

Deliberation and Negotiations: An Examination of South Africa's Political Talk at the End of the Apartheid Era

by

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Abstract

Can a model of deliberative democracy be successful in situations of high conflict? To develop a response, I take a hard case, defined by violent conflict and divisiveness: South Africa at the end of the apartheid era. Using a mixed inductive-deductive approach to examining twelve primary documents, the emerging evidence shows that deliberation was not realized. Political talk was centred around a negotiating framework, and while the documents analyzed showed elements of inclusion, equality, and empowerment – important aspects of the deliberative model – they were at best *partially-fulfilled deliberative conditions*. But this did not mean a failure of deliberation. Even in a negotiating framework, these partial conditions were able to emerge due to the catalyst of fear, defined as a fear of violence shared by participants. This catalyst acted as a motivator for action, propelling parties to enter discussions committed, if only verbally, to more deliberative aspects.

Keywords: deliberative democracy; deliberative negotiations; deliberation and negotiations; deliberation and violence; South Africa

Dedication

To my parents and Mica. For their unyielding support and unmeasurable love.

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Chapter 1.

Introduction

This paper's purpose is motivated by the following question: can a model of deliberative democracy be successful in situations of high conflict? To develop a response, I examine a case defined by violent conflict and divisiveness, South Africa at the end of the apartheid era. While much of the literature on democratic deliberation in South Africa focuses on either electoral reforms or truth and reconciliation committees, I focus on processes of political talk between parties and their outputs (Bogaards 2018; Mack 2014). At first glance, the political talk in South Africa seemed to generate action through deliberation. Of course, deep rooted colonial relations are never as easily resolved in a matter of years, but at face value, the new constitution saw an end to the official laws that allowed for the systemic racialized subjugation of a group of people, and the process of developing the constitution involved the inclusion of those previously oppressed. Moreover, the historically oppressed – Black South Africans – rose to official political power after apartheid. Such conditions, along with the highly violent and divisive nature of the situation, make an insightful case study for an analysis of deliberation.

My objective is to analyze and assess a practical deliberative model in a context that provides challenging obstacles, exploring its advantages and limitation. To this extent, and given the emerging evidence, I argue that deliberative democracy was not realized in South Africa. Political talks centred instead around a framework of negotiations. While the documents analyzed showed elements of inclusion, equality, and empowerment – all important aspects of the deliberative model – they were at best *partially-fulfilled deliberative conditions*, not fully realized conditions of deliberation. But this does not mean a failure of the deliberative model. Key participants appeared willing to work within these limited conditions, making deliberation of various kinds and democratic decision-making generally far more equitable, even in a negotiating framework. Exactly how partially-fulfilled deliberative conditions were able to emerge in negotiations can be revealed by focusing on, what I call, the catalyst of fear. This catalyst of fear provides several insights on the association among negotiations, deliberation and emotion, and I propose that

negative emotions can be used for action and engagement with the purpose of solving conflict. This has important implications for deliberative theory in so far as the catalyst of fear can provide an answer to a question that has perplexed academics: how can elites in power be brought to the deliberation table?

I present my argument in six parts. In Part Two, I draw from the existing literature to highlight conditions of the deliberative ideal necessary for practical deliberation: inclusion, equality, information, reasoning, agreement, and empowerment. I then engage in a discussion of the association between deliberation and negotiation, examining how the two are compatible. Part Three presents my case study and offers an overview of the history of South Africa relevant to the topic. It discusses the racialized minefield present in the country at the time, and a brief history of the apartheid regime. Part Four covers the twelve primary sources used to support my arguments, explaining my approach to this study, my inductive and deductive analysis, and presenting the partially-fulfilled deliberative conditions. Part Five presents a discussion of my arguments and interpretations, and finally Part Six offers a conclusion, and the further implications of the paper.

Chapter 2.

Building a Model of Deliberation

2.1 A Practical Model of Deliberation

As Johnson (2015) writes, deliberative democracy is “a rich ideal,” empowering “individuals by providing opportunities for their direct contribution to norms and policies” (3, 6). Deliberative democratic procedures can produce fair resolutions of conflict by aiding the development and expression of inclusion, equality, restraint-free participation, and individual freedom in publicly open forums of discourse (Benhabib 1996; Dryzek 2000; Habermas 1998, 171; Steiner et al. 2004). They do so by generating mutual agreement that provides a moral and ethical basis for collective decision-making, emphasizing direct participation. Deliberation is critical to the emergence of shared rules, mutual accountability, collective action and the common good (Crawford 2009; Mitzen 2013; Warren 2012).

Deliberative democracy is “a framework of social and institutional conditions that facilitates free discussion among equal citizens – by providing favourable conditions for participation, association, and expression” (Cohen 1996, 99). Seyla Benhabib (1996) outlines a model of deliberative democracy in broad terms, highlighting the connectivity and fluidity among parts, privileging “a plurality of modes of association in which all affected can have the right to articulate their viewpoint” (73-74). She adds, “it is through the interlocking net of the multiple forms of associations, networks, and organizations that an anonymous “public conversation” results” (Ibid). Jane Mansbridge, James Bohman, Simone Chambers, Thomas Christiano, Archon Fung, John Parkinson, Dennis Thompson, and Mark Warren “recognize that most democracies are complex entities in which a wide variety of institutions, associations, and sites of contestation accomplish political work,” and advocate for what they call a “*systemic approach to deliberative democracy*” (Mansbridge, Bohman, et al. 2012, 2). A systemic approach expands the analysis of deliberation beyond individual sites and forums, and into larger-scale societal terms. This allows the complexities of interrelations among parts, all interacting together to produce a healthy deliberative system. As Chambers (2003, 309) puts it:

we can say that deliberation is debate and discussion aimed at producing reasonable, well-informed opinion in which participants are willing to revise their preference in light of discussion, new information, and claims made by fellow participants.

To build on a practical model, I take six central conceptual elements of deliberation as established by Johnson (2015, 12): inclusion, equality, information, reasoning, agreement, and empowerment.¹ The condition of inclusion in deliberation derives from the ideal that all humans who are governed, bound, or affected by policies have a claim to be involved, and actionable rights or power to demand a say – directly or indirectly – in their development and implementation. Inclusion renders a model of deliberation particularly attractive to concerns of inequality and minority rights, and can extend to include those groups’ particular knowledge and wisdom, incorporating them in the decision-making process (Young 2000).

