

# Communication and Democratic Reform in South Africa

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## CHAPTER 1

### Introduction and Overview

The Mount Grace Country Hotel in Magaliesburg isn't really far enough from Johannesburg to qualify as a "bush" resort, but it has the kind of rural, almost colonial, elegance to be familiar as a posh, quiet getaway spot for the white South African elite. Perhaps this is why the Minister of Posts, Telecommunications and Broadcasting Dr. Z. Pallo Jordan craftily chose it as the venue for the National Colloquium on Telecommunications Policy in November 1995. Where once they could set foot at the Mount Grace only as busboys and chambermaids, black delegates to the colloquium would mix with their white counterparts on equal footing. Jordan had been on the job as Cabinet minister for a little over a year, since the African National Congress alliance received the lion's share of the vote in South Africa's first free election in April 1994 and took the reins of government as the dominant bloc in a multiparty government of national unity. A respected ANC intellectual, Jordan was rumored to be bored with this second-rank ministry and disengaged from its operations. Yet he had initiated an unusual policy-making process in which the public, and sectoral "stakeholders" in particular, were *directly* engaged in policy formulation. Called the National Telecommunications Policy Project (NTPP), the process was moving on schedule toward its next crucial phase, this so-called colloquium.

The colloquium was designed to bring together representative stakeholders in the telecommunications sector to discuss the future of the industry in the new, post-apartheid South Africa. A Green Paper, which described the nature of the South African telecommunications sector and its problems and posed a series of questions on various policy options, had been published some months previously. Reactions, comments, and answers to the Green Paper questions coming from all

quarters of the country had been submitted to a coordinating group, the NTPP Task Team, which then “played back” to the parties a document summarizing the submissions and shaping their interpretation. The Colloquium was the next phase of the process, and holding it at the Mount Grace, away from offices, workplaces, and union halls, was intended to foster a kind of working relationship, if not camaraderie, among the delegates.

Camaraderie is not what one would have expected. After all, delegates included the old Afrikaner bureaucrats in the old Post Office, white businessmen (many of whom had for years prospered happily under apartheid structures and regulations), leaders of some of the most militant black labor unions (whose youth stood in marked contrast to the aging white delegates), officials from newly formed black entrepreneur associations (dressed more smartly than the white businessmen, and like them, armed with the latest cell phones), and representatives from telecommunications user groups ranging from large corporate clients to the disabled. Many of these people, and certainly the groups they represented, had but recently been at the literal barricades. And, given the powerful, racially structured template that governed personal interactions during the decades of apartheid, this new, relatively unstructured, ostensibly equal forum made many participants both expectant and nervous. Here were heads of major corporations sitting with township residents, black union leaders with the Afrikaner old guard. Camaraderie did not really blossom. Indeed, there were several strained moments over the three days, as there would be in subsequent interactions and negotiations. Nonetheless, the approximately one hundred delegates met in workshops and plenaries and hammered out a series of compromises that, in the main, established a set of guidelines that would become the law transforming telecommunications from a retrograde, apartheid-aligned sector to one whose central orientation is to provide service to the disadvantaged black majority. This process of sectoral reform in telecommunications, replicated also in many other economic sectors and governmental functions, was an instance where democracy – in John Keane’s (1991: 190) shorthand definition, rule by publics who make judgments in public – came alive literally before one’s eyes.

South Africa has been a tremendously exciting place since February 1990, the date of the unbanning of political organizations and hence the birth of the transition to a post-apartheid dispensation. Virtually all social institutions have been placed under examination, their structures

and operations critically assessed to see if they comport with democratic values and whether they deliver the material goods. The examination itself is an exercise in the self-constitution of a free people, a moment of *democratization* – that special phase in the forging of democracy.<sup>1</sup> Democracy is a project of establishing a system of rules specifying who is authorized to make collective decisions and through which procedures such decisions are to be made, so as to secure the fullest possible and qualitatively best participation of affected parties. Again, following Keane (1991: 168–169), this proceduralist definition of democracy has clear normative implications. Democracy requires, at minimum, equal and universal adult suffrage, majority rule and guarantees of minority rights, the rule of law, constitutional guarantees of freedom of assembly and expression. In this, reforming communications policy in post-apartheid South Africa was and continues to be an inspiring and sometimes maddening demonstration of how to democratize politics and policy making. The process has both invoked and helped shape voluntary associations of autonomous agents outside the direct control of the state – in current parlance, civil society – and has created viable, if still fragile, public spaces that facilitate debate among citizens and dialogue between civil society and the state. The kind of participatory, civil society-based deliberative democracy that has become the reverie of so many Western social and political theorists in recent years has been occurring on the ground in complex and grubby fashion in the new South Africa. Communications policy was both the subject and object of democratic reform: Subject, in the sense that the process of policy determination occurred through a deliberative, participatory politics; object, in the sense that the goal was the establishment of the infrastructure of a democratic public sphere and the expansion of the social basis of communication generally.

