "Good grief," Sibiya said, when informed of Shaw's Engen work.

Sibiya also dismissed Mkhwanazi's main defence of Shaw's appointment — that it was an everyday management issue which did not need the approval of the fund's board.

Sibiya said Mkhwanazi had no authority to appoint Shaw's little-known company, International Advisory Services, without seeking the approval of the board of the fund or the department. Mkhwanazi should have also put the job out to tender.

"It [restructuring] is the one issue that involves the board and other government task teams which deal with restructuring. Mkhwanazi is obviously not aware of government guidelines on restructuring. I would like to know who has given him these sweeping powers."

Engen's human-resources department has confirmed Shaw started working there last year, helping them forge ties in Africa.

It is believed Maduna may have been tipped off about Shaw's background by the National Intelligence Agency.

# How Mkhwanazi set up oil man

Mungo Soggot and James Butty

**S**tate oil company chief Don Mkhwanazi laid the foundations for Emanuel Shaw II's South African business interests more than a year before handing his Liberian friend a R8-million government contract.

It emerged this week that Mkhwanazi's Durban lawyers — who have established several companies for the black empowerment guru — set up Shaw's company, International Advisory Services, in August 1996.

Barry Garland, a senior partner at the law firm, Mooney, Ford & Partners, confirmed this week that "an associate" of Mkhwanazi had asked his firm to set up the company. He declined to give further details.

These revelations illustrate how close Mkhwanazi is to his Liberian associates and throw yet more light on his extraordinary decision to give Shaw II and his son the contract to steer the state oil company's restructuring.

Mkhwanazi has hidden behind the claim that he gave the contract to International Advisory Services — "a preferred supplier" with "an impressive list of local and international clients" — and not the individual, Shaw.

Mkhwanazi said this week he had used many law firms. "I don't know anything about it. People are free to use any lawyers," he added.

After Shaw's appointment exploded into the public domain, the Minerals and Energy Minister, Penuell Maduna, ordered a full investigation and the deputy director general of his department, Gordon Sibiyi, announced his intention to step down from Mkhwanazi's board.

But Mkhwanazi this week hit back in a full-page advertisement in the *Mail & Guardian* — to which the *M&G* replies on page 24. Mkhwanazi also held a press conference an hour after the *M&G*'s Thursday deadline.

According to the companies' register at Company House in Pretoria, International Advisory Services was set up on August 7 1996 and

Garland is its only nominee director. Garland, whose firm no longer attends to the company, said that due to a nine-month delay at Company House, changes in directorship had not yet been recorded. Garland confirmed his firm had set up several companies for Mkhwanazi.

Meanwhile, in an interview with the *M&G*, Maduna, who has confirmed he also sought advice from Shaw last year, said Shaw had not been paid anything for his informal advice. Maduna refused to be drawn on whether he would consider firing Mkhwanazi, saying he did not want to pre-empt the findings of his investigation.

Maduna confirmed he had been to Shaw's Johannesburg residence and said Shaw had helped him with computer problems while he was finishing his doctoral thesis in June — a service which earned Shaw a mention in the minister's thesis.

Maduna refused to comment on Shaw's starling past, but confirmed he knew about Shaw's sanctions-busting activities, which Shaw carried out while serving in the government of former Liberian president Samuel Doe.

He said he had discussed the Shaw matter with President Nelson Mandela on their recent trip to Saudi Arabia and had told the president: "We have a lot of people with a really shady past in this country. I am entitled to pull out all the files on sanctions-busting."

Asked whether he knew Shaw had been involved in sanctions-busting, the minister said: "Yes, he was, but he never hid it. Look, I didn't say to him, who are you, what's your background, etc? I accepted him at face value."

Asked whether, with hindsight, it was unfortunate he had been involved with Shaw, Maduna said: "There are lots of businessmen in South Africa who were involved in sanctions-busting. Would it be fair for me to say to them, I am not going to deal with you, Mr South African businessman, precisely because in the past this is what you did? Then I would not be participating in the promotion of reconciliation."

He said his investigation would not probe



Don Mkhwanazi: Laid the foundations for Emanuel Shaw's South African business

Shaw's past. He refused to comment on whether he could envisage Shaw keeping the contract even if his investigation cleared Mkhwanazi.

The *M&G* reported last week on a sensational letter Shaw wrote to his Liberian partner-in-crime, Gus Kouwenhoven. The letter — which documents their scams — was part of the court record in a multimillion dollar case between the Liberian National Petroleum Company and the Liberian government which was fought in New York and London.

**A** senior Liberian government official in the interim government after Doe was toppled said this week Kouwenhoven admitted at the time that he received the letter. He also said that, in the court records, Shaw complained that the letter had been obtained illegally from him.

A delegation of Liberian Cabinet ministers visited South Africa this week. The country's Land and Mines Minister, Jenkins Dunbar, said they were not here to discuss diplomatic fall-out from the Shaw scandal. Shaw is also ambassador extraordinary and economic adviser to Liberia's current President, Charles Taylor.

Dunbar confirmed that the company set up by Shaw in 1989 to run Liberia's iron-ore operations, AMCL, had not submitted any financial statements to the government. AMCL is run by Ethelberg Cooper, who operates from International Advisory Services's Johannesburg headquarters.

21-27 NOVEMBER 1997:2

# What was in it for Don?

February 13, 1994, 14A8:2

*Don Mkhwanazi has been enjoying Emanuel Shaw II's largesse since the controversial contract was arranged, reports Mungo Soggot*

**E**manuel Shaw II, the Liberian politician handed a R3-million state oil job, has been bankrolling the man who gave him the contract, Central Energy Fund chair Don Mkhwanazi.

Bank records show that one of Shaw's South African companies has been channelling money into the account of a company owned by Mkhwanazi.

The account pays the R36 000 monthly instalment on a R2,4-million house Mkhwanazi bought last year in Linksfield Ridge, one of Johannesburg's most exclusive suburbs. He also owns two houses in KwaZulu-Natal. The account also pays monthly instalments on a car.

The records show that Shaw, a highly creative financier, has direct access to the account, which means he can deposit and withdraw cash whenever he wants.

A government commission of inquiry into Shaw's appointment has already recommended that his contract be shredded, and that Mkhwanazi be sacked as chair of the Central Energy Fund. Minister of Minerals and Energy Penuell Maduna has yet to act on the commission's findings.

The commission did not find any evidence of financial ties between Shaw and Mkhwanazi.

The bank documents provide that proof, and could expose Mkhwanazi, a public official, to a criminal charge of corruption. The chief of the Office for Serious Economic Offences, Jan Swanepoel, this week declared his willingness to investigate.

It is not clear how long the two have jointly run the bank account, though the account is in the name of Juno Investments, a company Mkhwanazi formed in Durban in 1991. He is Juno's sole director.

It is understood the tax authorities believe Juno is dormant. But the bank records show that large sums of money — up to R50 000 a shot — wash through the account each month.

The account from which Shaw is transferring money into Juno's account was opened last April — three months before Mkhwanazi quietly recruited Shaw and his son as the Central Energy Fund's key advisers.

Shaw is suing the *Mail & Guardian* for R7-million, following articles that prompted Maduna's commission of inquiry.

The commission found Mkhwanazi's relationship with Shaw was too close for the Durban entrepreneur to have recruited Shaw without putting the post out to tender.

The relationship between Mkhwanazi and Shaw runs deep. The two live less than 300m apart in Linksfield Ridge. Mkhwanazi introduced Shaw to senior African National Congress leaders in the early 1990s, and later hired Shaw as a consultant for his black empowerment initiative, the National Empowerment Trust, which includes on its board a string of prominent figures from the black business community.

The bank documents show that the National Empowerment Trust Investment Fund



**Grease my palms: The unctuous Don Mkhwanazi. PHOTOGRAPH: SIDDIQUE DAVIS**

also dumps money into Mkhwanazi's Juno account. One of the instalments was for R50 000.

Shaw invests in the Juno account through a little-known Johannesburg-based company, Finance Tech Consulting Corporation, of which Shaw is chair. Recent bank statements show Finance Tech paid more than R18 440 into the Juno account in one shot on January 2. Juno also transfers money into Finance Tech's account, paying R20 000 on January 7.

The deposits into Juno from the National Empowerment Trust raise further questions about the status of the black empowerment venture.

Mkhwanazi hired Shaw's Liberian colleague and long-time associate Ethelbert Cooper to help set up the trust in 1986.

But two of the trust's top executives — Durban businessman Oscar Dhlomo and Diamond Board chief Gibson Thula — quit soon after. They left after Mkhwanazi used a large chunk of the trust's R5-million start-up money to pay himself and Cooper.

Mkhwanazi has shrugged off Maduna's commission of inquiry's findings and has threatened to go to the high court to clear his name.

It is understood he and Shaw spent several hours last weekend at Maduna's Johannesburg home trying to persuade the minister to keep them on.

When Maduna appointed the commission, he said he would stand by its findings and release its report to the public. But when the commission finished, he passed its findings to the

deputy president and the president after releasing a statement that listed the commission report's salient points.

Maduna has also since expressed concern that he might not be able legally to rescind Shaw's contract. And the minister has been approached by at least one senior Central Energy Fund management official to retain some of the company's board members.

Despite Maduna's foot-dragging, his department advertised for new board members of the fund last weekend.

Mkhwanazi and his board held what should be their last board meeting at the fund's headquarters in Sandton this week. The written agenda for the meeting included a discussion of the role of the minerals and energy deputy director general, Gordon Sibiyi, in the commission of inquiry. Sibiyi gave the commission a devastating two-hour testimony in which he documented precisely how Mkhwanazi had ridden roughshod over basic rules.

Sibiyi, who was also on the fund's board, has led the charge against Mkhwanazi. It is understood he was barred from this week's board meeting until the rest of the board had caucused about trying to keep their jobs.

Mkhwanazi was faxed a list of questions on Wednesday. He was unavailable for comment up until the *M&G* went to press. Shaw switched off his cellphone when first contacted by the *M&G* on Thursday. Two messages were subsequently left on his voicemail service. Shaw flew to Liberia later in the day.