Closely related to the condition of inclusion is equality. The condition of equality is based on the simple assertion that all humans are moral equals. Firstly, there is the material equality that theorists have pointed out as necessary for deliberation. Cohen (1996) calls for a strong material equality that severs “the fate of citizens from the differences of social position, natural endowment, and good fortune that distinguish citizens” (106). Material inequalities such as income, education, healthcare, housing, and access to childcare – inequalities that are gendered and racialized – can negatively impact participation in deliberation. Secondly, participation in deliberation should be equal. All should have the right and opportunity to contribute to rendering decisions that govern us so that “no one should be able to dominate the direction, tenor, or substance of deliberation” (Johnson 2015, 13). The condition of equality in deliberation closely interplays with that of information. While *all* people should have the right to engage in deliberation, citizens must be capable of “adequate political functioning” to be included in the decision-making process (Bohman 1996, 325). Given this distinction, access to information becomes crucial in deliberative exchanges, in that all should have equal access to information based on social, scientific, and empirical writing and research. Equally important is the accessibility to information that deliberative democracy requires. As Johnson (2015) points out, “the

¹ I call these conditions of deliberation.

Internet, electronic databases, computer apps, and the like can be powerful resources that should be accessible to all of us,” and can be crucial in education, critical thinking and other knowledge-based opportunities (13-14).

Central to deliberation is also the element of reason, reason-giving, receiving, and consideration. Gutmann and Thompson (1996) refer to a kind of reason that is closely associated with reciprocity, and occurs when “a citizen offers reasons that can be accepted by others who are similarly motivated to find reason that can be accepted by others” (53). This type of reason involves an understanding and appreciation of a wide diversity of perspectives and “search for, exchange, and discuss reasons that can be acceptable to all as equal and free citizens” (Johnson 2015, 14). Equally of importance is the idea of consideration, and the willingness of participants in deliberation to “advance ‘considerations’ that others ‘can accept’ – considerations that are ‘compelling’ and ‘persuasive’ [...] and that ‘can be justified to people who reasonably disagree with them,’” generating a condition of acceptance in deliberation (Mansbridge et al. 2010, 67). This type of reasoning requires an openness to views, arguments, and interests of others, as well as a willingness to revisit and even change one’s own argument if warranted.

Of course, considerations in deliberation cannot always be accepted, and contestations will always be part of the model. They may even be desired. Deliberation is not an individualistic and universal framework of democracy, as Chantal Mouffe (1999, 747) argues. On the contrary, deliberation should involve contestations of beliefs that can increase reflection, stimulate deeper discussion, provide shared understanding or even drive participants to develop fuller arguments when faced with oppositions (Dryzek 2005; Rostbøll 2008). As Christian Rostbøll (2008) points out, deliberation can be a form of critical theory that enables the citizens to bring about social and political change to challenge the status quo. Participants should deliberate in a way that accommodates and respects interests, thus forming cooperation with those of different minds (Bohman 1997, 100; Gutmann and Thompson 1996, 93-94). Agreement in deliberation does not need to be reached on *all* reasons for a particular decision, only on “those necessary to make that decision;” this is what Cass Sunstein calls the “incompletely theorized agreements” (Johnson 2015, 15; Sunstein 1997, 96). Similarly, for Niemeyer and Dryzek deliberation

should result in meta-consensus, which they see as the agreement about the nature of the issue at hand:

Deliberation requires that individuals transcend private concerns and engage with competing views, taking them into account as part of their evaluations. To the extent this occurs, deliberation should produce agreement on the domain of relevant reasons or considerations (involving both beliefs and values) that ought to be taken into account, and on the character of the choices to be made (Niemeyer and Dryzek 2007, 500).

Beyond the core ideals already discussed, one of the critical conditions of deliberation is empowerment. Archon Fung (2003) defines empowerment as the “expectation that citizens’ participation and deliberation will directly affect public action” (118). Government consultation of those affected by societal issues is not enough. People entitled to be included “must have power through which they can [...] demand and enforce their inclusions through votes, legal standings, representation, [and] vetoes” (Warren 2017 44). Johnson (2015) adds that empowerment “refers to the capacities, capabilities, and opportunities of individuals to shape the policies that either bind or affect them,” highlighting that empowerment can encompass the “personal skills, social and political resources, and procedural and institutional opportunities necessary to directly influence policy” (16). As Johnson envisions, empowerment can be understood in two dimensions, individual and institutional:

In the individual dimension, deliberative empowerment includes agency (i.e., an ability to act according to one’s reasoning), autonomy (i.e., an ability to act according to one’s reasonable conception of the good), political literacy and skills (i.e., an ability to understand and articulate political ideas and problems, work through issues, advance interests, and resolve conflict), and social capital (i.e., inter-personal networks, based on shared public values and trust, and facilitated by lines of communication). In the institutional dimension, empowerment includes opportunities for individuals to participate in inclusive, equitable, transparent policies, and assurances that elected officials will be responsive to these inputs (17).

Empowerment in deliberation dismantles existing power structures and shifts power away from elite policymakers to the affected peoples. Empowerment means that democratic legitimacy is achieved only when *all* actors affected in deliberation are assured that norms cannot be adopted and changed at the cost of the most disadvantaged, and that all those subject to collective rules should help make those rules (Benhabib 2002;

Parkinson 2006). The deliberative criteria highlighted in this section include inclusion, equality, information, reasoning, agreement, and empowerment. Though deliberative democracy in no way claims to provide the “right” solutions to a decision-making process, it can be strongly defended on grounds that individuals are included in the deliberative process with equal access to information, are reasonable in giving, receiving and accepting information, have general agreement and shared interests, and are empowered to have a say on issues that affect them.

2.2 Deliberative Negotiations

While deliberative features can define a type of political talk, not all political talk is deliberative talk. Political talk can often take the form of negotiations or even bargaining. Negotiating-talk can be characterized by coercive power and can exhibit a more antagonistic approach to dialogue and discussion. As such, deliberation and negotiation have been understood to stand in stark opposition (Mansbridge 2009, 3-5). However, the potential for their interplay exists.

For the negotiation process to be just and deliberative, two principal elements must be fulfilled: (1) the inclusion of fair terms of the affected parties, and (2) the equal power of the negotiators (Warren and Mansbridge 2013). Inclusion within negotiation must attend to the interests of the marginalized and oppressed groups who might otherwise have a hard time being heard. Any negotiations that exclude the interests of those groups fall short of being just. Like the deliberative model highlighted earlier, equal power in the context of negotiations can be understood as one group’s equal influence to determine the outcome of the process. As Habermas (1998) understand it, “bargaining power should at least be disciplined by its equal distribution among the parties” (165-167). Just negotiations must provide parties with an equal opportunity to influence one another during bargaining, so that all interests can come into play and have equal chances of success. In deliberative negotiation, each party’s interests and its compatibility and interaction can be moderated by what Rawls called “being reasonable, which includes treating others as ‘self-authenticating sources of claims’” (Rawls 2005, 32).² Though it might seem strange that

² I believe this operates on the same principles as Kant’s second maxim of the categorical imperative.

other people's interests would provide others with the reason for accepting a particular agreement or action, it is precisely these which render the deliberative notion of free and equal peoples.