1 An analytic distinction can be made between the processes of transition to, consolidation of, and institutionalization of democracy. In the transition to democracy, or democratization, as Víctor Pérez-Díaz (1993: 3–4) explains, the basic rules of the game are established (both within the political class and between the political class and society at large). They chiefly concern the limits of state power, the means of access of both politicians and society to that power, and the modalities for the exercise of such power. With consolidation comes the widespread expectation that the new regime is going to stay, and its basic rules will be respected. Institutionalization describes the point at which the regime is recognized as legitimate in the eyes of most of the population most of the time, and the basic rules of the political game not only prevail *de facto* but have been internalized by both politicians and society. The three processes are interrelated. They are not consecutive phases of a temporal order; rather, they overlap one another.

This experience of participatory, deliberative democracy may be a phenomenon unique to the South African context due to its complicated history. Indeed, one of the arguments of this book is that it was the particular kinds of civil society activism of the 1980s that established the structures and mechanisms of the participatory, consultative politics typified in the communications reform process. The South African reform experience is an important demonstration of the need to consider the formation of civil society itself as a powerful element in democratic process. This book chronicles the process of reform and the exercise of participatory democracy through the concrete examination of reform in the South African communications sector: in telecommunications, broadcasting, print media, and the government information service.

The communications sector has a special status in modern societies. Its technologies constitute the infrastructure of an increasingly information-based, trade-oriented economy and society. Uncritical and exaggerated claims about the "information age" and the "network society" notwithstanding, it is clear that communications and information have become centrally important to modern economies. Accordingly, this is a period of dramatic upheaval in communications policy design. Old models are challenged by new technologies, the convergence of technologies and modes of delivery, impetus toward liberalization and privatization, and pressures for fully open markets. Perhaps more than in the past, communications are key to economic development (see, for instance, Saunders, Warford, and Wellenius, 1994; Castells, 1996). Their reform, then, has significant impact on the task of alleviating the poverty and inequality left over from apartheid. Indeed, if, following Amartya Sen (1999), poverty is not simply a matter of inadequate income, but rather a state of unfreedom, then reconstruction and development is an inherent component of the process of liberation and democratization. Communications also have a special status in a democracy. In large complex societies, it is in the public arena of the mass media (and now, increasingly, due to the convergence of technologies and the emergence of the Internet, includes telecommunications as well as the traditional mass media of print and broadcast) where democracy is most concretely manifest because that arena both represents and constitutes the independent political institution wherein citizens can engage in the discussion of matters of the commonweal (see, among others, Garnham, 1986; Habermas, 1996; Bohman, 1996). The mass media constitute the means by which groups represent



themselves to themselves and to others. To the extent that communications reform facilitates access to the public sphere, it has effects on poverty and economic development as well. As Sen (1999) has shown, in countries that are destitute but have a free press, famines do not occur. Finally, in a country like South Africa, which is confronting a brutal past, the project of truth-seeking and reconciliation – arguably necessary for successful democratization – can only take place on a national stage through the mass media. The reform of communications is not just an aspect of political reform, the transformation of one particular industrial sector; rather it is part and parcel of the transition to democracy. Indeed, communications policy is paradigmatic of the many reform processes going on in South Africa. It gives people voice, symbolically and materially.

A great deal of the scholarly literature on South Africa since February 1990 has been concerned with plotting the process of the political transition and with analyzing the design of institutions coming out of it. Could the bitter historical antagonists arrive at a workable set of compromises, or would continual outbursts of violence throw the country into ruinous civil war? What kind of electoral system (plurality, majority, or proportional representation) would come out of negotiations? What executive type (parliamentary or presidential)? What manner of constitutional arrangement (majoritarian or power-sharing)? For scholars, whether and how the South African political elites resolved these design options implicate particular paths of a transition to democracy, reveal underlying constraints on bargaining elucidated by game theory, and, perhaps most important, serve as harbingers for the future of democracy and stability. Indeed, South Africa has become just one more case to examine in an emergent literature on the “transition to democracy.”

To be sure, this literature is not really new per se. It is a part of, though somewhat at odds with, an older literature on democratization that accompanied modernization theory and emphasized structural factors, such as levels of income, education, and media consumption as the key elements – even necessary preconditions – for determining the prospects for democratization (see Lerner, 1958; Lipset, 1960; Dahl, 1971). What sparked a revival in the study of democracy was the explosion of countries that moved from authoritarian to democratic politics in the 1980s, particularly in Latin America and Southern Europe. The remarkable collapse of the Soviet system in 1989 and the emergence of

tentative democratic regimes in Central and Eastern Europe likewise stimulated the resurgence of research on democratization. In contrast to the older structural theories, the new scholarly literature concentrates on process, on the perception of alternatives among significant portions of the population or major institutional actors, and, especially, on elite negotiations. The correlation between higher levels of socioeconomic development and democratization, while well-documented, does not tell us much about when, how, and if a transition to democracy will take place and be successfully completed (see Linz and Stepan, 1996). The new transition literature concentrates on a process-driven explanation of change, which highlights the political choices of actors within specific sets of opportunities and constraints. Democratization is seen as primarily the product of political leaders who have the will and the skill to bring it about. Indeed, it is the reconstruction of actors' changing cognitive frames that permits the transition to proceed (see O'Donnell and Schmitter, 1986; Di Palma, 1990).