*Don Mkhwanazi is judged to have had a 'personal interest' in the appointment of Emanuel Shaw II as consultant to the Central Energy Fund, writes Mungo Soggot*

**M**inister of Minerals and Energy Penuell Maduna this week effectively backed Emanuel Shaw II and Don Mkhwanazi — two men implicated in corruption at the state oil company — when he rubbished his own commission of inquiry into Shaw's appointment.

Answering questions in Parliament, Maduna said the commission's report showed "basic flaws" and would not help resolve the crisis at the Central Energy Fund. Maduna said he had told this to President Nelson Mandela.

Maduna promised to release the report — which recommends he sack Shaw, Mkhwanazi and the rest of the fund's board — next week.

A leaked copy shows the probe found Mkhwanazi had cleared Shaw's appointment with the fund's board five months after his Liberian associate signed the contract, and one month after it was reported in the *Mall & Guardian*.

The probe, which also concluded Mkhwanazi had a "personal interest" in appointing Shaw, says the fund's board ratified Shaw's appointment only on December 4, "after the appointment became a matter of public knowledge".

Maduna appointed the probe into Shaw's appointment last November, a week after the *M&G* reported how Mkhwanazi gave the Liberian politician the R3-million a-year job in July. He has not commented on it since releasing a summary of its recommendations three weeks ago, but has held lengthy discussions with Mkhwanazi and Shaw.

The report documents a string of corporate governance breaches by Mkhwanazi and his board. It accuses Mkhwanazi of failing to disclose to the board his personal and business links with Shaw before making the appointment — a breach of the companies Act — and criticises the board for its general lack of concern over the recruitment of Shaw.

It says by the time the board cleared the appointment on December 4, it was aware of Shaw's relationship with Mkhwanazi. He informed the board of Shaw's appointment as a matter of record on September 29.

The report says Mkhwanazi indicated to the panel "that he has long-standing personal and business relationships with Mr Shaw which were developed outside the context of Central Energy Fund. The nature of the relationship, as explained by the chairman, is such that the panel could objectively presume that in the absence of evidence to the contrary, the chairman had a personal interest in the appointment of Mr Shaw."

The *M&G* reported last week how one of Shaw's companies channelled money into an account of Mkhwanazi's, which pays the bond on a R2,4-million house in Johannesburg. Maduna released a statement this week carrying Mkhwanazi's denial that he received money from Shaw.

Maduna said he will refer these kickback allegations to the public protector. The Office for Serious Economic Offences is already investigating the transfers which appear in recent bank statements from Shaw and

Mkhwanazi, both of whom bank at the same Johannesburg branch of a leading bank.

Mkhwanazi has frequently sought to saddle the Central Energy Fund's acting general manager, Howard Roberts, with the responsibility of Shaw's appointment. The report dismisses this attempt to pass the buck, saying Mkhwanazi "did approve the appointment of Mr Shaw and therefore had the obligation to disclose his interest to the remaining board members".

The report also found the board irresponsibly allocated R5-million of the fund's budget — which was supposed to be spent on advisers for restructuring Mossagas, the fuel-from-gas operation in the Cape — to pay Shaw.

With this budget allocation, Mkhwanazi was technically entitled to appoint Shaw as what the fund's internal rules term a "preferred supplier" — a route which excused him from putting the post out to tender.

The report says the board's minutes did not show any discussion on switching the Mossagas money to Shaw. Although the board cleared this expenditure for a restructuring consultant — not specifically Shaw's International Advisory Services — it should have only done so in consultation with Maduna, who was only alerted to the appointment when his special adviser had to sign for Shaw's paycheque in October.

The report notes "with dismay" that Shaw's contract was not cleared with anyone with a legal background, adding that the contract lacked several basic clauses which "would ordinarily be insisted upon by a party in the Central Energy Fund's position and which would be expected in an agreement of its kind for the protection of [the fund's] interests."

"In general, the board's lack of interest in relation to the appointment of Shaw for such an important task shows the board's lack of appreciation for the process of restructuring," it reads.

It says board members did not exercise their fiduciary duties by using the money meant for Mossagas, not participating on the appointment of a consultant, and not challenging Mkhwanazi when they found out about his close links with Shaw.

Mkhwanazi's board includes attorney Keith Kunene, who is also on the board of Mkhwanazi's National Empowerment Trust Investment Fund. Kunene is also a director of Southern Bank, a joint-venture Malaysian bank of which Mkhwanazi is chair.

Other board members include Kaya Ngqula, who, like Mkhwanazi, sits on the board of Industrial Development Corporation, and Johan Basson from the Department of Minerals and Energy, who recently resigned.

The deputy director general of minerals and energy, Gordon Sibuya, was the only member of the board who stood up to Mkhwanazi and tendered his resignation from the board.

The panel recommends several changes to the Central Energy Fund Act to increase the company's accountability to the government. It also says the Chemical Workers' Union testified that the fund does not consult with labour on its restructuring and privatisation plans, and that it has no guidelines on empowering black South Africans when it procures services.

The report also says the commission failed to discover who leaked the contract to the *M&G*.

**Mkhwanazi was technically entitled to appoint Shaw as what the fund's internal rules term a 'preferred supplier'**

# State probe blasts Shaw appointment

Now the cover-up, PAGE 32

# Cabinet finally ends Mkhwanazi's reign

April 30, 1998

Mungo Soggot

**T**he downfall of state oil chief Don Mkhwanazi this week came after the Cabinet blocked an earlier attempt by the Minister of Minerals and Energy, Penuell Maduna, to keep him at the helm of the Central Energy Fund (CEF).

Maduna tried to persuade the Cabinet that Mkhwanazi, the fund's chair, and his board should be retained when their contracts expired this week, despite the scandal surrounding Mkhwanazi that has rocked the state oil industry. Mkhwanazi resigned only after a Cabinet committee ordered Maduna to compile a new list of nominees for the CEF board.

Mkhwanazi's appointment of his close friend, Liberian politician Emanuel Shaw II, as a highly paid CEF consultant, triggered a damning government commission of inquiry which recom-

mended the oil company's board be sacked. The public protector and the Office for Serious Economic Offences are also investigating.

Mkhwanazi threatened to sue the government if he was sacked. But he resigned just before Maduna asked the Cabinet to endorse him again. On Tuesday, the day before the Cabinet met and the day after his last CEF board meeting, he officially rejected his nomination. A Cabinet statement suggested Mkhwanazi had resigned, but his departure was not a prejudgment of the public protector's findings.

Maduna — who has consistently backed Mkhwanazi, despite the advice of his top officials — was unavailable for comment this week.

The minister did not interview any new applicants for the CEF board. Instead, he retained most of the former board members, and appointed his advocate as a new addition.

All but one of the old CEF board had stood by

Mkhwanazi throughout the turmoil, following the exposure of Shaw's unusual appointment.

Shaw's R3-million CEF contract remains in place until it expires in June, and is unlikely to be renewed.

The Director General of Minerals and Energy, Sandile Nogxina, confirmed that the Cabinet committee "referred back the first list because it did not include enough women". Nogxina said the department had not interviewed any of the 100 applicants who responded to an advertisement calling for nominations for a new CEF board. He said the CEF Act made it the prerogative of the minister to pick the board.

Those who have stayed on include Mkhwanazi's close associate and friend Keith Kunene, who will become acting CEF chair until a permanent replacement is found. Kunene has also been made chair of the state fuel-from-gas operation Mossagas which, like the other CEF

companies, will get its own board.

Mkhwanazi's departure closes the door on a disastrous 12 months for the CEF, which last year appointed its first board since 1994. The scandal over Shaw's appointment came months after a messy squabble over the suspension of the CEF's top oil trader, Kobus van Zyl.

Maduna has spent R2,5-million on a team of accountants, dispatched to find evidence to justify the suspension. Van Zyl, who has been suspended on full pay for the past year, has still to be formally disciplined.

The investigators have compiled several weighty tomes — including an affidavit from Van Zyl's secretary saying he asked her to remove documents from his safe — after their initial findings threw up insufficient evidence to hang him.

Time for a long holiday, PAGE 18

# Enrichment of Mkhwanazi is not black empowerment

There have been so many things said about Don Mkhwanazi and Emanuel Shaw II and International Advisory Services, and some of these things are not really clear to us on the street.

We respect Mkhwanazi for the job he has done, especially when coming to people who are really in need of assistance. Mkhwanazi has helped so many students in paying for their school fees. He is one of the people who wants to make South Africa a prosperous country, and he is one of the people who wants to see blacks holding higher positions in the economy. He cannot lead us into the darkness.

Mkhwanazi has been telling us that International Advisory Services is the best company with experience, especially regarding oil. But what is really puzzling is that the company was formed in Durban and Mkhwanazi's lawyers assisted in forming it. What experience does this company have, because it has been in existence for less than five years?

Mkhwanazi always says in his speeches that the Central Energy Fund (CEF) employed International Advisory Services, not Shaw. Can he tell taxpayers who the directors of this company are (as far as I know, Shaw himself, his student son, Emanuel Shaw III, and Ethalbert Cooper)? Can he tell us in which other countries this company has worked?

If the CEF did not employ Shaw II, who is it then, because Shaw III is, or was, a student

not more than two years ago?

Mkhwanazi told us that Shaw II worked with Pik Botha. If it is true, was he (Shaw II) employed as International Advisory Services?

Mkhwanazi once said over the radio that he came to know Shaw II as early as 1992 and he introduced him to the higher ranks of the African National Congress. He met Shaw II as what, and introduced him as what to the ANC?

Mkhwanazi must stop playing with our sentiments and talking about black empowerment because he is only empowering himself, maybe not even his employees. He is saying whites are against black companies. That is not true. Even we blacks are against people who are using us to be rich.

Mkhwanazi, we do not want such racist statements in South Africa. You should know that International Advisory Services is not a black South African company, but a Liberian family company that is here to milk our money and go. I am aware that Shaw II is a "South African". How can he be an ambassador of Liberia if he is a South African?