Once the conditions of inclusion and equality are situated within negotiations, other conditions for deliberation will quickly follow, for deliberative negotiation still operates based on the deliberative ideal. As Warren and Mansbridge (2013) explain it, deliberative negotiation is based on a "process of mutual justification, respect, and reciprocal fairness" (92). The desire for inclusion, empowerment and equality remain stable in a model of deliberative negotiation, while notions of bargaining and self-interest are also accommodated. Deliberative negotiations should not be regarded as a failure or undesired as a model in the face of the deliberative ideal. Instead, deliberative negotiations have the potential to succeed where the deliberative ideal falls short because the two are not binary opposites. As Benhabib highlighted (1996), a model of deliberation can, and should, be fluid to the extent that it can articulate an interlocking net of multiple forms. Now that the deliberative conditions, and the associations between deliberation and negotiation have been explored, the discussion must situate itself in practical terms, and in the context of South Africa.

Chapter 3.

A Divided South Africa

3.1 Apartheid

“To be an African in South Africa means that one is politicized from the moment of one’s birth, whether one acknowledges it or not,” wrote Nelson Mandela in his autobiography *Long Walk to Freedom*, describing a life circumscribed by racist laws and regulation that crippled growth and diminished potential (95). The history of racial segregation in South Africa is defined by a “terminological minefield” of human groups, ethnic terms, and racialized labeling (Thompson 1990, xiii). Whether one is talking about the colonization of South Africa through the Dutch merchants and the beginning of the Dutch East India Company, or the British settlement that later took place amid the “Scramble for Africa,” there is little doubt that South Africa became “a complex, racially stratified society,” synonymous with monopolistic policies, colonialism, violence, and slavery (Ibid., 33). The relationship between the white invaders and their counterparts came to be defined through paternalism, an ideology where those in positions of power restricted the freedoms and responsibilities of those they regarded subordinate to them, supposedly for their best interests. The white invaders infantilized the Indigenous South African population with dresses, naming patterns, and language, creating psychological bonds as crucial means of control that defined the modern South African state (Ibid., 44).

The turning point in modern South African history came in the 1948 general election. For the first time since its foundation in 1933, the United Party was defeated by the National Party under the leadership of D. F. Malan, and his six-and-a-half years as prime minister served to introduce the system of apartheid. Apartheid was defined by authoritarian political rule based on the notion of white supremacy, ensuring that the country was ruled socially, politically, and economically by the white minority population.

Shortly after the 1948 general election, various apartheid acts were implemented, and actions were taken to consolidate the mechanisms of racial segregation. Among the first was the Prohibition of Mixed Marriages Act of 1949, prohibiting marriages between Europeans and non-Europeans. In 1950, the Population Registration Act was passed, requiring the South African population to be registered, and socially stratified based on

their race under three categories: Black, White, and Coloured. The non-white population saw itself subjugated, as social, political, educational, and economic rights and opportunities were defined and granted based on these groups. Various “immorality acts” were also passed between 1950-69, which prohibited and criminalized sex between whites and non-whites.³ Apartheid policy was also supported by the Dutch Reform Church, which armed apartheid “with its religious underpinnings by suggesting that Afrikaners were God’s chosen people and that blacks were a subservient species” (Mandela 1995, 111). At the same time, apartheid control over the non-white population grew more and more sophisticated.

In 1967, the government tried to displace all Africans, except those needed labourers, into the *Bantustan*, or, Homelands – designated territories the National Party had set aside for black inhabitants. According to the Department of Bantu Administration and Development:

It is accepted Government policy that the Bantu are only temporarily resident in the Europeans areas of the Republic for as long as they offer their labour there. As soon as they become, for one reason or another, no longer fit for work or superfluous in the labour market, they are expected to return to their country of origin or the territory of the national unit where they fit ethnically if they were not born and bred in their homeland (Platzky and Walker 1985, 65).

The number of people displaced was vast. According to the Surplus People Project, which made a study of the removals, about 3,548,900 people were removed between 1960-1983: 1,702,400 removed from towns, 1,129,000 from farms, 103,500 from developmental areas and 614,000 from black spots (Ibid., 10).⁴

³ *The Immorality Act of 1927* prohibited extramarital sex between Europeans and African people. *The Immorality Act of 1950* expanded the definition to prohibit extramarital sex between Europeans and non-Europeans. *The Immorality Act of 1957* prohibited sexual relations between Whites and non-Whites, and increased the penalty to up to seven years in prison for both partners. Additionally, it also prohibited brothel-keeping, and the procuring of, and engagement in prostitution. *The Immorality Amendment Act of 1969* introduced a number of new offences. It prohibited the manufacturing or sale of articles intended for “unnatural” acts of sex, and, although criminalized under sodomy laws, it made it a statutory crime for any male to have sex with another male under the age of nineteen.

⁴ “Black spots” referred to land occupied illegally by the African population in white areas, according to the South African government.

During the system of apartheid, the National Party also took control over the education system under the Bantu Education Act of 1953. The government seized control of African public education from provincial administrations, making it impossible for non-governmental schools to continue (Thompson 1990, 196). From 1948 onward, “Whites Only” signs began appearing in all places. Laws and regulations imposed segregation for restaurants, cafes, cinemas, universities, schools, trains, buses, benches, and so on. Apartheid society came to be defined by its brutal and cruel exercise of power over the Indigenous South African population, taking on vicious forms of violence and death.

3.2 Violence and Meta-Conflict

On August 17, 1990, at the Nancefield Hostel in Soweto, a group of Inkatha Freedom Party-supporting Zulus killed a man they suspected was a Xhosa — an African National Congress (ANC) sympathizer.⁵ In September 1990, an ANC supporter stabbed Lindsay Tshabalala, an Inkatha supporter, and set him on fire. In December 1990, in Thokoza, a man laughed as in the background, a group of female Inkatha supporters beat an unidentified woman. A girl ran through the streets, dragging along her younger sister, protecting her from a group of Zulu warriors. Sons and nephews were shot by the police, families mourned over corpses of children, and fire rained down on unarmed crowds (Marinovich and Silva 2011, 97-107).⁶ These are only a few instances of the horrible violence in South Africa in the years that marked the beginning of the end for the apartheid regime. Apartheid was a system of racial segregation and oppression, but it was also a system of applied systemic violence that relied on this violence to survive (Van der Merwe 2013). According to research, violence rose dramatically in the years before the end of the apartheid era, with close to 80 murders per 100,000 people (Kreigler and Shaw 2016).

Donald L. Horowitz (1991) took the problem of violence in South Africa even further and argued that violence and conflict were not only constrained to racialized

⁵ The Inkatha Freedom Party (IFP) and the African Nations Congress (ANC) were two South African political parties that were initially very close in their fight against the apartheid system. By the early 1980s however, the parties started splintering from each other as the ANC gained more political power. Their new relationship became characterized by inner fighting between members as well as sporadic political violence between their supporters.