Transition theory, as it is loosely referred to, is the product of reflection upon, and abstraction from, the historically disparate paths to democracy followed in Central and Southern Europe and Latin America. Samuel Huntington (1991), whose *The Third Wave: Democratization in the Late Twentieth Century* has become something of a standard-bearer in the subfield, characterizes four types of transition: *transformations*, when the elites in power take the lead in bringing about democracy (as in Spain, India, Hungary, and Brazil); *replacements*, when opposition groups take the lead in bringing about democracy (as in Portugal, Romania, and Argentina); *interventions*, when democratic institutions are imposed by an outside power, usually following a military defeat (as in Japan, West Germany, and Panama); and *transplacements*, characterized by negotiations between key powerful groups. South Africa is usually taken as an example of the transplacement type.

Transplacements are expected to occur when two conditions are present. First, there is a mutually perceived sense of stalemate, the continuation of which becomes untenable. A transplacement's preconditions arise when the old regime registers a split between hard-liners, who insist on continuing repressive rule, and moderates or reformers, who conclude that the regime has failed in fundamental ways.<sup>2</sup> Transi-

2 Of course, the perception of "failure" by elements of the authoritarian regime harks back to the political-economic bases of the older transition to democracy model usually associated with Seymour Martin Lipset. Empirical evidence indicates that a large majority of the coun-

tion commences when dominant groups in both government and opposition begin to bargain with one another, recognizing that neither party is capable of determining the future unilaterally. Indeed, pacts are said to work only when the prior regime type is authoritarian or “post-totalitarian” (those few Soviet bloc countries that retained elements of civil society), because only in these regimes do civil society and moderate bargaining players exist (Linz and Stepan, 1996: 38–65). Second, at critical junctures, reformers must appear to be stronger than “stand-patters” in the government while moderates must seem stronger than extremists in the opposition. A successful transition to democracy under these conditions is the result of negotiations between reformers in a ruling regime and moderates in the opposition. Reformers and moderates can use their more extreme erstwhile allies as threats but in the end must isolate them and engage in a suboptimal pact of the middle ground. But, because of the control the government reformers exercise over the machinery of state, particularly the military, the pro-democratic forces in the opposition most often must offer concessions in exchange for democracy. Fear of a coup limits pro-democracy options. Hence most successful transitions produce a dispensation that is economically and socially conservative, thus maintaining the central pillars of capitalist society (see O'Donnell and Schmitter, 1986; Przeworski, 1991).

This schematic outline does capture something of the nature of South Africa's transition. “Reform apartheid,” initiated under P. W. Botha's *verligte*, or moderate, wing of the ruling National Party in the early 1980s, embodied among other things a dire need to address the contradictions between apartheid institutions and an economy that had moved from a mining and farming predominance to one increasingly defined by manufacturing. Labor shortages and skills deficits had begun to plague the South African economy, and the increasing dependence of business on skilled and semiskilled African labor meant that the old form of industrial relations – characterized by Jeffrey Herbst (1994: 39) as one “whereby managers issued diktats to a floating group of

tries that experienced a transition from authoritarianism to democracy in the 1970s and 1980s had substantial economic problems (either declining economic growth or rampant inflation, or both) prior to the transition. Stephan Haggard and Robert R. Kaufman (1995: 32–36, 366), critics of the choice-based transition literature, argue that economic crisis accelerated, if it didn't directly cause the collapse of authoritarian regimes. At the very least, economic constraints figured much more centrally in determining the political agenda, the interests, and capabilities of the central protagonists in the democratization drama than the choice-based theorists acknowledge.

nonskilled workers who often responded with wildcat strikes” – no longer worked. Reform apartheid relaxed repressive labor laws, legalized black trade unions, and embarked upon the immense task of upgrading the conditions of South Africa’s black population, particularly in education.<sup>3</sup> The political side of reform entailed an attempt by the government to foster a nonwhite middle class whose stake in the system would stabilize a social order still largely distinguished by white domination. The culmination of the strategy rested in the creation of a tricameral Parliament in 1983 to augment the whites-only Parliament. The aim was to draw in the Coloured and Indian communities and segregate them from the still disenfranchised African majority.

But reform apartheid was a liberalization, not a democratization strategy. The difference is of some importance. As Linz and Stepan (1996: 1) argue, in a nondemocratic setting liberalization may entail a mix of policy and social changes, such as less censorship of the media, somewhat greater space for the organization of autonomous working-class activities, the introduction of some legal safeguards for individuals, perhaps some measures for improving the distribution of income, and the toleration of opposition. Democratization encompasses liberalization but is a wider and more specifically political concept. Democratization requires open contestation over the right to win control of the government, and this in turn requires free competitive elections, the results of which determine who governs. In South Africa, democratization also necessarily demanded policies that deracialize politics and society, in short, the abolition of the system of racial separation and oppression known as apartheid. The effort to maintain white supremacy while jettisoning grand apartheid served rather to reignite widespread grassroots rebellion under the newly constituted anti-apartheid umbrella group, the United Democratic Front (UDF). The 1980s were marked by widespread popular struggle and violent repression, political stalemate, and economic crisis. This was the backdrop to F. W. de Klerk’s move to “unban” the African National Congress (ANC), South African Communist Party (SACP), and Pan-Africanist Congress (PAC) in February 1990, very soon after he succeeded P. W. Botha as National Party leader and State President. De Klerk’s faction of the

3 In the context of South African liberation politics since the 1970s, the term “black” was used to encompass all three “nonwhite” groups. Indians, Coloureds, and indigenous Africans were to be considered “black” so long as they identified with the struggle against racial oppression. Blackness became a matter less of ancestry than of a raised consciousness. The term “African” refers to the Bantu-speaking indigenous majority (see Biko, 1978: 49–53).