We should be happy to start at home first before going outside for expertise. I believe there are people who can do the job. If we do not have such people, it is high time that we groom them, because we cannot use foreigners to run our country.

In one of the speeches made by Mkhwanazi, he claims they followed the "right channels".

What are those "right channels"? To me he has a problem in telling his colleagues what to do. I really feel that is why he fails to work with people like Oscar Diamo, Gibson Thula and others. Gordon Sibilya has resigned. Why can't people work with him?

Mkhwanazi still owes us some sort of explanation about himself and his friend. — *Concerned citizen, Durban*

The unfolding Emanuel Shaw palaver appears to prove that this government and its key officers have learnt nothing from their frequent scandals. If anything, the fact that no action is ever taken at national level against tainted officials gives the impression that it's okay for every top government official to be so involved, knowing his job is not at risk.

This is responsible for the increasing devil-may-care attitude with which these officials conduct our national affairs. Otherwise, how does one explain the use of hard-earned taxpayers' money to pay for long and tedious full-page adverts (in small print) responding to legitimate questions raised by the media which, rather than address the issue, ramble on and on, only to end up screaming that old, tired, broken record: racism. How puerile!

It is an established fact (by any standards) that Shaw II is at least a dubious character. So when someone of this ilk, with this CV, a foreigner at that, is handed a very lucrative government contract, in a very strategic sector of our economy, under very questionable circumstances, surely this is cause for alarm. It begs for scrutiny.

This kind of conduct is unacceptable. The only way to discourage it is not to accept it. Unfortunately, I keep having this odd feeling that, once again, nothing substantial will come out of this scandal.

It is time for this government to begin to practice what it purports to preach, and there can be no better opportunity than this unfolding scandal. Nothing less than a full and transparent investigation is required here. Any findings of wrongdoing, abuse of office, even criminal offences must be appropriately dealt with.

Of particular import must be the circumstances leading to Shaw's alleged demand and acceptance of a bribe, his purported influence in the appointment of Don Mkhwanazi, as well as the contract award process.

Mkhwanazi, and even Penuell Maduna if necessary, must not wait to be told to do the honourable thing if they are found in any way to have abused their high offices in this instance. Then for once we will be setting the right standards in our society.

Anything short of these is just another daring leap on to a lower branch on our way down into the doldrums of corruption and maladministration.

Kudos to the *Mail & Guardian* for another job well done. — *George E Uries, Kempton Park*

## Leaders are too slapdash about the Shaw scandal

Concerning the scandal of (the Liberian) Emanuel Shaw II, (the Liberian) Emanuel Shaw III and Don Mkhwanazi (our fellow citizen): since the *Mail & Guardian* of November 7 to 13, of November 14 to 20, and of November 21 to 27, we, the readers, are being supplied with more and more welcome information about this very serious matter.

I am glad that in his reply (the full-page advertisement in the November 21 to 27 issue), Mkhwanazi has endeavoured to clear the name of the deputy president in this business. Soon it will be 1998, time for us to cast our secret ballots, and we want to be clear about the direction of our leadership.

When it comes to the desire by the M&G that Mkhwanazi should resign, perhaps you should hold your horses and be patient. We, the readers, are certainly entitled to our opportunity to decide for ourselves whether we desire that there should be a resignation. Furthermore, such a decision can't be made by a concerned party.

This quote from Mkhwanazi's advertisement is not appealing at all: "The process did not involve a tender because it was a negotiated appointment with a preferred supplier. This practice is not unusual. There are a number of white-owned consulting firms that were appointed in a similar fashion in 1994, 1995 and 1996 by CEF management."

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We expect our leadership to adhere to the accepted norms of business practice. Being citizens and taxpayers, we certainly cannot accept this type of slapdash, wishy-washy explanation referring to how white-owned firms were appointed previously and therefore black-owned firms should be appointed in a similar way.

What we taxpayers want from Mkhwanazi is new, creative economic advice (and advisers) that will do us proud, strengthen and grow the economy, reduce poverty and criminality, and assist the youth in appreciating that to get rich, theft (and the defence of theft) need not be a feature.

It would be nice and only fair to us, the tax-paying citizens, if people of the likes of the Shaws could tell us about what their work entails. What do they do to warrant such large sums of pay? Certainly, if we must develop, we must know that's democracy. — *Bhukula Bembhekile*

# SABC's new 'unknown' chief

Ferial Haffajee

**T**he SABC's new chief executive, the Reverend Hawu Mbatha, did not want his new job but was persuaded to apply for it by outgoing head Zwelakhe Sisulu and the chair of the board, Professor Paulus Zulu. [1]

His appointment this week has stunned many as he trounced favourites who had applied, like SABC programme director Mandla Langa, Sisulu's deputy Govin Reddy and well-known academic Professor Njabulo Ndebele. [2]

Little-known outside the SABC, Mbatha has been with the corporation for 15 years. He worked at the SABC through its darkest days, serving in Durban as the station manager of Radio Zulu. [3]

Though he worked there during Sisulu's long detention, Mbatha this week won great praise from the man whose boots he will now step into. Sisulu is said to have thrown his weight behind Mbatha against other candidates whom it was assumed he would support. [4]

SABC representative Enoch Sithole said Mbatha's appointment on Wednesday had unanimous board support, but sources suggest

Zulu would brook no opposition to his favourite. Both men hail from KwaZulu-Natal. [5]

The board was hard-pressed to find an internal candidate. Langa was not even interviewed because he is perceived as being too close to the African National Congress. Reddy appears to have been sacrificed because it was felt the SABC required black leadership. [6]

Ironically, Mbatha was plucked from relative obscurity in KwaZulu-Natal, where he served as regional manager, and was brought to Auckland Park by Reddy. He was groomed for leadership in Johannesburg, where he worked as the head of regional radio, the chief executive of operations and finally as the chief executive of radio, a post vacated last year by Reddy when he became Sisulu's deputy. [7]

"He comes from the studio," said Sithole, welcoming him as the SABC's first home-grown leader. But with the history of the SABC, that may not be a feather in his cap. "It shouldn't follow that anybody who worked here in the past was part of the system," Sithole said. With the corporation's history, it is better not to have a political animal leading it, he added. [8]

Mbatha is more of a technocrat. He is a measured man of the cloth who still preaches



Hawu Mbatha: 'A clean and decent man'

with the United Church of Southern Africa. It is believed he was chosen because he will ensure continuity and will not rock the boat at a very difficult time for the SABC. [9]

Great changes are in the offing. The White Paper on broadcasting released this week envisages that the SABC will be split into two distinct public broadcasting and commercial sections. [10]

It is also likely that Mbatha will have to manage the corporatisation of the SABC and the eventual privatisation of some parts. [11]

In the past three years, the SABC has already been restructured and some fine managers have been put in place to look after finances, marketing and programming. Mbatha will play a largely ceremonial role and he seems well-qualified for that part of his job at least. [12]

"He's so... nice. He's a clean and decent man," said a surprised staffer. [13]

# Nice guy, but can he do the job?



Powerful prosecutor: Bulelani Ngcuka is the new super attorney general

Howard Barrell and Mungo Soggot

[1] **T**he relatively unknown African National Congress politician appointed as South Africa's top prosecutor has shrugged off fears that he will follow the dictates of his political masters when he takes up his new job in two weeks' time.

[2] Cape Town lawyer Bulelani Ngcuka, deputy chair of the National Council of Provinces (NCOOP), says he will "demonstrate impartiality and independence" when he becomes the country's first national director of prosecutions on August 1.

[3] Senior members of the legal profession have criticised the appointment, raising fears that Ngcuka is insufficiently experienced and could be vulnerable to political influence.

[4] Opposition parties are dismayed at what they see as another political appointment to what should be a non-political post — following hot on the heels of the row over the appointment of former labour minister Tito Mboweni as Reserve Bank governor-designate. But a number of opposition representatives paid warm tributes to Ngcuka as an individual.

[5] The post of national director of prosecutions was established by Parliament to try to restore health to the country's ailing criminal justice system and to co-ordinate the nine provincial prosecuting authorities.

[6] Douglas Gibson, Democratic Party justice representative, condemned the government's choice of "someone knee-deep in politics to a post which should be non-political". But he said Ngcuka had shown himself to be "a very able man" in Parliament.

[7] For the Inkatha Freedom Party, MP Koos van der Merwe said if the only issue was Ngcuka's merits as an individual, he could "hardly think of a better person for the job". But it was "wrong to appoint a politician to the post — just as it was in the case of Mboweni to the Reserve Bank".

[8] The Freedom Front's chief whip in the NCOOP, Rosier de Ville, also distinguished between Ngcuka's personal qualities and what he said was an ill-advised political appointment. National Party representative Roelie Groenewald said: "I have the greatest respect for him, but I fear he will have a political agenda."

[9] Ngcuka told the *Mail & Guardian*: "I recognise these fears [of political partiality]. It is going to be incumbent on me when I assume this post

to demonstrate my impartiality and independence. It would be foolish of me to advance the ANC and to prejudice other parties. Certainly I have no intention of doing that."

[10] He added that South Africans should not be alarmed that a politician has been chosen to be national director of prosecutions. In the United States, Britain and many other countries, attorneys general are also political appointments.

[11] Ngcuka developed sound "struggle" credentials as a lawyer-activist in the 1980s. He finished his articles at the Durban law firm of Griffiths Mxenge in 1981, the same year the attorney was assassinated by apartheid hit men.

[12] His political activities frequently disrupted his legal career: he spent eight months in solitary confinement in 1981 and was jailed for three years in 1982 for refusing to give evidence in a political trial. While in prison, he completed his LLB through Unisa. After a two-year stint in Switzerland, he returned to South Africa in 1987 and joined a firm called Yekiso & Associates.

[13] He set up his own firm in 1989, but became increasingly involved in politics after being appointed chair of the United Democratic Front in the Western Cape. He also helped set up the National Association of Democratic Lawyers, an alternative legal association to the established, white law societies.