⁶ These descriptions come from a series of photographs taken by Ken Oosterbroek, Greg Marinovich, Joao Silva, and Kevin Carter between 1990 and 1993, presented in *The Bang-Bang Club: Snapshots of a Hidden War* by Marinovich and Silva.

differences. Yes, there was conflict about racialization, but conflict also existed over the *conflict's nature*, stemming from ideological differences. Horowitz called this *meta-conflict*, operating in two stages (27-28). At one stage, there is the conflict seen at face value between a colonizer and the colonized. This conflict can be regarding territorial disputes, education reforms, or gender biases, and has various physical manifestations, whether it is an outright violent conflict, or more peaceful demonstrations. In the second stage, as proposed by Horowitz, there is conflict about the conflict's nature. This second stage operates on an abstract level and has no physical manifestation of conflict. Rather, this conflict about the conflict's nature comes about due to South Africa's divide not only along racialized lines but also ethnic. Conflict arose within African Nationalist groups themselves – between the Zulus, the Xhosa, and the Tswana – implying that even at the resolution of the conflict, more conflict would still arise over *whose* solutions to implement and *what* precisely those solutions might look like (Ibid).

The implications of the meta-conflict can be quite powerful. Due to South Africa's divisiveness *within* its racial and ethnic groups, any form of discussion, deliberation, or negotiation was rendered extremely challenging. It is the strong divisive element in South Africa and its high level of political violence that make for a fascinating case study. Ultimately, discussion did occur in South Africa, and parties were capable of sustaining a dialogue long enough to bring an end to the apartheid regime.

3.3 Dialogue and Discussion

At some level, opposition to the apartheid system always existed. The Dutch Reformed churches eventually issued statements criticizing apartheid, and the South African Council of Churches declared apartheid to conflict with Christian principles. English-medium universities like the Universities of Cape Town and Witwatersrand were in opposition to apartheid, as were some women's groups like the Black Sash. Authors too, were exposing the effects of the apartheid regime. Alan Paton, who had written the bestseller *Cry, the Beloved Country*, was a critic of the regime, and others like Andre Brink, Nadine Gordimer and J. M. Coetzee wrote about the destructive elements of racism in their work (Gruchy 2005; Michelson 1975; Thompson 1990).

By the 1970s, the apartheid's structures were starting to collapse, and leaders recognized that the domestic and international pressure could no longer be supported by the system, its network of laws proving costly for the government. Inflation was running at over 10 percent, the white population was becoming poorer, and for the first time, there was a net white emigration from South Africa (Thompson 1990, 221). The Mahlabatini Declaration of Faith in 1974 was the first instance of agreement between oppositions acknowledged by the political leaders of South Africa. Harry Schwarz, leader of the United Party which had been South Africa's ruling party between 1934 and 1948, and Gatsha Buthelezi, the Chief Executive Councillor of the black homeland of KwaZulu, jointly issued the document which was to serve as the blueprints for racial peace. The document affirmed notions of negotiations, constitutional development, and the rights of all people.

In 1978, Pieter Willem Botha succeeded Prime Minister John Vorster, when Vorster resigned following a scandal that saw members of the government misappropriating public funds intended for secret propaganda purposes. The Botha administration policies were an elaborate attempt to adapt to the changing circumstances without sacrificing Afrikaner power. Policies included scraping apartheid symbols that were unnecessary for maintaining White supremacy, winning the cooperation of big businesses, and suppress domestic dissidents. The next significant change was in 1984, when a new constitution came into force. The new Parliament consisted of three uniraical chambers: a House of Assembly made up of 178 White people elected by Whites; a house of Representatives of 85 Coloured elected by Coloureds; and a House of Delegates of 45 Indians elected by Indians. Though the Whites held the majority, a multiracial cabinet drawn from the three chambers became responsible for general affairs such as taxation, foreign affairs, defense, and laws. Uniraical ministers' councils became responsible for their own affairs such as education, health, and local governments (Murray 1987, 107-118; Thompson 1990, 225). For the first time, the National Government included Africans in the political process, though the new constitution still proved inadequate. First, the official grouping of South Africa continued to be racialized. Secondly, Whites continued to dominate the African populations under the new constitution as they could outvote any laws put forward. Thirdly, the Africans, which made up about 75 percent of the population

of South Africa (including those living in the Homelands), had no say in new dispensations (Thompson 1990, 225-226).

By June 1986, more and more segregation laws were eliminated. Bans were released on multiracial political parties and interracial sex and marriages. Laws no longer reserved particular jobs for Whites only, and business centres were now opened to Black traders. Some hotels, restaurants, and other public facilities were being desegregated, and sports were now allowed to take place between multiracial teams. Despite this, the reform process still had strict limitations. School education remained segregated, and the government was still spending about seven times as much on the education of a White child than that of a Black child. Similar disparities also remained in place for health and other welfare systems (Ibid., 227). In the late 1980s, the government saw more and more domestic resistance to the apartheid system in the form of violence, boycotts, attacks, and clashes. The escalating unrest and violence ultimately led to the government declaring a state of emergency in the country between July 20, 1985 and March 7, 1986. The emergency declaration gave the police broad powers of arrest, detention, and interrogations without a warrant. They were allowed to ban any meetings and prohibit all coverage of unrest by television, radio, or newspapers. In other words, the government had resorted to legalizing tyranny (South African Institute of Race Relations 1986, 830-845; Thompson 1990, 228-242). While the government attempted to re-establish control of the country with the emergency declaration, it became increasingly clear that soon, the African population would, at the least, acquire some form of political power.

In 1989, F. W. de Klerk became president and delivered arguably one of the defining moments of the end of apartheid: his speech at the opening of Parliament in 1990. In the speech, he revealed the repeal of the ban on the ANC and other such organizations, and announced the release from prison of Nelson Mandela after 27 years – a significant step in the African nationalists' fight for freedom. The path to official negotiations between the leadership of the ANC and the South African government began on May 4, 1990, with a meeting at the presidential residence, Groote Schuur. The resulting commitment between the parties, the Groote Schuur Minute, aimed to eliminate the existing climate of violence in the country, remove obstacles for negotiations, and release political prisoners. In August

of 1990, these points were once again ratified in the Pretoria Minute, and the 1991 National Peace Accords were a critical step in the process of discussion.

What followed was the Convention for a Democratic South Africa (CODESA I), where 228 representatives from nineteen groups met on December 21, 1991, for a planning session to discuss negotiations. After the parties agreed and signed the declaration of intent, five groups were tasked to deal with specific issues: the establishment of a new constitution, the setting up of an interim government, the future of the homelands, the time required for the implementation of the changes, and the electoral system. CODESA I played a significant role in laying the foundations for the multiracial discussions, and it was decided that the next session was to begin the following year. CODESA II followed in 1992, but ultimately the session failed, and discussions and dialogue broke down. Rejections to constitutional proposals deadlocked the sessions, and the further escalation of violence created dismay both inside and outside of South Africa. Tragedy further ignited when, in protest, the ANC took to the streets, resulting in the Bisho massacre of September 1992 which killed 29 people (Smith 2012).