National Party saw that it had more to gain by negotiating with the liberation groups than by maintaining the conflict-ridden and stalemated status quo. In parallel, Nelson Mandela (still, for all intents and purposes the leader of the liberation movement) had come to understand that the government could not be overthrown and that the attempt to mobilize the population for armed struggle would lead to disaster. Mandela's view was communicated in a letter to P. W. Botha in July 1989, wherein he indicated his desire to open negotiations with the government but would not agree to the government's preconditions (that the ANC first renounce violence, break with the South African Communist Party, and abandon its demand for majority rule).

[M]y intervention is influenced by purely domestic issues, by the civil strife and ruin into which the country is now sliding. I am disturbed, as many other South Africans no doubt are, by the spectre of a South Africa split into two hostile camps; blacks (the term 'blacks' is used in a broad sense to include all those who are not whites) on one side and whites on the other, slaughtering one another; by acute tensions which are building up dangerously in practically every sphere of our lives, a situation which, in turn, preshadows more violent clashes in the days ahead. This is the crisis that has forced me to act. (Mandela, 1991: 218)

It has become something of a commonplace that the fall of the Soviet Union was the final catalyst enabling the National Party to move past its hard-line opposition against the black liberation struggle and toward some kind of negotiated accommodation with it (see Adam and Moodley, 1993). With the end of the cold war, each side – the ANC and the National Party/South African government – lost its value as a proxy in a larger geopolitical and ideological conflict. After the fall of the Soviet Union, communism could no longer play the ideological bogey for the white stalwarts of apartheid; materially, the white minority government could no longer expect to receive the support it had tacitly obtained from the West (particularly from the Thatcher and Reagan governments). On the other side, the loss of Soviet material and ideological support could no longer bolster the ANC's dreams for the total destruction of apartheid and the creation of a socialist order. And within the ANC, the fall of Soviet communism would have to spark some rethinking of political posi-

tions that had gone unassessed for years. Indeed, as more than one commentator has argued, de Klerk understood before almost anyone else that communism's failure would have a profound effect on the ANC's project, and hence presented whites with the opportunity to negotiate a reasonable settlement (Herbst, 1997–98; also see Slovo, 1990).

In keeping with the transition theory model, dominant fractions of the two antagonistic parties recognized they could not dictate the future according to their respective designs. All-party talks, called the Convention for a Democratic South Africa (CODESA), commenced in December 1991, but moved slowly during the first couple of years, in large part because the ANC was trying to transform itself from a liberation movement into a political party and at the same time trying not to distance itself from its grassroots supporters. The National Party, intent on taking advantage of its position as the initiator of change and in far better command of the import of governance and policy options, pressed for substantive agreement on post-apartheid political institutions in advance of elections. These included entrenching power-sharing within the executive (with minority veto-power), securing the right to private property, establishing strong regional governments, and creating a Bill of Rights enforced by a special constitutional court (see Friedman, 1993). The ANC focused rather on reaching agreement on a procedure by which a democratic government could be formed and a constitution written. The ANC demanded an interim government and an elected constituent assembly to write the first constitution. It also challenged the National Party's dual role as government and primary political negotiator. The congress, or tripartite alliance, consisting of the ANC, the Congress of South African Trade Unions (COSATU), and the South African Communist Party (SACP), flexed its muscles, organizing mass actions to demonstrate its popular support. At the same time, de Klerk called the bluff of his hard-line internal opposition by calling and winning handily a referendum in March 1992, in which white voters were asked whether they supported continued negotiations with the black liberation groups (see Giliomee and Rantete, 1992; Jung and Shapiro, 1995).

As political negotiations dragged on, widespread civil unrest and violence threatened the transition. In the aftermath of two violent incidents that prompted both ANC and NP leaders to wonder whether the lack of progress portended social disaster (the Boipatong and Bisho massacres, in which scores of ANC supporters were killed),

negotiations resumed in September 1992.<sup>4</sup> In a classic instance of “elite-pacting,” this time negotiations took place behind closed doors and between the government and the ANC alliance only, in an effort to fix the main terms of an agreement before multilateral talks began again. That agreement (called the “Record of Understanding” [1992] and the baseline for the much-used pragmatic concept of “sufficient consensus,” a stratagem deployed by ANC and NP negotiators when other parties threatened continued progress in the subsequent negotiations) was signed by ANC President Mandela and State President de Klerk on September 26, 1992. It set the basic terms of an interim constitution that was adopted by the last white Parliament in its final act in December of 1993. Largely adhering to the power-sharing position of the National Party, the Record of Understanding called for a legally mandated, five-year government of national unity regardless of the election outcome, with Cabinet representation for all parties winning at least 5 percent of the vote, and a share of executive power (an executive deputy presidency) to any party winning 20 percent. Elections would be by proportional representation in closed party lists. In the end, the ANC agreed to guarantee both property rights and the security of tenure (including the payment of pensions) in posts for civil servants (see Republic of South Africa, 1993a: sects. 28, 236, 245). In what would have important consequences for future economic policy, the ANC also agreed to the nearly complete independence of the central bank, the South African Reserve Bank.