[14] Ngcuka is relatively unknown in legal circles, having conducted a modest practice as an attorney who focused on criminal and human rights matters. Three senior lawyers contacted for comment on his appointment expressed their surprise at the choice, noting that

he has been out of practice for several years, is not steeped in the art of prosecution, and will have to prove his independence.

[15] The legislation which creates the post does not specify that the incumbent be independent, but says he should carry out his job without fear, favour or prejudice. The main prerequisites for the job are that the occupant must be a South African and have 10 years' practice experience.

[16] The General Council of the Bar (GCB) expressed strong reservations about the appointment. Its chair, Peter Hodes, SC, said the GCB had always opposed the legislation which created the post because of fears about the incumbent's political independence and possible lack of experience.

[17] "The appointment of Ngcuka underscores our objections to the Bill. It is clear he is a

**I have the greatest respect for him, but I fear he will have a political agenda'**

party-political man who could be susceptible to political influence. There is also nothing to indicate that from his limited years as an attorney, he has the necessary experience for this very important position."

[18] The director of the Centre for Applied Legal Studies, David Unterhaher, said: "The nature of the position requires proven experience and a commitment to independence."

[19] Ngcuka's appointment is unlikely to go down well with the attorneys general he will be controlling, who were briefed on the appointment on Thursday before a press conference. State prosecutors have privately expressed their reservations about the post, which gives the incumbent the power to intervene in individual prosecutions.

[20] The post is supposed to help the government impose its stamp on a prosecution service staffed mainly with NP appointees. The lack of prosecutions in KwaZulu-Natal in cases involving political violence, and the apparent apathy of some attorneys general in prosecuting old-order policemen and generals, are obvious examples of the state's failure to adapt to the new regime.

[21] Prosecutors say they fear the national director of prosecutions could quash cases against members of the ruling party.

[22] However, one advocate noted Ngcuka is unlikely to be involved directly in cases, and will probably devote most of his time to the administration of the prosecution service, which has suffered an exodus of experienced practitioners lured by lucrative private practice.

[23] Ngcuka's rapid promotion has been welcomed within the ANC. An ANC official who is often a critical voice in party affairs said Ngcuka has a reputation for independence of thought and integrity. "He has always been very much his own man, willing to take positions which are not popular, sometimes at a risk to himself."

[24] Ngcuka's wife, Phumile Mlambo-Ngcuka, is the deputy minister of trade and industry, and his brother, Vuyani, is mayor of Khayelitsha.

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**Appendix 9: Structure of news report headlined “Nice guy, but can he do the job?” *Mail & Guardian*, 17-23 July 1998: 2**

Theme 1: The appointment.

- Summary (headline and lead: theme/ framing propositions).
  - Verbal reaction (paragraph 2: Ngcuka).
  - Verbal reaction (paragraphs 3-4: legal profession and opposition parties—indirect speech).
  
- Background information (paragraph 5: rationale for the new post).

The following verbal reactions are to the framing propositions and are linked to paragraphs 2-4:

- Verbal reaction (paragraphs 6-8: opposition parties—direct quotation).
- Verbal reaction (paragraph 9-10: Ngcuka).

Theme 2: The Man.

- Background information (paragraphs 11-13: Ngcuka’s CV i.e. details re the thematic propositions).
  - Comment (paragraph 14: an assessment of the CV in relation to the job).

Theme 3: The job description.

- Background information (paragraph 15: the job specifications i.e. details re thematic propositions).
  - Verbal reaction (paragraph 16-17: General Council of the Bar—concern re candidate’s legal experience and political independence).
  - Verbal reaction (paragraph 18: director of Centre for Applied Legal Studies—on job specifications).
  - Comment and verbal reaction (paragraph 19: speculation on response of attorneys general and their indirect response).

Theme 4: The social purpose of the job.

- Background comment (paragraph 20: rationale for the new post i.e. detail re necessity for state intervention).
  - Verbal reaction (paragraph 21: indirect negative response of prosecutors).
  - Verbal reaction (paragraph 22: indirect speculation by advocate on nature of job and rationale for new post: another reason for the ‘ill-health’ (“ailing”) of the criminal justice system vague referred to in paragraphs 5, 20).

The following verbal reaction relates to the thematic propositions, and is linked to the verbal reactions noted in paragraphs 3,4, 6,7 and 8:

- Verbal reaction (paragraph 23: positive response “critical” member of ANC).

Concluding statement:

- Background personal history (paragraph 24: Ngcuka’s family connections to the ruling party... can be read ironically—re his ‘independence’).

# The case for the new super AG

[1] **O**ne of the government's more obvious setbacks the past four years has been its failure to prevent the collapse of South Africa's criminal justice system.

[2] The police are widely regarded as corrupt and inept, as well as largely defenceless against an increasingly sophisticated criminal profession.

[3] Many of our magistrates and judges are held in equally low esteem by the legal profession. And the country's jails are overflowing with prisoners awaiting trial in appalling conditions.

[4] Most of the blame for this can legitimately be laid at the door of the previous government, which bequeathed a criminal justice system designed mainly to uphold apartheid. It was a system in which the police neglected the development of forensic procedures in other civilised parts of the world in favour of crude methods — such as torture — which belong to the Middle Ages.

[5] It is difficult to avoid the suspicion that many old-order justice appointments have deliberately bucked the realities of the new South Africa. The reluctance to prosecute perpetrators of political violence in Kwa-Zulu-Natal is one of the obvious examples, as is the authorities' failure to successfully prosecute apartheid generals and police who have not been dealt with by the Truth and Reconciliation Commission.

[6] The Cabinet's decision to appoint a "super attorney general" is therefore a commendable step towards transforming this crucial arm of government. Unsurprisingly, prosecutors and attorney generals — many of them with striking hypocrisy — have bemoaned the new post, claiming it will undermine their independence.

[7] These fears will have no doubt been exacerbated by the announcement this week that the incumbent is to be an unquestionably political appointment, the relatively unknown African National Congress politician, Bulelani Ngcuka.

[8] Ngcuka has limited practical experience — he was an attorney in the Cape during the 1980s, when he was also heavily involved in politics, a pursuit which led to his incarceration for three years. He is a party stalwart, married to Deputy Minister of Trade and Industry Phumzile Mlambo-Ngcuka, and very close to the ANC hierarchy.

[9] Coming so soon after the appointment of former minister of labour Tito Mboweni as the new head of the central bank, the choice of Ngcuka as super attorney general raises legitimate concerns about the politicisation of supposedly independent posts. It must also be said that both men have a lack of qualification in terms of experience.

[10] All that said, it is argued with justification that these institutions can only gain the respect of the majority of South Africans if

they are staffed by people in tune with the priorities of the new government. Ngcuka is self-evidently one of those people.

[11] It is also true to say that, during the apartheid era, membership of the ANC was a matter of conscience. To exclude members of that party would be to exclude the overwhelming majority of black people in this country. It would have been nice if there had been a clear-cut distinction between the ANC as a liberation movement and as a political party, but reality dictates otherwise.

[12] As in the case of Mboweni, we accept the choice of Ngcuka, and wish him the very best with his new post. Both of them will be aware that they will be setting standards for a new South Africa and with that historic role in mind, we have no doubt that they will prove their independence in time.

**Appendix 10:** Structure of editorial headlined “The case for the super AG”, *Mail and Guardian* 17-23 July 1998: 24

Theme 1: The failure of the criminal justice system.

- Proposition 1: government failure to prevent collapse of criminal justice system—background to current situation [lead].
- Elaboration (reason to support proposition 1): corrupt police and increasingly sophisticated criminals [2].
- Elaboration (reason to support proposition 1): magistrates and judges held in low esteem; jails overflowing [3].

Theme 2: Cause: apartheid imperatives.

- Proposition 2: cause for proposition 1: apartheid state [4]
- Elaboration (reason to support proposition 2): old order intransigence to new political reality [5].

Theme 3: the post and the appointment [segue: concludes propositions 1 and 2, and initiates an embedded argument].

- Proposition 3: the paper’s conclusion based on propositions 1 and 2: support for decision to appoint national director of prosecutions [6].
- Proposition 4: legal system’s response [6].
- Elaboration (speculation concerning proposition 4): the choice of appointee [7].
- Elaboration (explanation for previous elaboration): Ngcuka’s limited experience; party stalwart [8].
- Elaboration: justification for proposition 4 (context—previous event: appointment of Tito Mbweni, an ANC stalwart, to head of reserve bank) [9].
- Proposition 5: “both men have a lack of qualification in terms of experience” [9].

Theme 4: Justification for the politics of the post and the appointment.

- Proposition 6: political necessity for choices [10].

- Elaboration (rationale for proposition 6): during apartheid ANC support a moral position [11].

Conclusion: acceptance of and support for choice [12].

This structure reveals the logical flow of the argument beginning with the paper's position—contained in the headline—and ending with support for the new post and choice of candidate.

# 'I smelled Mugabe in the

Respected journalist **Max du Preez** was axed this week by the SABC. This is his version of the events of the past 10 days

"He who is scared of a hyena's howling, is he who has smeared himself with fat" — old Shona proverb

[1] Forgive me, I have just discovered a book on Shona proverbial lore and wisdom. Like a melody that sometimes gets stuck in your head, these ancient African wisdoms keep coming up in my mind when I contemplate the madness that has engulfed me this past week.

[2] Like "The cheetah enjoys pulling others around, but when it is being pulled around, it complains that its spots get soiled."

[3] And "If a blind man walks without a walking stick, he is inviting people to question him". Or "If you make a deal over a dog in secret, tomorrow you will fight over the leash."

[4] "I would like to tell you what really happened at your public broadcaster over the past 10 days. (Don't read on if you haven't paid your TV licence.)"