Following the failures of CODESA, with the urgency to resume discussions, and the escalation of violence, bilateral negotiations between the ANC and the government became the main channel of discussion.⁷ In September of 1992, the process of discussions was restarted when the Government and the ANC met to work out a Record of Understanding, dealing with a constitutional assembly, political prisoners, and an interim government. This led in 1993 to the Multiparty Negotiating Forum where the ANC and the Government reached bilateral consensus on issues before presenting them to the other parties. On 27 April 1994, the general election resulted in the ANC winning around 62% of the vote, and saw Nelson Mandela becoming president (Byrnes 1996). A new constitution was passed by the ANC legislative majority in 1994, and the Truth and Reconciliation Commission was established to deal with the crimes committed during the apartheid era. In sketching an overview of the discussions in South Africa, my goal has been to provide

⁷ By this point, the ANC had become the primary opposition to the government of South Africa. Following their outlaw in the 1960s by the government, the ANC slowly saw itself rise again in the late 1970s who by then identified itself as a military organization in a country that was descending in a virtual civil war. The ANC's further rise in the late 1980s and early 1990s was propelled by de Klerk lifting the ban on the party and the release of Nelson Mandela from prison, who would later become the most prominent leader of the party and of the anti-apartheid movement in South Africa.

crucial context for the twelve primary sources analyzed in this paper. With this in mind, the next section will discuss the methodology of analyzing my documents, and present evidence for my arguments.

Chapter 4.

Analysis of Documents

4.1 Primary Sources

The case I have chosen to examine is South Africa at the end of apartheid. This case is characterized by (1) the necessary high-conflict context required to answer my project question and (2) the elements of discussion and dialogue needed to pursue a model of deliberative democracy. As such, I take a descriptive, hard case-selection approach to a situation where, at first glance, it seemed particularly difficult for deliberation to emerge (Gerring 2017, 41). I seek to understand the relationship between a model of deliberation and the challenges posed by a strongly divided country, thus constructing a theory through a mixed inductive-deductive approach. I look at the following twelve primary documents:

- 1) “Mahlabatini Declaration” of 1974,
- 2) F. W. de Klerk’s speech at the opening of the second session of the ninth parliament of the Republic of South Africa in 1990,
- 3) “Groote Schuur Minute” of 1990,
- 4) “Report of the Working Group Established Under Paragraph 1 of The Groote Schuur Minute” of 1990
- 5) “Pretoria Minute” of 1990
- 6) “The National Peace Accords” of 1991
- 7) “CODESA Declaration of Intent” of 1991
- 8) “The Record of Understanding of 1992 between Roelf Meyer, Minister of Constitutional Development and Cyril Ramaphosa, Secretary General of the African National Congress”
- 9) “Statement by Nelson Mandela at the opening of the ANC/NP Government Summit of 1992”
- 10) “Statement by Nelson Mandela at the Summit Meeting of the World Trade Centre in Johannesburg in 1992”
- 11) “The Resolution of the Need for the Resumption of Multi-Party Negotiations” of 1993
- 12) “The Statement by Thabo Mbeki, Representative of ANC, at the General Assembly of the United Nation in 1993”

Documents were selected on their value for analyzing interactions of communication and collaboration between Government Officials and the opposition. Though the documents span several decades, they were chosen for their milestone importance in the discussions between the parties. Eight of the twelve primary source were

chosen because they are official outputs of political talk between representatives from different parties and fractions.⁸ The other four sources were chosen because they are speeches and statements made by official representatives that directly address official outputs of political talk. I understand these sources as documentation of their authors' attitudes, context, and beliefs, rather than informative sources about the events themselves. I approach my primary documents from a mixed inductive-deductive approach to construct theories grounded in data (Corbin 2015, 6; Strauss and Glaser 1967; Vogt et al., 2014, 13).

In analyzing my primary documents, I use Johnny Saldaña's (2016) three cycles of coding. I use the six conditions of deliberation highlighted earlier: inclusion, equality, information, reasoning, agreement, and empowerment, to guide my three cycles of coding and to determine the degree of success of deliberation. As I conduct my coding, the goal of my analysis is to determine whether the primary sources' content fits in any of the six conditions of deliberation. In each cycle, the data was synthesized to the extent that the final cycle of coding provided categories and information that could no longer be synthesized.

4.2 First Cycle: Initial Impressions

In the first cycle, I utilized the method of *initial coding* (Charmaz 2014; Corbin and Strauss 2015; Saldaña 2016, 117). This involved reading through each document and coding attitudes, beliefs and actions into emerging nodes (or categories).⁹ In this first cycle of coding, I never purposely manipulated the emerging data into any established meanings and definitions. For example, the node titled *Peaceful Negotiations* may have contained several examples of attitudes or beliefs relating to the idea of peace and negotiations. However, if I came across an instance where the mention was *Peace and Prosperity*, that particular piece of information got coded into its own node, and was not made to fit into any other node. Although this created some nodes that might have been duplicated, in this first cycle of coding, no data was synthesized or grouped together based on *potential*

⁸ Official outputs of political talk refer to any documents, reports, accords, statements, declarations and minutes that resulted from discussions between parties and fractions officials.

⁹ I use the words "nodes" and "categories" interchangeably in this paper, as for the purposes of my methodology the word "node" is synonymous to the word "category." Nodes is simply the language that the NVivo software uses.

meaning.¹⁰ The danger with synthesizing any type of information in the first cycle is that it runs the risk of being mistakenly interpreted under the wrong category in further cycles. As will be seen, the nodes *Peaceful Negotiations* and *Peace and Prosperity* ended up as sub-nodes of different parent-nodes despite the theme of peace being present in both.

As such, the first cycle of coding used a more inductive approach in letting the data speak for itself and remained open to all possible theoretical directions. This is particularly important for my methodology and my case study because my goal was to determine the success of deliberation, and as such, my methodology and analysis had to be open to the possibility that the primary sources were not showing deliberation. And if they were not, the open approach to my first cycle of coding allowed me to determine what else, apart from deliberation, the data was showing.

The first cycle of coding rendered 137 nodes (Appendix A), and initial impressions indicated the presence of certain expressions of deliberative conditions, at least on a level where at minimum they were mentioned and acknowledged in official documents. Categories emerged around ideas of co-operation, discussions, peace, reconstructions, participation, freedom and democratic structures.¹¹ Additionally, two emergent ideas were those of negotiating-talks, and the violence in the country at the time. Particular attention was given in the documents to negotiating forums, multi-party negotiations and peaceful negotiation, while the fight against violence, its escalation, and elimination were a main focus of those engage in discussions. This indicated from the beginning of the analysis the strong themes of negotiation and violence that will become central to the analysis of this paper.