The NP gave up its insistence on racially defined “group rights” and on a Cabinet veto clothed in the formalism of mandatory special majorities for key decisions. Throughout the negotiations the NP insisted that it would settle for nothing less than a Cabinet veto. In the final hours, the NP dropped this demand and settled for a vague constitutional clause suggesting that Cabinet members ought to work together. Whereas the Interim Constitution required the majority party,

4 Boipatong was a black township in the Vaal Triangle in which 39 unarmed ANC supporters were massacred on June 17, 1992, by apparent Inkatha Freedom Party (IFP) members with the connivance of the South African police. There is some evidence of an effort orchestrated by the Afrikaner right-wing and elements of the security forces in the first two years of the transition period to foment civil unrest and disrupt the transition (see A. Sparks, 1995: 153–178). Several weeks after Boipatong, the ANC tried to mobilize some of its followers against the government of the homeland of Ciskei. Protesters were met with armed resistance from the homeland’s army, resulting in the shooting deaths of 28 people. Only after Boipatong and Bisho did the dynamic of negotiations become self-supporting despite all further attempts to disturb them (including the assassination of South African Communist Party and ANC leader Chris Hani in April 1993).

in the person of the state president, to “consult” both deputy presidents – which would include the NP’s F. W. de Klerk – it did not offer the latter a veto. As Michael MacDonald (1996) argues, the lack of a Cabinet veto and limiting the Government of National Unity to a period of five years meant that the agreement was not really power sharing, after all. However, the property rights, civil service, and pension guarantees indirectly secured a parallel outcome inasmuch as they thwart radical transformation. The property rights guarantee meant that by and large the interests of capital were constitutionally beyond challenge. The civil service guarantee meant that the ANC must act through bureaucracies that in many respects could function independently of the government of the day. And the pension guarantee meant that the budget had very large precommitments. These features would check the transformative impulses of the ANC alliance.

A Multi-Party Negotiating Council commenced in March 1993, by most accounts a thinly veiled process for consolidating the bargain between the ANC and NP. In October 1993 an act was passed creating a Transitional Executive Council, a multiparty executive body designed to oversee the government in the run-up to the election of April 1994. The election saw the ANC receive 62.65 percent of the vote, NP 20.39 percent, and Inkatha Freedom Party (IFP) 10.54 percent. The smaller parties who were to receive seats in the National Assembly included the Freedom Front, with 2.17 percent of the vote, Democratic Party 1.73 percent, and Pan-Africanist Congress 1.25 percent. Although many doubted the reported election results from the IFP stronghold of KwaZulu-Natal, bringing the IFP into government was seen as indispensable to establishing political reconciliation and outweighed the significance of election fraud (see Reynolds, 1994).

The South African transition thus seems to have followed much of the model sketched out by the choice-based analysis of democratic transitions. Some South African scholars and commentators use the model to argue on behalf of certain kinds of moderate politics (see, e.g., Giliomee and Schlemmer, 1994; Adam, Slabbert, and Moodley, 1997). But there are features that make the South African experience somewhat different from most other transitions from authoritarian rule. These features underscore some of the drawbacks of the “modeling” of the South African transition. Transition theory tends to concentrate on elite actors. To be sure, the skilled leaderships of the ANC alliance and the National Party were crucial in negotiating the terms of the transition. (And pointedly, the personal example, the statesmanship, and the



extraordinary lack of bitterness on the part of Nelson Mandela facilitated negotiation and reconciliation.) But the democratic transition in South Africa was fundamentally the product of a general mass movement, a phenomenon downplayed or even neglected by most transition theory, and a historical fact disregarded by many South African commentators. Transition theory factors in the fifteen-year mass resistance movement only as a “left extreme” that the moderate ANC leaders had to coopt. In fact, as Glenn Adler and Eddie Webster (1995) among others have argued, the trade unions and civil society organizations in South Africa set the preconditions for the transition; the participatory political processes they engendered set the transition’s political agenda and provided the kinds of alternative structures and mechanisms that continue to affect the public debate and the process of consolidating democracy.