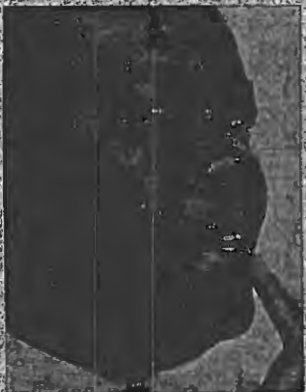
[5] But for those of you who are bored by the SABC/Max du Preez soap opera, here's the truth in a nutshell. I was unceremoniously axed from the SABC by the new management of tele-

vision. That's exactly why you should be interested in the saga of the sacking of one hapless journalist. Because it is a simple case study of a culture that is slowly taking hold in our country. Perhaps I should say "taking hold again", because this comes straight from the owner's manual of the Afrikaner Broederbond in its heyday.

[6] But there's fun in the detail. Allow me to tell you the story.

[7] Perhaps the story starts when one of the most honourable of all South African journalists, Joe Philoé, was unceremoniously kicked out as head of television news (TVN). Or perhaps it should start when his replacement, veteran newsman Allister Sparks, suddenly got the big kick and was replaced by the much less experienced Phillip "Chuppa" Molefe.

[8] But where the story really gets momentum is when the power structure of SABC news was broadened with more men with titles. The energetic and once much-admired Bulgarian graduate and Umkhonto warrior, commissar, Snuki Zikalala, became head of the project to co-ordinating radio and television news, and a stalwart from the days when F.W. Botha ruled



Power struggle: Phillip Molefe (top left) and Snuki Zikalala (top right) were heard at a braai discussing how they were going to crush Du Preez. Reverend Hawu Mbatia (left), the SABC group chief executive, clearly had no idea what was going on.

and the crown prince who will become the new head of all the SABC's news services, Enoch Sithole.

[9] The three men took complete surprise at our concerns, but when I volunteered the news of the conversation at the braai, Sithole stated that Molefe had briefed him that the only concern was that our contracts should be renegotiated to re-establish editorial control. Mbatia, who constantly wore a smile and clearly had no idea what was going on, said "The SABC is a decent and disciplined organisation. Nobody gets to the end of his contract to find he has no job."

[10] "So we are just being paranoid, Reverend?" I asked.

The three men smiled and nodded their heads.

[11] Relieved, we made our way back to our offices. Five minutes later I was summoned to Molefe's office. When I walked in, he thrust a piece of paper in my hands. It stated simply "This letter serves to notify that the SABC has decided not to renew the existing contract or to conclude a new one."

[12] I was stunned. I asked him, "Why do you do this?"

Molefe, pacing his office in a highly agitated state, constantly sipping water from a glass and not once looking me in the eye, said I did not respect TVN management, I had become arrogant and impossible to work with.

[13] "How would you know, Phil. I had back the

(6) No great conspiracy. No evil politician giving the orders. And the fact that my skin is pale and my mother tongue is Afrikaans, was largely irrelevant. There was no master plan and no Machiavellian strategy.

(7) It was simply the easiest option, because it has worked so easily so many times in the recent past -- inside and outside the SABC. I did not fit into the new bosses' neat little picture of a uniform, disciplined corps of soldiers who would blindly and unquestioningly execute the orders of the hierarchy. It's almost become a knee-jerk reaction: if someone irritates you, remove him, re-deploy him, destroy him. A campaign to discredit the victim will quickly confuse the critics and, anyway, the bad publicity will blow over in a few days. We're untouchable and those who are not with us are against us.

Mthembu, became Molefe's deputy. Molefe is editor in chief of TVN. Mthembu became head of news and current affairs. Instant fat cars, privileged parking spaces, fancy offices.

(12) Mthembu clearly thought his time had come. No more Christo Krizingers treating him like a dog -- the whee he had turned. Within days of his appointment Mthembu -- probably with some help from his friends higher up -- sidelined TVN general manager Yasu Moodley.

(13) And then the Mthembu decrees came, he would now sign off on all ideas for programmes or documentaries, editorially as well as budgets. The traditional national system of executive producers' programmes had now totally become redundant. Mthembu had now become Christo Krizinger, with an

heart of the SABC, the journalists.

(14) On *Special Assignment* we reluctantly saw more and more editorial freedom and integrity slip away week after week. We resisted meekly but the new management was flexing its muscles more blatantly every week and the process seemed inevitable. We began to realise that resistance was not working, so we changed tactics to sweet compliments and bonding sessions. It backfired. Mthembu didn't look it for weakness and submission.

(15) Some thing had to give. So in the late afternoon of March 31, Mthembu marched into the offices of *Special Assignment* and declared that he would not allow the programme to continue. The two black female producers had used "offensive" language, the slaughtering of a goat during a ritual -- and

next morning and wrote a memo to the head of television, Molefe Mokgalle, as well as Molefe and Mthembu. I said I regarded Mthembu's decision as "a grave error of judgement" and an embarrassment to us and the SABC and asked Mokgalle to work out a procedure to be followed before a programme could be ripped off the air at the last minute.

(16) The two producers, Bibi Lethola and Muzi, didn't take their grapes to the news desk. *Sunday World* Molefe told the newspaper the documentary was "factually inaccurate". Editor Fred Khumalo watched the documentary and said "gripping television" did not get confused between theomas and witchie, and stated "The banning of the programme is an autocratic abuse of power. A number of gains were made with regard to extending freedom of the press and freedom of information."

(17) Khumalo's words meant the end of my career at the SABC. That Sunday afternoon at a dinner a friend reported to me the next day Zikalala and Molefe hoisted beer in hand, how they were going to "flush me and my programme. Somebody had to pay for the embarrassment and they couldn't make Khumalo pay."

(18) Ironically, that same weekend, *Special Assignment* is the only current affairs programme -- there are seven on five different TV channels -- to get any mention at the annual Avanti Awards. We won six awards and a special mention for consistent high quality journalism.

(19) Alarmed by the news and growing rumours, my colleagues and I tried to see Molefe or anybody else in power but we were clearly avoided. On April 15, I sent an urgent fax to the group chief executive of the SABC, Reverend Hawn Mbatha, pleading for an audience. A few hours later my colleagues Jacques Pauw, Shenid Bhayoo and I met with Mbatha, Zikalala

haven't seen you or talked to you in more than six weeks?" I asked.

Then it came out "use the press" against him, and I wrote my memo of complaint about the witchcraft programme to his superior and not to him. "If you want to work for Molefe Mokgalle or the board, then go work for them. You will never work for Philip Molefe again," he roared. He also said that when I arrived for an appointment with him the previous day and he wasn't there -- he again simply didn't pitch -- I had "threatened" his secretary that I would go to the press if he didn't meet with me.

(20) It got more bizarre. I refused to hand over to news editor Chris Bishop visuals shot of a kangaroo court in Cape Town by one of the *Special Assignment* team members, shouted Molefe. I remember Bishop asking me I told him it was the heart of a documentary to be broadcast next week and that we would produce an item for the ... bulletin on the day I thought Bishop had accepted my explanation.

"You defied me!" declared an emotional Molefe.

(21) By the time I got to my office, the news was all over the SABC. An hour later a *Beeld* correspondent phoned me at Pauw's house, where my shocked team was gathered.

"I believe you were fired?"

"Yes."

"Why?"

Now here's a problem. Officially no reason was given. But if I didn't tell what I was told, people would wonder if perhaps I stole money or something. So I told him, and soon afterwards the other newspapers called.

(22) This Wednesday, Molefe told me he would possibly have reinstated me if I hadn't "run to the newspapers." (Last Sunday Molefe told *City Press* my contract "was not renewed because it had expired.")

(23) I sent Mbatha a fax reminding him of his reassurance that nobody

# SABC's corridors'

would lose his job like this, and asked why he had lied to me. He convened a meeting with me, with specific instructions that I come alone. I walked in to find him flanked by the SABC lawyer and a human resources manager plus Sithole and Zikalala.

[30] When I reminded him of his statement, the still smiling reverend said: "But you did not get to the end of your contract to find you did not have a job. You still have two weeks to go." He even suggested I had myself broken my contract by speaking to the press after I was fired.

[31] The biggest surprise was that Zikalala then told us Molefe had not decided to get rid of me, but that the decision was made by "TVN management" who then told Molefe to execute it. Who is "TVN management", and when was the decision taken, I asked, but lawyer Ronnie Bracks ordered Zikalala not to answer the question.

[32] I told Mbatia there and then it was now clear that Zikalala and Sithole knew that the decision to fire me had already been taken when they met me the first time and that they clearly had so little respect for him and his position that they allowed him to tell my colleagues and me that everything was just fine. When they nodded that we were "just paranoid", they — or at least Zikalala — had already been part of a decision that I be fired.

[33] I proceeded to tell Mbatia the full story of all the events, even dispelling the malicious rumours that "TVN management" had started

script of the evening's news bulletin, edited by Thembu Mthembu. It was a four-minute piece and I read Molefe's statement, refused to discuss the matter with the media, but however, I felt that Du Preez's contract was not renewed because of several incidents of gross insubordination towards management.

"This included the incident in which he swore at the head of news and current affairs, Thembu Mthembu, in the news room."

It was shocking. I told the reporter to tell Mthembu that the story was completely nonsense and that I was still in my office one floor down from him so I was available to be pored over.

[34] Mthembu's response was to then add to the story: "Shocked members of staff saw an irate Du Preez in the middle of the news room pointing a middle finger at Mthembu and using an F word. Du Preez later apologised and said he did not mean to insult Mthembu and said 'SABC'." The bulletin went out on all channels.

[35] The incident he referred to happened in February. He was sitting at a table in the news room surrounded

by journalists when he called me over. He demanded an explanation for a change in our schedule, which I gave him. He replied that I wasn't speaking to truth. I said it wasn't a matter of opinion, the whole thing had already been broadcast, so he could simply draw the tape from the library and check it himself.

[36] SABC's staff had told him a different version, he replied. I was deeply annoyed by his tone and accusations, and said: "Well, fuck SABC if they don't even watch their own programmes."

[40]

"I take umbrage at your language," he said.

"I don't give a fuck what you think of my language," I said and walked off.

That was it, the kind of robust interaction that happens every week in every newsroom in the world around the pressures of deadline time.

[41] Later the same evening someone told me Mthembu was upset, so I wrote a proper apology to him and explained why I said what I said. In the days afterwards, my team and I had extremely cordial meetings with Mthembu and Molefe. The incident never came up again until the news bulletin two months later.