4.3 Second Cycle: Combining Emerging Categories

The second cycle of coding was defined by searching for the properties and dimensions of each node, bringing together similarly coded nodes and related references of the data. I utilized *focused* coding to synthesize my codes into each other and pull the data into a more unified scheme (Saldaña 2016, 118). Focused coding allowed me to combine multiple nodes into one, based on their thematic, conceptual, and contextual

¹⁰ Any grouping together of nodes based on potential meanings was conducted in the second and third cycles.

¹¹ A full list of emergent categories can be seen in Appendix A.

similarities (Appendix B). Some nodes did not belong under one parent-node and were left to stand on their own. While the nodes were synthesized into each other, the coding scheme itself became much more complicated, illustrating nodes within nodes. The purpose of this cycle was to declutter the information and combine similar categories, synthesizing the number of nodes from 137 to 31.

At this stage, I utilized a more deductive approach to my coding, as the six conditions of deliberation highlighted in this paper served as guides aiding the direction of my coding. It should be noted that at this stage, the emerging information was not yet assimilated under any of the six conditions. However, the coding showed several categories with the potential to fall under conditions of deliberation. These categories were focused on the desire for co-operation among parties towards the common good and the prevention of unrest, the release of political prisoners, and the overall vision of peace and need for democratic structures. Furthermore, the ideas of negotiation and violence that emerged in the first cycle could now be structured under their own nodes of *Negotiations* and *Political Violence*. Both categories showed through their sub-nodes to be substantive to the degree that their presence in the first coding was not ad hoc (Appendix B). This showed not only their importance but also the merit for further discussion in the analysis of the paper. With the potential of several categories falling under conditions of deliberation and the emergence of negotiations and violence, the evidence started to show the key themes of the study, and their association.

4.4 Third Cycle: Constructing Deliberative Conditions

The third and final coding cycle involved theoretical coding, used to identify the core categories that informed the analysis of this paper (Saldaña 2016, 250). In this third cycle, I used a deductive approach to determine which nodes from the second cycle were further synthesized into categories that could translate to conditions of deliberation. As a result, *Inclusion*, *Equality*, and *Empowerment* emerged as categories of deliberative conditions, which were ultimately included under the parent-node *Deliberation* in order to illustrate their association to the deliberative model. To the degree that I could justify which previous nodes now fell under *Inclusion*, *Equality*, or *Empowerment*, I was guided by the theoretical discussion on deliberative conditions. For example, the category of *Equality*

was formulated through various sub-categories of co-operation and opportunities that were valued only in so far as they were distributed equally for the people and with the people, as various attitudes in the texts indicate:

Opportunity must be afforded to all our people for material and educational advancement. The economy must be available to serve the needs of all able and willing to contribute, and the wealth, labour and expertise of our country should be harnessed to provide job and entrepreneurial opportunity for all groups (Mahlabatini Declaration 1974).

These fundamental rights include the right of every individual to: freedom of conscience and belief; freedom of speech and expression; freedom of association with others; peaceful assembly; freedom of movement; participate freely in peaceful political activity (National Peace Accords 1991).

Constitutions, blue prints and plans for the future should not be made by only some of the people for all others, they must be made with the people. Consultation and dialogue lead to government by consent and with this in mind and as a first step a consultative council representative of all groups in South Africa should be constituted at the earliest opportunity (Mahlabatini Declaration 1974).

The category of *Inclusion* was formulated through sub-categories informed throughout the texts by decisions to release political prisoners, and the equal participation in political talk. There was a recognition that prohibitions and restrictions on political associations, participation, and speech needed to be abolished, and that all should have the right and opportunity to contribute to the process of political talk:¹²

The two parties are agreed that all prisoners whose imprisonment is related to political conflict of the past and whose release can make a contribution to reconciliation should be released (Record of Understanding 1992).

Every inhabitant will enjoy equal rights, treatment and opportunity in every sphere of endeavour -- constitutional, social and economic (de Klerk Speech 1990).

Free from domination by any group over others and ensuring the security of all its people (Mahlabatini Declaration 1974).

¹² There were 26 references throughout the texts alluding to these notions, and it should be noted that while the participation of “all” only went as far as the population’s representative leaders, this is still compatible with the notion of inclusion.

Only a negotiated understanding among the representative leaders of the entire population can ensure lasting peace (de Klerk Speech, 1990).

The category of *Empowerment* was formulated by various sub-categories with references to democracy and democratic institutions (Appendix C). Throughout the documents, notions of empowerment appeared closely associated with values of democracy, and a desire for constitutional change:

There shall be a separation of powers between the legislature, executive and judiciary with appropriate checks and balances (CODESA Declaration 1991).

Rejoin the forces of democratic change (Mbeki Statement 1993).

The establishment of a multi-party democracy in South Africa is our common goal (National Peace Accord 1991).

What became evident is an idea of empowerment that materialized through various democratic systems, legislations, and the constitution. While the conditions of inclusion and equality ensure that the right people are involved in establishing the blueprints for a better South Africa, the democratic structures mentioned here were seen by participants as empowering those individuals. The empowerment in South Africa appeared to be primarily institutional, with the various legislatures, checks, and balances acting as means and opportunities for individuals to engage in inclusive, equitable, and transparent processes that can influence policy.

This third cycle also provided evidence that political talks in South Africa were formulated around the framework of negotiations, as shown through the parent-node *Negotiations* (Appendix C). Several mentions throughout the documents were made to peaceful negotiations, negotiating forums, and an overall desire for substantive negotiations:

The Preparatory Committee has played a crucial role in the process of bringing the major actors together to negotiate a Peace Accord (National Peace Accord 1991).

Within a few days, the parliament will give legal force to that historic document, which has already been approved at a plenary meeting of the multi-party negotiating forum (Mbeki Statement 1993).

Against this background, the way is now open to proceed towards negotiations on a new constitution (The Pretoria Minute 1990).

Additionally, parties were not afraid to use threat and manipulation as tools of discussion – a particular trait of negotiations (Mansbridge 2009). When the CODESA II discussions broke down over agreement regarding the interim government and the new constitution, Nelson Mandela pulled the ANC out of the negotiations. Disagreement rose because the ANC proposed an interim government for no more than eighteen months, made up of a cabinet representing the various parties, while the National Party envisioned a non-racial interim government consisting of all parties in the cabinet. The success of political talks was in danger when parties threatened to walk away if certain conditions were not fulfilled, with a significant focus being placed on the resumption of talk:

“commit ourselves, individually and collectively to the resumption of multi-party negotiations” (Resolution of Multiparty Negotiations 1993).

Furthermore, as apparent in the previous two coding cycles, the attitude towards violence by participants was important, and the theoretical coding of this cycle allowed me to determine this attitude was defined by fear, as coded in the parent-node *Fear of Political Violence* (Appendix C).¹³ As the following references illustrate, parties in South Africa were extremely concerned with the violence happening at the time, shared a particular fear of it, and used it as a motivator for action:

Noting with revulsion the unacceptable escalation of violence that is engulfing our country (Resolution of Multiparty Negotiations 1993).