The strength and vibrancy of South African civil society, along with the fact that the dominant political movement – the ANC alliance – is ideologically committed to the liberal Enlightenment project (where political right resides in the individual, not the group, race, or tribe), marks South Africa as a special case of transition to democracy.<sup>5</sup> The years of political struggle engendered multiple forms of autonomous associations in the form of community political organizations (called “civics”), students’ and women’s groups and the United Democratic Front itself, the vast majority of which were organizationally independent of the ANC and, of course, from the state. Campaigning for improved living conditions in black townships and opposing municipal authorities foisted on townships by the apartheid state, the civics in theory represented a cross-class coalition of collective consumers (Glaser, 1997: 6). The black labor movement, which grew enormously

5 The other key features about South Africa that better situate it than new democracies, for example, in the old Soviet bloc, is that it has a functioning (though highly concentrated and conglomerated) market economy, with the relevant institutions associated with a functioning market: a vibrant stock exchange, a bond market, a working banking system, a well-developed law of contracts, and a functioning, if politically suspect and bloated, civil service. Moreover, the matter of “stateness,” that is, questions regarding the legitimacy of the territorial boundaries of South Africa and who should constitute the polity, were essentially settled during the transition. During most of the transition period the small Afrikaner right-wing had been agitating for a separate Afrikaner state. But after the disastrous battle of Mmbatho in March 1994, in which the Afrikaner right-wing was humiliated in its effort to assert military might in a politically crumbling Bophuthatswana homeland, Constand Viljoen, leader of the Freedom Front (the political party of the Afrikaner right-wing), turned from separatism to parliamentary opposition (see A. Sparks, 1995: 197–225). On the importance of stateness to democratic transitions, see Linz and Stepan (1996: 17–37).

after 1979, was the other key civil society actor. The twin grievances of capitalist exploitation and apartheid compelled the labor movement to seek both economic and political solutions to workers' problems and, hence, to forge alliances with community and political groups, characteristic of what has been described as "social movement unionism" (Webster, 1988; Waterman, 1991; Seidman, 1994). Indeed, after the UDF was banned by the government in 1988, the labor movement essentially took on the leadership role of the anti-apartheid movement (what came to be called in the late 1980s the "Mass Democratic Movement," or MDM). After 1990, civil society groups were engaged in their own negotiations at all levels in the political transition, including the reorganization of local government. The Congress of South African Trade Unions, the black union umbrella federation, entered into negotiations with business and government over codetermination of labor and macro-economic policies. COSATU consistently called for the participation of the working class in the political process and in the formulation and development of national economic policies.

Central to the South African democratic transition were civil society activism and the emergence of "stakeholder forums," new arenas for the discussion and formulation of policy regarding virtually every government function. Constituted outside of government, in effect *forced* upon government by anti-apartheid civil society organizations oriented around particular issues, the forums functioned as broadly consultative bodies where "stakeholders," from business leaders to township dwellers to nongovernmental organization (NGO) representatives to old apartheid government bureaucrats, met to discuss how to transform a particular government function or industrial sector and bring services to the people in keeping with emerging democratic principles. The forums appeared in the nether world of the period between the disintegration of the ancien régime and the emergence of a new political dispensation, in which the National Party still held the reins of power after 1990 and continued to function as government, but was now a lame-duck, if still powerful and dangerous, administration. The liberation movement championed the forums largely as a means to prevent the apartheid government from taking decisions unilaterally, particularly as constitutional negotiations were in motion and elections would presumably establish a new, ANC-led government. The forums represented the effort by excluded, largely black, groups to gain entry to policy-making arenas during the 1990–94 transition period. The legitimacy of the forums rested precisely in the fact that they took place *outside* the

regular channels of the old government. At the same time, the government felt compelled to participate in the forums because any policy government might undertake risked being vetted by the ANC alliance through strikes and street action if it proceeded without agreement from the forums. This formulation is a bit overdrawn, though the basic dynamic described is accurate. The ambiguity rests in the fact that “the government” was hardly unitary at this point in time. Some government departments and parastatals participated in the forums with intense reluctance and hostility. Other government actors, such as ESKOM, the electricity parastatal, played the key role in initiating their forums (see Shubane and Shaw, 1993).

The pedigree for the grassroots, consultative orientation of the forums lay in several sources, but two stand out: the township civic associations that grew during the 1980s and the internal democratic practices of the black trade unions. The civics had functioned as loci for intense opposition to white rule and for local self-help in the context of organizing township resistance during the internal insurrection. As part of their opposition to apartheid authoritarianism, many civics inaugurated participatory, consultative mechanisms for deciding upon political strategies. Mechanisms of accountability and reporting back to the membership were brought over from the rigorous internal democratic practices of the trade unions. Local forums had been operating in some communities since the mid-1980s (Lodge, Nasson, Mufson, et al., 1991; Shubane and Madiba, 1992; Ginsburg, Webster, et al., 1995).<sup>6</sup> The impetus for the formation of *national* forums came from labor. As political negotiations ensued after 1990, COSATU believed that the National Party government was unilaterally placing crucial areas of the economy