[42] I think using the public broadcaster's news channels to defame one of its own staff with whom it was in a labour dispute, without giving that person a chance to respond, is the most blatant abuse I have ever experienced in 26 years of journalism.

[43] This whole drama was unpleasant in the extreme, but there is one big plus: the overwhelming support I am receiving from a large number of black and many white journalists at the SABC and at newspapers, as well as a groundswell from members

of the public in calls to radio talk shows and messages to my office. There was even a special meeting in Newtown on Wednesday attended by about 70 journalists, activists and ordinary members of

Wherever I walk in the streets of Johannesburg, people of all colours and classes and ages stop me, all with the same message: what was done was outrageous. Don't take it lying down. Someone should fight this kind of abuse. I agree with them but I wish it could have been someone else this time.

What is to be done now? [46]

There can be no doubt whatsoever that this was a classic case of grossly unfair labour practice. But that is more of a private matter, and eventually the SABC will pay me out. They don't mind — it's taxpayers' money after all. All they want to do is stall for as long as they can.

But I think it is crucial for the SABC board to intervene as soon as possible and launch proper investigations into the whole series of abuses committed by TVN management. How could they axe one of their most senior journalists heading one of their most successful and prestigious programmes with no notice, warning or hearing? How could they allow one or two senior managers to take such radical steps purely according to their own likes and dislikes? How could they show such contempt to their own chief executive by lying to him repeatedly? How could they abuse the public broadcaster's own news bulletins for their own private vendettas? [47]

I think this is bigger than just a matter for the SABC board. I cannot see how the Independent Broadcasting Authority can escape getting involved in this scandal.

This stopped being a case of the unfair dismissal of a journalist. This goes to the heart of the spirit of being a public broadcaster. It has severe implications affecting free and independent journalism.

The entire news and programming staff of the SABC is in shock because of this. There is a general



Max du Preez: I cannot see how the Independent Broadcasting Authority can escape getting involved in this scandal.

press after I was fired.

The biggest surprise was that Zikalala then told us Molefe had not decided to get rid of me, but that the decision was made by "TVN management" who then told Molefe to execute it. Who is "TVN management", and when was the decision taken, I asked, but lawyer Ronnie Bracks ordered Zikalala not to answer the question.

I told Mbatha there and then it was now clear that Zikalala and Sithole knew that the decision to fire me had already been taken when they met me the first time and that they clearly had so little respect for him and his position that they allowed him to tell my colleagues and me that everything was just fine. When they nodded that we were "just paranoid", they — at least Zikalala — had already been part of a decision that I be fired.

I proceeded to tell Mbatha the full story of all the events, even dispelling the malicious rumours that "TVN management" had started spreading about me.

I think he believed me, because he said "If you tell Phil Molefe what you told me now, he would listen, and he's the only one who can reinstate you."

[34] He ordered another meeting between Molefe and myself, at which meeting Molefe tersely told me he wasn't going to reinstate me or discuss the reasons for my dismissal.

[35] I told Mbatha that this scandal was now a lot bigger than just the ending of my contract and asked him to involve the board of the SABC. He could not, he replied, "because the board did not have the line function to deal with your contract."

[36] But the real madness was still to follow. On Monday evening this week I was sitting in my SABC office when a TV news reporter brought me the

to tell Mbemba that the story was complete nonsense and that I was still in my office one floor down from him so I was available to respond.

Mbemba's response was to then add to the story. "Shocked members of staff saw an irate Du Preez in the middle of the newsroom pointing a middle finger at Mbemba and using an F-word. Du Preez later apologised and said he did not mean to insult Mbemba and said 'SABC'." The bulletin went out on all channels.

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**Max du Preez: I cannot see how the Independent Broadcasting Authority can escape getting involved in this scandal. PHOTO: SYDORQUE DAVIDS**



own programmes.

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This whole drama was unpleasant in the extreme, but there is one big plus: the overwhelming support I am receiving from a large number of black and many white journalists at the SABC and at newspapers, as well as a groundswell from members

of the public in calls to radio talk shows and messages to my office. There was even a special meeting in Newtown on Wednesday attended by about 70 journalists, activists and ordinary members of the public to protest at my dismissal, and the campaign of the Friends of the Public Broadcaster is being followed up.

nior journalists heading one of their most successful and prestigious programmes with no notice, warning or hearing? How could they allow one or two senior managers to take such radical steps purely according to their own likes and dislikes? How could they show such contempt to their own chief executive by lying to him repeatedly? How they could abuse the public broadcaster's own news bulletins for their own private vendettas?

I think this is bigger than just a matter for the SABC board. I cannot see how the Independent Broadcasting Authority can escape getting involved in this scandal.

This stopped being a case of the unfair dismissal of a journalist. This goes to the heart of the spirit of being a public broadcaster. It has severe implications affecting free and independent journalism.

The entire news and programming staff of the SABC is in shock because of this. There is a general acknowledgment that if my dismissal is simply going to blow over, every single journalist and producer would know I better behave. I could be next. Anticipate what management wants and do it like that, or face the axe. It is pure intimidation.

But it is also important for public life outside the SABC that this kind of abuse should not be tolerated.

As I said earlier, I was in Harare just before this drama began. I got a sense of what Mugabe and his cronies in the inner circle of Zanu-PF have done to Zimbabwean society.

I smelled Mugabe in the corridors of the SABC this past week. South Africa cannot afford it.

**Pissing on the public trust,**

# Revolution on the Bench

*The Judicial Services Commission this week signalled the end of the old boys' club on the Bench.*  
**writes Mungo Soggot**

- [1] **T**he judiciary was shaken to its roots this week when the commission which regulates appointments to the Bench selected junior black judges for key posts instead of senior white candidates.
- [2] The Judicial Services Commission sent out the strongest signal yet that judges will no longer be promoted on the basis of seniority or experience, and that race will be the most important factor shaping the judiciary.
- [3] The Bench is the only branch of government effectively unscathed by South Africa's negotiated revolution, remaining almost exclusively the preserve of white males.
- [4] The commission recommended that President Nelson Mandela appoint Judge Bernard Ngoepe judge president of the Transvaal and Judge Vuka Tshabalala deputy judge president of KwaZulu-Natal. Both men have little experience as judges.
- [5] During three days of public interviews in Pretoria this week, commission members questioned the judiciary's slavish adherence to a hierarchy based on seniority — a defining feature of both the Bar and the Bench.
- [6] Commissioners criticised members of the KwaZulu-Natal Bench for their apparent unwillingness to sacrifice promotion according to seniority for the appointment of less experienced black judges.
- [7] The commission, which is charged by the Constitution with fashioning a judiciary that reflects the racial make-up of South Africa, adopted a less controversial strategy where the appointment of the Cape's new judge president was concerned.
- [8] It selected Judge Edwin "Sharkie" King, who retires in 18 months, instead of Judge Humphrey Hlope, who has sat on the Cape bench for two years. One of Judge Hlope's most prominent rulings was to reverse the decision of the National Assembly to suspend Pan African Congress firebrand Patricia de Lille.
- [9] The latest round of judicial appointments coincides with a considerable degree of tension between the ANC and the judiciary following the recent watershed judgement by Judge William de Villiers attacking Mandela.
- [10] Chief Justice Ismail Mahomed heads the 23-person commission, about half of which is staffed by politicians. Judge Mahomed was flanked this week by Constitutional Court president Arthur Chaskalson and Minister of Justice Dullah Omar.

- [11] Judge Tshabalala's appointment in KwaZulu-Natal concludes one of the ugliest rows to have hit the judiciary since scores of judges effectively tried to block Judge Mahomed's appointment as chief justice last year.
- [12] Fourteen of KwaZulu-Natal's judges petitioned the commission in April to select Judge Willem Booysen, formerly a member of the Broederbond, as deputy judge president.
- [13] They wrote that Judge Tshabalala, appointed to the Ciskei Bench after 29 years at the Bar, would not be able to "command the respect" of the other judges because of his lack of experience. The commission subsequently failed to select either Judge Booysen or Judge Tshabalala after a deadlock over the vote.
- [14] Mandela's office said at the time the petition constituted an attempt "to preserve whatever remains of white domination" in the judiciary — a sentiment effectively echoed by members of the commission.
- [15] Two signatories of the petition were interviewed for the post this week — judges Brian Galgut and Jan Hugo. Both conceded the petition was a mistake.
- [16] Under cross-examination, both questioned

## **Judge Ngoepe said his vision for the division was to restore its credibility and take the court to the people**

- the decision of Judge Jan Combrink to say this week the commission could not claim to be politically independent. Judge Combrink also suggested members of the commission and the press had twisted the words of the petition.
- [17] "Speaking personally, I believe the reaction by, notably the political members of the JSC, reflects poorly on the objectivity ... with which the commission is supposed to select judges," Judge Combrink said in the KwaZulu-Natal media.
- [18] Judge Galgut gave an ambiguous explanation about the petition which incurred the wrath of the Democratic Party's Douglas Gibson.
- [19] "Would you agree courage and integrity are absolutely essential elements for appointment to high judicial office?" Gibson asked Judge Galgut. "Would you say that you have displayed those in your evidence this morning?" he continued.
- [20] "I want to put it to you that you haven't. At best you have been disingenuous and at worst you have been untruthful. You haven't had the courage to say that what you wrote in submission to [the commission] was what you believed... The impression is that you have neither the honesty nor the courage to say that is what you believed."
- [21] Judge Booysen was grilled for having been a member of the Broederbond — an institution, he insisted, which was not political.