Condemn the scourge of political violence which has afflicted our country and all such practices as have contributed to such violence in the past, and commit ourselves and the parties, organizations and governments we represent to this National Peace Accord (National Peace Accord 1991).

Every party to the MPNP commit itself without reservation to the holding of a free and fair election and to do everything possible to ensure that the electorate and the leaders and candidates of political parties are able to conduct their election campaigns and other political activities freely without being intimidated or obstructed and without *fear of being killed* (Resolution of Multiparty Negotiations 1993).

¹³ The node *Fear of Violence* has the third most references, after *Deliberation* and *Negotiations*.

This cycle saw the emergence of nine theoretical parent-nodes under which all previous nodes were fitted (Appendix C). The new emergent theoretical parent-nodes were: (1) *Apartheid*, (2) *Negotiations*, (3) *Deliberation*, (4) *Economic Growth*, (5) *Fear of Political Violence*, (6) *Immunity for ANC Member*, (7) *Indemnity*, (8) *Plan of Action* and (9) *Race*. While various other categories emerged in this cycle, *Deliberation*, *Negotiations*, and *Fear of Political Violence* work together to answer my research question, provide points of discussion for my analysis, and contribute to the implications of this case study, which will be discussed in the following section.

Chapter 5.

The Failures of Deliberation and its Successful Implications

5.1 The Importance of Context

Despite the presence of inclusion, equality and empowerment in the analysis, a closer discussion illustrates there is no evidence in the texts that indicates they were met as full conditions of deliberation. Aspects such as co-operation, opportunity, and freedom may have translated into ideas, and been expressions of, equality, inclusion and empowerment, but not to the extent that would render discussions fully deliberative. As Johnson states (2015, 117-125), contextual complexities should be regarded when discussing successful outputs of deliberation. In the case of South Africa, such a contextual discussion is beneficial in showing the limitations of inclusion, equality, and empowerment as conditions of deliberation.

One major party to the discussions was an apartheid government, which although had loosened its application of apartheid principles enough to allow discussion to happen, still controlled state power, and the legal status of many other participants. The other major party was made up of people who only recently had achieved legal recognition, who had the threat of guerilla warfare, and had been systematically oppressed for over 40 years. The texts made no mention of measures or safeguards to achieve equality among people, especially not to the degree that they could account for domination in the direction or substance of deliberation. Certain documents like the “Report of the Working Group Established Under Paragraph 1 of The Groote Schuur Minute” and the “National Peace Accord” highlighted measures in dealing with the release of political prisoners and strategies of policing in order to stop the ongoing violence, but all documents failed to present an action plan of how the three notions could actually be met. Similarly, on the issue of empowerment, “The Groote Schuur Minute” makes reference to ANC members and the desire to have them participate and help in political activities, but these references seem to be nothing more than verbal support. Yes, there were mentions of institutional empowerment through various democratic structures, but there are no mentions of capacities, capabilities, or opportunities for individuals to shape policies that bind or affect

them. Such talk sets an important criterion for the condition of empowerment in deliberation.

The context of the outcomes of political talk in South Africa is also important to discuss. When we look backwards, South Africa has made important strides, yet when we look forward, the country faces daunting problems even today. Political talk at the end of the apartheid did not solve problems, it covered them up. In Johannesburg, racialized segregation remains an issue with the rich, largely white population living in sumptuous northern suburbs, while the workers, largely the black population live in Soweto, Alexandra and other poor, crime-plagued enclaves (Anna 2019; Chutel 2020; Malala 2019). In Cape Town, there are 437 informal settlements where the black population faces hardship with even the most basic hygienic necessities like sewage and water.¹⁴ Poverty and inequality remain at some of the highest levels in the world, neither having diminished under Nelson Mandela or Thabo Mbeki's governments. High unemployment rates have fueled xenophobia, resulting in violent eruptions against refugees and migrant workers from Zimbabwe and Mozambique. Rates of violence crimes, particularly murder and rape continue to remain high by global and historical South African standards.¹⁵ Shortcomings are also present in the constitution and legislative sector, with instances of the ANC government ignoring and defying the Constitutional Court, and being plagued by incomplete anticorruption laws (Bowker 2020; Camerer 2011; Cele and Antony 2020; Dyzenhaus 2011). The end of apartheid also brought high hopes for extensive land reforms that would redistribute the land from white farmers. However, after five years only one percent had been transferred from white to black ownership, and five percent after 15 years (Ntsebeza 2011; The Quest for Secure Property Rights in Africa 2020; Who Owns What? 2020).

While a deliberative model was unsuccessful in South Africa, the case should not be taken as a complete failure of deliberation. Key participants in negotiations were prepared to give verbal support for the notions of equality, inclusion and empowerment.

¹⁴ For more information please see <http://ismaps.org.za/desktop.html> an interactive site dedicated to presenting the facts around informal settlements in Cape Town.

¹⁵ According to the United Nations Office on Drugs and Crime, homicide rates in South Africa has been increasing over the years. In 2012 the country recorded a rate of 30.59 per 100,000 population, and 2016 recorded a rate of 33.97.

This is important because, while not fully deliberative, they were at best, *partially-fulfilled deliberative conditions*. This implies conscious decisions by participants to go part of the way, at least at the level of rhetorical commitments, to establish key building blocks of the deliberative experience, even if they did not share a commitment to all of the building blocks, and hence fell short of a deliberative decision-making process.

The partially-fulfilled deliberative conditions provided crucial support for norms and regulative ideals that make deliberation of various kinds, and democratic decision-making generally far more well-grounded than if such support was lacking. They were well-grounded because the expressions of equality, inclusion, and empowerment improved the moral quality of the negotiations through various equitable recognitions. Firstly, there was a recognition by parties, including the government of South Africa, that different groups needed to be represented and people affected by issues had a right to participate in decision-making processes. Secondly, support was evident for the formation of democratic institutions and legislations that would empower, to a degree, those who have been previously oppressed. These democratic structures led to the 1994 election that saw the ANC win 62% of the votes, and Nelson Mandela become president. A new constitution was implemented in 1995, and the official systematic regime of oppression came to an end. The partially-fulfilled deliberative conditions did not reach their full potential to become conditions of deliberation that would implement a deliberative model, but they did drive the negotiating-talks beyond their more traditional traits of manipulation and threat. Implementing inclusion, equality, and empowerment only to a degree may not be the end goal of deliberation, but their presence can act as a measure to ensure that a resolution has been achieved to its full potential, and can claim a reasonable basis that would not exist otherwise.