6 The degree to which the civics were simply local “shock troops” of the liberation struggle or whether they were independent manifestations of grassroots interests with strong connections to the liberation organizations, that is, more classically civil society organizations, is a subject of debate. Their founding in the crucible of the liberation struggle marks the civics and youth and student groups as different from classical civil society organizations. They were engaged in both resistance and survival. Hence, notwithstanding the consultative features of many civics, they were not always “civil.” Some organizations demanded and enforced a uniformity that contradicts the notion of a civil society. And in some townships, some anti-apartheid organizations devolved into groups, little short of gangs, with quasi-political affiliations (see Seekings, 1993; Friedman and Reitzes, 1995). The “social capital” literature, whose best-known proponent is Robert Putnam (1993), argues that association breeds trust. In South Africa, because the context of association was anti-authority amidst violent state repression, the development of trust was more limited and more contradictory. The civic and youth movements’ call to make the townships “ungovernable” during the 1980s, so successful in mobilizing people against the apartheid state, created an enduring strain of political culture whose unruly, sometimes violent, populism would have negative repercussions even after the ANC came to power.

outside the reach of political decision making in an attempt to limit the power of a future majority government. Following a general strike in November 1991 over the government's initiation of a value-added tax (VAT), COSATU demanded a macroeconomic negotiation on social and economic issues, parallel to the political negotiations. The Business Roundtable, an embryonic business association anxious to rationalize macroeconomic policies and labor relations, was quick to support this move, as was Finance Minister Derek Keys. The National Economic Forum (NEF) was launched. Thereafter, an explosion of forums brought various constituencies together on all manner of issues at national, regional, and local levels to discuss matters such as housing, the VAT system, drought relief, and electricity distribution. An estimated 230 forums grew in the period after February 1990 (Patel, 1993; Shubane and Shaw, 1993).

The change in political culture was plainly evident with the advent of the forums. The forums were broadly democratic in terms of representativeness, with specific participation from previously marginalized groups of civil society, in particular the civic organizations. The operative slogan of the forums – and in South African politics generally in this period – was “a culture of consultation and transparency.” This was in distinct contrast to the racially exclusive, closed, and often secretive way of conducting politics in the old South Africa. The importance of the forums, of civil society and associative democratic organizations generally to the ANC alliance was reflected in its 1994 Reconstruction and Development Programme (RDP) – the alliance's broadly Keynesian macroeconomic vision for a post-apartheid South Africa. Though the original RDP document was published under the ANC's imprimatur, it was the product of a broad-based consultative process run jointly by the ANC, COSATU, the South African Communist Party, the South African Council of Churches (SACC), and the South African National Civic Organisation (SANCO). It was essentially an expression of the aspirations of the previously disenfranchised, and, although vague on many points of economic policy, was clearly located within a broadly Keynesian developmental framework. Given that it was the election platform of the leading party in the Government of National Unity, its ideals became a large part of the new government's policies. The document explicitly stated that the RDP “must work with existing forums, such as the NEF, the National Electricity Forum and the National Housing Forum, and must develop a more coherent and representative system on a regional and sectoral basis” (African National Congress,

1994b: 91). The idea was that democratization of the state was not restricted to universalizing the franchise; democracy was held to be incomplete unless civil society was assured a share in decisions.

Democracy for ordinary citizens must not end with formal rights and periodic one-person, one-vote elections. Without undermining the authority and responsibilities of elected representative bodies . . . the democratic order we envisage must foster a wide range of institutions of participatory democracy in partnership with civil society on the basis of informed and empowered citizens (e.g. the various sectoral forums like the National Economic Forum) and facilitate direct democracy (people's forums, referenda where appropriate, and other consultation processes). (African National Congress, 1994b: 120–121)

Notwithstanding this language, the forums were not manifestations of civil society per se. The product of civil society initiatives to be sure, the forums were corporatist-type structures, institutional mechanisms for mediating state and civil society in the democratic transition period. However, in contrast to typical corporatism, which creates a restricted bargaining arena for the central institutional powers of a society (government, industry, and labor, as a rule), the South African stakeholder forums were broadly inclusive of many, if not most, groups in society. The forums represented an effort at a democratic and socially transformative version of corporatism.

The establishment of the Government of National Unity under ANC leadership following the 1994 election did not undermine the forums, though it did introduce a new tension between electoral and participatory democratic processes. The work of the forums metamorphosed into consultative processes for the formulation of Green and White (policy) Papers for various sectors, often under the cooperative aegis of the relevant government minister and the sectoral stakeholder forum. Many commentators have criticized corporatism in post-apartheid South Africa. On one hand, the corporatist mechanisms such as forums and stakeholder-driven Green Paper/White Paper processes are condemned as undemocratic, inasmuch as they insulate policy making from the electoral process and permit private parties to make public policy (see, e.g., Friedman and Reitzes, 1995). On the other hand, corporatist bodies are said to be designed to “tame” radical civil society elements, making them “play politics” in accordance with the rules laid down by the state and hence demobilizing them

(see, e.g., Ginsburg, 1996). Both criticisms are well-taken and may well apply to aspects of the South African political scene. I will argue, however, that in the politics of reform of the South African communications sector, the quasi-corporatist mechanisms constituted a structured participatory democratic politics that displayed neither of these criticized features.