- [22] Although the fight over KwaZulu-Natal has dominated debate on the judiciary for several months, the post of judge president of the Transvaal Provincial Division is regarded in legal circles as far more important.
- [23] Judge Ngoepe faces the challenging task of reversing the degeneration of the Johannesburg High Court, which, the commission heard this week, is dilapidated and badly managed.
- [24] Judge Ngoepe was appointed to the Pretoria Bench in 1995. Since then, he has also worked for the Truth and Reconciliation Commission and had temporary stints on the Constitutional Court and the Supreme Court of Appeal.
- [25] The nominees Judge Ngoepe trounced to secure the post included Labour Court head John Myburgh — a widely respected judge who received praise from several commission members for having built from scratch an efficient, representative court.
- [26] Even Judge Mahomed noted that Judge Myburgh had been "particularly successful in recruiting black judges to the Labour Court" and asked him to explain how he did it.
- [27] Judge Myburgh outlined how he personally sought out candidates — part of a supremely professional performance which seemingly impressed all the members of the commission.
- [28] He said he had met with several judges to discuss problems facing the Johannesburg High Court after making himself available for the post.
- [29] Judge Myburgh said the judges were demoralised and the court was badly equipped and badly managed. He said there were comparatively few problems at the Pretoria High Court.
- [30] Judge Ngoepe said he was not aware of any difference in morale between Johannesburg and Pretoria or of the widespread unhappiness at the Johannesburg court. He said his vision for the division was to "restore its credibility" and "take the court to the people".
- [31] The outgoing Judge President of the Transvaal, Judge Frikkie Eloff, said he was concerned Judge Ngoepe might not have sufficient experience. He said one of the duties of the judge president was to manage the court roster, which meant it was essential the incumbent was familiar with the various competencies of his judges. "All judges are competent. That is why they are there," replied Judge Ngoepe.
- [32] One commissioner, advocate George Bizos, SC, read from a letter drafted by the Pretoria Bar council backing the current Deputy Judge President of the Pretoria High Court, Piet van der Walt, for the position. The body suggested Judge Ngoepe be made deputy to Van der Walt, who was also interviewed this week, with a view to assuming the presidency at a later stage.
- [33] Judge Ngoepe said it was difficult to debate the matter because the Bar council had not given reasons. "If, in terms of that letter, to appoint me as judge president is a bold decision, then so be it."

**Appendix 12:** Textual Schema of “Revolution on the Bench”, *Mail & Guardian*, 16-22 Oct. 1998:8

Theme 1: The choice.

- Proposition [1].
- Elaboration: race the key selection criterion [2].
- Context: the judiciary as a branch of government not yet transformed [3].
- Conclusion: the selected candidates [4].

Theme 2: The process of selection (purpose of writer’s argument: the politicisation of the JSC—which ‘should be’ ‘independent’).

- Elaboration: the JSC’s focus on the structure of the judiciary [5].
- Elaboration: the JSC’s critique of the KZN bench (irony?) [6].
- Comment: the JSC’s role; contrasting its process in KZN with that in the Cape [7].
- Elaboration: Selection of ‘white’ judge over black one in Cape [8].
- Elaboration: detail re black judge: reversed decision of National Assembly. Inference: he took an ‘anti-ANC stand’ [8].
- Context: tension between judiciary and ANC re Mandela having been summoned to give evidence [9].
- Composition of JSC: half staffed with politicians [10].

Theme 3: The Natal choice (The journalist’s representation: DP member most vociferous and critical. One might have assumed that references to the politicisation of the JSC implies it is ANC biased. This section offers a different view: critique of *broederbond* associations imply need for change. Overall, it offers a positive view of the process i.e. critiques appear justified).

- Proposition: Tshabalala’s appointment concludes major row in judiciary since attempts to block Mohammed as Chief Justice. Links two events [11].
- Background: KZN judges petition in favour of former *broederbonder* as deputy judge president [12].

- Background elaboration: Tshabalala's inexperience, wouldn't command respect [13].
- Background verbal reaction from Mandela's office: judges blocking transformation [14].
- Background: two signatories to protest interviewed by JSC, both conceded petition was as mistake [15].
  
- The cross-examination [16-21]
- Their critique of Judge Combrink's view that JSC not independent [16].
- Elaboration: Combrink quoted [17].
- Democratic Party member of JSC angered by Galgut [18].
- Elaboration: DP member grills Galgut [19].
- Elaboration: DP member grills Galgut [20].
- Booyesen grilled re Broederbond membership [21].

#### Theme 4: The Transvaal choice.

- Proposition: "Although" KZN selections dominated judiciary, the Transvaal post "regarded in legal circles as far more important" [22].
- Elaboration (reason why): Joburg High Court needs reorganisation and management [23].
- Background on Ngoepe (newly elected judge president). Inference: not much experience [24].
- Background on those he "trounced". Inference: Myburg has more experience [25].
- Elaboration: support for implied argument ("Even Judge Mohamed...") [26].
- Elaboration: Judge Myburgh (favourable description) ("seemingly impressed all members of the commission") [27].
- Elaboration: reporting Judge Myburgh's views [28].
- Elaboration: reporting Judge Myburgh's views [29].

- Elaboration: contrasts Ngoepe's views with those of Myburgh. Quotations used can be read positively or negatively depending on the political perspective of reader [30].
- Elaboration: outgoing Judge President's critique of Ngoepe + Ngoepe's reply [31].
- Elaboration: view of Pretoria Bar Council suggesting Ngoepe be selected deputy to another candidate, Piet van der Walt, current Deputy Judge President of the Pretoria High Court [32].

Conclusion: Ngoepe's response: "If, in terms of that letter, to appoint me as judge president is a bold decision, then so be it" [33].

## Ill-judged appointments

[1] **T**his newspaper has been outspoken in its criticism of the judiciary, lambasting it for arrogance in its dealings with the Truth and Reconciliation Commission and questioning the right of Judge Willem de Villiers to summon the president to the witness box like a schoolboy being carpeted by a teacher.

[2] But for all of that we regard the Judicial Services Commission's decision this week with regard to the judges-presidency in the Cape, Natal and Transvaal as ill-judged. We say that with no disrespect towards the black candidates; the mere fact that they made it to the Bench in the face of massive disadvantages stands as tribute to their achievements. But their lack of preparedness for these particular posts is inescapable.

[3] The commission did, admittedly, appoint the white candidate in the Cape, but even

that is coloured by the suspicion that the decision was partisan, born of African National Congress hostility towards the black challenger for siding against them in the Patricia de Lille case. The judges themselves carry much of the responsibility for the Natal fiasco, but even the joy of seeing Judge Brian Galgut and Judge Jan Hugo being hauled across the coals for it cannot obscure the inappropriateness of Judge Vuka Tshabalala's appointment.

[4] It is, however, the decision in the Transvaal which brings the issue most sharply into focus. The white candidate, Judge John Myburgh, has distinguished himself by his dynamism and courage, independence of mind and determined commitment to the true ideal of affirmative action in building the labour court.

[5] By contrast Judge Bernard Ngoepe's track record, while worthy, is limited and his naivety with regard to the strengths and weaknesses of individual members of the bench is simply chilling.

[6] The South African judiciary did recover from the ravages of the behaviour of early National Party governments in bringing affirmative action to bear on the bench on behalf of Afrikanerdom. But it took decades and was nearly destroyed in the process. Now it is not only the institution which has been put at risk, but the entire concept of the separation of powers. The Judicial Services Commission has done its country no service.

# Deputy judge president steps down

The deputy judge president of the Pretoria High Court has quit amid debate over the latest round of judicial appointments, writes Mungo Soggot



Resigned: Deputy Judge President Piet van der Walt. PHOTO: GUY ADAMS

[1] The deputy judge president of Pretoria has stepped down amid the controversy surrounding the meteoric promotion of two junior black judges — appointments that have precipitated debate on the politicisation of the judiciary.

[2] In an unprecedented move, Judge Piet van der Walt tendered his resignation as deputy judge president of the Pretoria High Court, but indicated he will remain a judge until his retirement in 18 months.

[3] Judge van der Walt has given no reasons in public but there is little doubt he relinquished the post on Monday because of a decision on the part of the Judicial Service Commission to appoint Judge Bernard Ngoepe as the judge president of the Transvaal Provincial Division.

[4] Judge van der Walt was one of three other senior white contenders whom the commission interviewed for the post during public hearings in Pretoria last week.

[5] His move is the second judicial resignation since the 1994 elections. In 1996 Judge Rex van Schalkwyk resigned from the Johannesburg High Court, publicly announcing his decision was motivated by what he considered the deleterious effects of affirmative action on the Bench.

[6] Last week's commission hearing exposed Judge van der Walt as having joined the Broederbond shortly after his appointment to the Bench in 1977. He remained a member until 1993.

[7] He is nevertheless generally well respected by lawyers and judges who operate in the division and is widely considered a professional, fair-minded jurist. "He is an enigmatic judge. He is conservative, but fair-minded," said one advocate. Some lawyers lauded his failure to publicly justify his move.

[8] The man who beat Judge van der Walt was appointed in the Pretoria Bench in 1985. Judge Ngoepe has not served in the high court for long, having been recruited shortly afterwards by the Truth and Reconciliation Commission. Judge Ngoepe has also had temporary stints on the Constitutional Court and the

Supreme Court of Appeal.

[9] Judge van der Walt, formerly the government's ombudsman, declined to comment on his decision, but during his interview last week he signalled his unwillingness to serve as deputy to a junior judge. Asked if he would mind serving as deputy to a junior judge president, he replied that he had no problem with the scenario, "providing I am not supposed to do the work and support a figurehead."

[10] The other contenders for the position were the Deputy Judge President of Johannesburg, Monas Fleming, and the head of the Labour Court, John Myburgh. There is speculation that Judge Myburgh — who has built the Labour Court into the country's most efficient and representative court — could be offered the presidency of the Johannesburg High Court after the government executes a decision, announced last week, to split the Pretoria and Johannesburg divisions.

[11] Judge van der Walt's sensitivity to human rights can be traced by comparing two starkly different judgments he gave in political trials in the 1980s.

[12] In 1986 he sentenced Marlon Sparg, a journalist accused of high treason and arson for activities he performed in the service of the African National Congress, to 25 years in prison. He said in his judgment that Sparg was a dedicated Marxist and revolutionary and while this was understandable, though not excusable, in black South Africans, he found it difficult to understand in a white.

[13] Three years later, Judge van der Walt adopted a different tone in a treason trial of five activists charged for setting up alternative political structures in Alexandra township. The judge acquitted the activists, led by civic leader Moses Mayekiso, of treason and sedition and effectively warned the state against throwing treason trials at the courts. His judgment said: "In this very strange and complex of society of ours... most of these citizens are just striving for a better South Africa. A charge of treason should be very carefully consid-

ered and reconsidered before it is brought before the court."

[15] One jurist pointed out that when the National Party appointed a string of judges in the 1950s to top posts over the heads of more senior but less malleable men, there were no similar resignations — "the perception was that the institution [of the judiciary] came first."

[16] Meanwhile, the post-mortem of last week's other judicial appointments continued to dominate debate in legal circles, the widespread feeling being that the appointments were dictated by the ANC with the assistance of a caucus of politicians in the commission.

[17] It is now widely argued that the decision in 1997 to increase the commission from 17 to 23 members with a new injection of politicians has politicised the judicial selection process. Hugh Corder, a professor of law at the University of Cape Town, said: "The changed composition of the commission since early 1997 has

brought an overt political agenda to bear on its deliberations."

[18] Peter Leon, a Johannesburg attorney and the head of the Democratic Party in Gauteng, wrote in a letter to *Business Day* this week: "It is common currency in legal circles that a de facto caucus exists and operates in the commission. In reality, however, the commission, as it is now constituted, is an elaborate charade." Leon said the ANC effectively had a majority of 14 in the 23-man commission.

[19] Minister of Justice Dullah Omar, who sits alongside Chief Justice Ismail Mahomed in the commission, scoffed at the suggestion of an ANC caucus. "It's absolute rubbish. There are no party caucuses as far as I know. Of course people talk to each other." He said on Thursday he had not yet learned of Judge van der Walt's decision.

[20] However, he said critics of the Judicial Service Commission failed to understand that "people from the liberation movement are able to put in to the background their political ar-

bitations". He said last week's meeting of the commission was a turning point, as all members had agreed on the need for transformation of the judiciary. Omar also dismissed the notion that inexperienced judges should be mentored by a senior before assuming top positions. "Mentoring is very patronising. They [the new appointments] have the qualifications. They will develop the experience."

[21] Lawyers and judges said the appointment of Judge Vuka Tshabalala as deputy judge president of KwaZulu-Natal had been inevitable after the bungled petition to the commission by 14 other judges who charged that he was too inexperienced for the job.

[22] The appointment that has sparked more debate is that of Judge Edwin King as judge president of the Cape. Judge King, who retires in 18 months, was chosen over Judge John Hlope, who — unlike Judge Ngoepe — has delivered several judgments that have been recorded in the law reports. Judge Hlope had the backing of many of his colleagues and many of the Cape's advocates. It is understood the vote over the Cape judge presidency was split along racial lines, with most of the white commission members — who include judges — opting for Judge Hlope, whereas most of the black members voted for Judge King.

[23] Commission members questioned the rumour circulating that the ANC torpedoed Judge Hlope because he overturned the expulsion from the National Assembly of the Pan African Congress's Patricia de Lille, the main reason being that Judge King also presided in the matter.

[24] There are suggestions that the ANC has identified Judge Sraja Desai as a more suitable successor to Judge King, and therefore wanted to block Judge Hlope. Judge Desai, who was formerly a partner in a law firm with Omar, is considered more favourably disposed to the ANC. Omar dismissed this rumour, saying Judge Desai's name had never been mentioned.

[25] Opinion as to the capacity of last week's high-profile decisions has predictably diverged along racial lines, with black lawyers generally welcoming the landmark appointments and white lawyers raising concerns about their experience.

**Buildings have lost their bark, PAGE 20**  
**Obituary, PAGE 6**

**Appendix 14:** Textual schema of “Deputy judge president steps down”, *Mail & Guardian*, 23-29 October 1998: 4

Theme 1: Van der Walt’s resignation as deputy judge president.

- Elaboration: “amid controversy... meteoric promotion” [1].
- Elaboration: “unprecedented move” ... tended resignation [2].
- Elaboration: no reason given, but “little doubt” [3].
- Background: one of three white judges interviewed [4].
- Elaboration: second resignation since 1994 election; first one van Schalkwyk quoting affirmative action as reason (link) [5].

Theme 2: The man (van der Walt).

- Background: Broederbond... joined shortly after appointment to Bench in 1977; resigned in 1993 (year before elections!) i.e. negative view of him [6].
- Background: “nevertheless... well –respected”; “professional” etc. i.e. positive view of him [7].
- Context (i.e. man in context): contrasted with Ngoepe, only appointed to Bench in 1995 i.e. van der Walt looks positive [8].
- Verbal Reaction (indirect): van Der Walt’s views on working as deputy judge of deputy judge president [9].
- Context: other judges... Myburgh... speculation re presidency of Johannesburg High Court [10].
- Background comment on his “sensitivity to human rights” [11].
- Detail: Sparg case 1986 [12].
- Background comment re a contrasting judgement [13].
- Detail: Mayekiso treason trial 1989 [14].

Part 2: Elaboration on previous week’s news story.

Theme 3: Views on JSC’s decision.

- Verbal reaction: contrast between current responses and those to Nationalist appointment of *Broederbonders* [15].

- Background comment: “widespread feeling” re ANC “assistance” [16].
- Background comment: re composition of JSC + verbal reaction to support comment [17].
- Verbal reaction: Peter Leon... DP... ANC caucus in JSC [18].
- Verbal reaction: Minister of Justice (ANC)... denial of caucus [19].
- Verbal reaction--elaboration: Minister of Justice, “people from the liberation movement are able to put into the background their political affiliations”. Use of quotation either ironic or to show naivety; plus view on transformation; plus view on mentoring i.e. a key response [20].
- Verbal reaction—indirect: re Tshabalala’s appointment as inevitable [21].
- Comment re Cape vote: recapping of events (event, elaboration re Hlope, contrasted with Ngoepe, Hlope’s de Lille judgement, racial split in votes) [22]
- Verbal reaction—indirect: Commission’s response to Cape vote [23].
- Speculation re Judge Desai’s appointment + denial by Minister of Justice... adds to speculation re ANC involvement/’control’ [24].
- Conclusion: “predictable” racial split re the “sagacity of last week’s high profile decisions” [25].

# The bulldogs have lost their bark

- (1) **T**he silence surrounding last week's appointments by the Judicial Services Commission is deafening. The Bench and academia are seething with indignation over the appointments of the two judges president and one deputy.
- (2) Yet there is not a bleat of public protest other than the resignation of Judge Piet van der Walt from the Office of the Deputy Judge President of Pretoria — an ambiguous protest at best. (Is he complaining at the extra burden of work he faces, by having an inexperienced judge president foisted upon him, or is he making a stand on principle?)
- (3) Fresh disclosures as to what happened in the selection process are reported elsewhere in this edition and make the absence of protest by the legal fraternity even more of a matter for concern.
- (4) The central issue is not the abuse of senior members of the judiciary on account of their skin colour — although that is in itself sufficient justification for protest — but the emergence of what appears to be an African National Congress caucus in the Judicial Services Commission which threatens the politicisation of the judiciary and, to our mind, undermines the separation of powers enshrined in the Constitution.
- (5) The existence of such a caucus is seemingly assumed by most legal commentators. The poisoning of the selection process by the cynicism of politicking would appear to be confirmed by the extraordinary racial line-up in the vote for the judge presidency of the Cape — in which the whites voted overwhelmingly for the black candidate, and the blacks for the white candidate.
- (6) The explanation for this inverse polarisation seems to be that the black candidate was being given a professional vote of confidence by his peers — who are, of course, predominantly white — while the politicians, who are predominantly ANC-aligned, were voting on the basis of other concerns which may or may not have something to do with the future candidacy of a former law partner to the minister of justice.
- (7) The outcome is one of stunning perversity, that the black candidate best equipped for senior office is spurned by the Judicial Services Commission, while two other candidates who are self-evidently ill-qualified gain preferment. And the nation, to the extent it reacts at all, applauds this travesty as overdue reform of the judiciary!
- (8) But why the lack of protest from such as our law schools and the professional organisations which pose as watchdogs of the legal system? The suspicion must be that they have been silenced by fear of being placed in a position where they can be attacked as opponents of black empowerment.
- (9) We are perhaps fortunate that we do not feel constrained by such a need for political correctness. Our stand in the past — particularly our outspoken criticism of the judiciary for failing to take on board denunciation of its past role as a handmaiden of apartheid — is unchallengeable. We believe it gives us the authority to be able to point out that in this deafening silence we may be witnessing the emergence of a racial variation on McCarthyism.

**Appendix 15:** Textual schema of editorial “The bulldogs have lost their bark”, *Mail & Guardian*, 23-29 October 1998: 20

Theme 1: the silence as response to the selections

- Paragraph 2: Elaboration on public silence of the judiciary.
- Paragraph 3: Reference to “fresh disclosures” in a news piece that make the silence more troubling.

Theme 2: restatement of the issue: ANC caucus and control of JSC.

- Paragraph 4: The central issue: not affirmative action, but the threatened politicisation of the judiciary because of a suspected (“what appears”) ANC “caucus” in the JSC.
- Paragraph 5: Elaboration on the notion of the suspected caucus (“seemingly assumed”; “would appear to be confirmed”), and ‘evidence’ for this in the “racial line-up of the vote for the judge presidency of the Cape”.
- Paragraph 6: Further elaboration on the suspected caucus: an explanation for the Cape decision.
- Paragraph 7: Conclusion on the effects of the caucus.

Theme 3: The *M&G*'s outspokenness and fearlessness contrasts with the silence of the law schools and professional bodies – a watchdog (in contrast to the bulldogs).

- Paragraph 8: Elaboration on silence: suspicion: their fear of being seen to be against affirmative action.
- Paragraph 9: Affirmation of *M&G*'s identity: its history of fearlessness and outspokenness and conclusion: “we may be witnessing the emergence of a racial variation of McCarthyism” (comparison with McCarthy hounding the reds; JSC hounding whites??)!