Why communications? Several factors point to that sector's particular importance as a window to understanding the South African transition to democracy and the political struggles of its consolidation. The fact that civil society activism was so crucial to the South African transition to democracy meant that South Africa's was an unusually communication-saturated transition. The new political culture registered a heightened sensitivity to the importance of free and open media, for only through these could consultation and transparency be realized. Broadcasting, because of its centrality to the democratic transition, was the first apartheid institution to undergo a fundamental transformation – prior, even, to the 1994 election. The government-owned and -operated South African Broadcasting Corporation (SABC), long a National Party instrument, had to be transformed into a neutral institution in order for free and fair elections to take place. No challenger to the National Party could contemplate running an election campaign if broadcasting (particularly radio, which has wide distribution and is especially important to nonliterate and semiliterate audiences) remained in the NP's pocket. The power of the state broadcaster to set the agenda, to deride and undermine the opposition, to discourage voting, and especially to foment confusion and violence, was considerable. More than that, broadcasting is voice, the ability to communicate and state grievances, to share ideas and experiences, to challenge reigning orthodoxy on a national scale – precisely those forms of interaction and representation from which the black majority had been shut out for so many decades. Freedom to communicate is clearly one of the crucial underpinnings of the quest for political freedom. Under great pressure from the civil society media groups constituted within the ideological aegis of the Mass Democratic Movement (such as the Save the Press Campaign, the Campaign for Open Media, the Film and Allied Workers Organisation, and Campaign for Independent Broadcasting), the SABC and South African broadcast practice generally were reorganized through the CODESA negotiations. Telecommunications was the first sector to take its consultative Green and White Papers to legislation and

hence became a model for the reform of other sectors. The principle of universal service, enshrined in the telecommunications reform process, embodied a commitment to equalizing social access to information and communication as a democratic norm – thus placing equitable access to communication resources at the heart of the democratization process. Telecommunications reform also assumed the leading edge in the contentious public debate over the proposed privatization of state assets, charting a viable position between private and state ownership. Finally, the reform of the South African Communication Service (SACS), the apartheid government's public relations and information arm, sparked a fundamental debate over the role of the press and the proper relation between the mass media and government in the post-apartheid era. The eventual abolition of SACS and its replacement by a new agency represented, in principle, the replacement of the ministry of information, top-down government-knows-best model of communication by a model that conceptualized the relations between the government and the governed as interactive, in principle dialogic, and participatory.

The importance of and early concentration on communications reform in the broad transformation of South African political institutions was no accident, for the reform of communication institutions lies at the heart of any transition to democracy. The very idea of a society communicating freely is perhaps the core of democratic struggle. In conjunction with voting, an open and accessible public sphere protected by constitutional guarantees of freedom of association, assembly, and expression is among the fundamental features of modern democracy. Access to communication and participation in public life constitute the condition of citizenship in contemporary democracies. Citizenship here must be understood as not simply a legal status but as a form of political identity in which social beings work out their versions of the good through participation in public life (see, e.g., Mouffe, 1992). And in a society undergoing vast transformation, those social changes must be represented through the media. Societies in transition from authoritarianism need to come to grips with the past, and this can only be accomplished on a large scale through the mass media, where knowledge and acknowledgment of the past are manifested in the glare of publicity.<sup>7</sup> The media therefore are also of central importance in reworking

7 The "knowledge and acknowledgment" couplet is borrowed from Ash (1997: 33–38), who has used it in the Eastern European context.

memories and in validating a heretofore unacknowledged history and, in this respect, operating in conjunction with mechanisms of remembrance such as South Africa's Truth and Reconciliation Commission (see Boraine, Levy, and Scheffer, 1994).

The three parts of the South African communications sector underwent successful reform. The SABC, the putative public broadcaster but long the mouthpiece of the apartheid government, was remade into a nonpartisan public broadcaster with responsibility to program for all the people of South Africa in all eleven official languages. An independent regulatory body (the Independent Broadcasting Authority, or IBA) now oversees the broadcast sector as a whole and has inaugurated a mixed system of commercial, community, and public service broadcasting. Telkom, the state-owned enterprise that effectively monopolized telecommunications, is now a corporation separated from ministerial control and overseen by a newly established regulatory body (the South African Telecommunications Regulatory Authority, or SATRA). Legislation plots a phased liberalization of the sector, opening its various service markets over a gradual period of time. Resisting both big-bang privatization and retention of full state control, the new policy permitted a foreign telecommunications consortium to take a minority stake in Telkom to bring an infusion of capital and expertise. Telkom now has extensive universal service obligations as a condition of its license and so far it has been meeting these commitments. Finally, the South African Communication Service, the propaganda arm of the apartheid state, has been dismantled, replaced by a smaller central agency (the Government Communication and Information System, GCIS) whose mandate is to deliver, access, and outsource essential communication services and serve as a government-media-community liaison. After a sometimes caustic public debate over the past sins of the white print press groups and a call for their breakup, the government largely let the press alone and pledged to expand communication opportunities via policies that assist community and noncommercial media.

Each of these reforms took place via a complex political process in which civil society activism, embodying what I call a post-social democratic ideal, largely won out over the powerful forces of formal market capitalism and older models of state control. "Post"-social democratic, because, while South African civil society activism embodied an affinity with classic social democracy's concern for the underprivileged and its willingness to intervene in markets, it rejected both the statism of European-type social democracy and the cultural homogeneity histor-