Furthermore, given the negotiating framework of discussions in South Africa, and the fact that expressions of deliberative conditions were present in the documents, shows an association between aspects of deliberation and negotiation. This association has previously only been theorized about, and although the results of this analysis do not show the degree of the interaction between deliberation and negotiation, at least not to the extent that political talk in South Africa can be called deliberative negotiations, they do show that deliberative aspects and negotiations can share the same space. This means that talks that

are negotiations, have the potential to maximize expressions of deliberative conditions. Vice versa, deliberative models can maximize their own conditions to the extent that they can extrapolate negotiating aspects. Though this would not render a model fully deliberative, it can render decision-making processes that are grounded in equality, inclusion, empowerment, and other deliberative conditions. Exactly how deliberative notions came to be within a negotiating framework will be discussed in the following section, though the catalyst of fear.

5.2 The Catalyst of Fear

A fear of violence shared by all participating groups played a crucial role in the political talk of South Africa. As established in Part Three, violence under apartheid escalated to unprecedented heights. One of the critical aspects at play within the fear of violence is emotion. Years of subjugation and oppression were manifested in intense violence to which the emotional response was fear. One approach to fear is to regard it as an intense and often debilitating emotion that cannot be the foundation of moral and political argument. Fear does little to ameliorate the dilemmas of liberal societies, and works to undermine the institutions of democratic liberalism. It can coerce, traumatize, and even paralyze social and political actions (Erickson 2012; Ichheiser 1944; Robin 2004).

Another approach can regard fear as a force for stability and security, yielding moral energy and political unity. For Machiavelli and Hobbes, the idea that fear could inspire peace was the foundation of their political thinking (Hobbes 1997; Kapust 2008; Machiavelli 2008;). Regarding the role of fear in South Africa, I take a mixed approach and argue that, though coercive to a degree, the fear of violence can be a force for positive action. As previously discussed, the parties in South Africa were extremely concerned with the violence happening at the time, shared a particular fear of it, and used that fear as a motivator for action.

Throughout the twelve documents analyzed, the fear of violence and the concern over its escalation was so prominent that it propelled parties towards discussions. Otherwise, the losses of *not* taking action – of facing the continuing violence, of not accepting opposition and being receptive to other groups – would be far greater than if one were to take action. This created a state in which key parties to discussions were much

more responsive to deliberative aspects such as equality, inclusions, and empowerment, and willing to engage with them to reach a solution. In this case, fear of violence, though coercive, acted as a positive force and drove negotiations towards expressions of deliberative conditions.

The discussion on fear also speaks to a deeper link that exists between deliberation and emotion. While the model of deliberation has been accused in the past of not accommodating emotions, and favouring instead pure reason (Mouffe 1999), I see this as a mis-location of emotion in the deliberative process. Deliberation does not promote a concept of the self that is excluded from the non-rational aspects of itself. It would be impossible to do so. Humans are not detached, passionless, rational selves. We are driven by biases, impulses, passions and emotions, just as much as we are driven by colder, more rational motivations (Hume 1874, 194-195; Sandel 1984). Sometimes these impulses and biases can lead to actions that are expressed through threats or manipulations, but this does not mean that they are incompatible with more deliberative aspects, as this case has shown. To overlook our more passionate and emotional selves runs the danger of overlooking less rational-based approaches to deliberation such as solidaristic and sympathetic expressions (Young 2000). Though the relationship between emotion and deliberation remains largely unexplored, studies have shown that emotional dynamics in the context of deliberation are inevitable, and they can affect, to various degrees, both the outcome and participation of deliberation (Johnson, Morrell and Black 2019).

Chapter 6.

Conclusion and Further Implications

This case study of the public, multi-party discussions that facilitated South Africa's transition away from apartheid has shown that much of its consequential political talk was formulated around a framework of negotiations, in which a model of deliberation was not feasible. Interactions and support from parties engaged in discussions may appear to have fulfilled deliberative conditions, but when we take into account contextual factors, the limitations of deliberation as a means of exiting the context of high conflict and violence are clear. Despite this, deliberation should not be regarded as a failure. Key participants in negotiations were prepared to give verbal support for the notions of equality, inclusion and empowerment. Support for these notions, while not indicative of participants' adoption of a fully deliberative decision-making process, did suggest their acceptance of some *partially-fulfilled deliberative conditions*. Partial acceptance of these conditions can provide crucial support for norms and regulative ideals that make deliberation of various kinds, and democratic decision-making, generally grounded in moral quality and equitable recognitions, even in more negotiating frameworks. In the example of this case study, the apartheid regime did come to an end, previously oppressed and subjugated groups and individuals were able to obtain freedom, and a new constitution was created.

Exactly how deliberative aspects came to be in a negotiating context can be examined through the catalyst of fear. Some approaches to fear regarded it as debilitating and coercive emotion that cannot be the foundation of moral and political argument. Others approach fear as a force for stability and security that yields energy and political actions, and could even inspire peace. The case of South Africa illustrated that when relations between different groups engaged in political talk have a complex and strained history – such as a history of colonialism – a strong catalyst is needed to propel parties to action. One frequent criticism of the deliberative model is that often participants of deliberation face each other from unequal positions of power (Fung and Wright 2003, 33; Mansbridge et al. 2010, 81). In other words, how can elites in power be brought to the deliberation table? *To this* question, the catalyst of fear can provide an answer with wide implications for a deliberative model. Inclusion, equality, empowerment – and all other deliberative

conditions – operate on the assumption that elites in power would be willing, not only to come to the table of discussion but to enter on the grounds of equal power and accept and respond to other parties. The catalyst of fear can propel those elites in power to enter deliberation, and whether they do so fully committed, or offer only verbal support to certain conditions, their engagement in those discussions is greater than it would be in the absence of the catalyst. This happens because the catalyst presents a choice in which to *not* act, is to face greater losses than if one were to act.

This paper has set out to develop a theory in light of an exploration of whether key features of a practical deliberative model can be obtained in instances of high conflict and violence. I want to suggest, in terms of broader applications to a theory of deliberation, that when faced with such contexts, a deliberative model cannot be fully successful because the division between parties – especially in colonial conflicts – is too challenging to achieve all conditions of deliberation. At best, what is achieved is an association between deliberation and negotiation, propelled by a catalyst of fear. However, this should not discourage further deliberative research. To adequately explore and understand the ideas and arguments presented in this paper requires research of several case studies, once again defined by violence and conflict. A larger number of cases can provide a stronger basis for determining on which bases a deliberative model can successfully be achieved. If those several case studies show that it cannot be achieved, the association between deliberation and negotiation also merits further exploration. A further study of the catalyst of fear can also illustrate more concretely either its role in the implementation of a successful deliberative model, or its role in driving discussions towards deliberative expressions within a negotiating framework. Ultimately, more research is needed to fully validate the ideas put forward in this paper, but as this case demonstrates, the practical potential of a deliberative model continues to evolve.

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Appendix A.

Coding – Initial Impressions

<i>Node Name</i> ¹⁶	<i>Number of Texts Node was Present</i>	<i>References Throughout the Texts</i>	<i>Node Name</i>	<i>Number of Texts Node was Present</i>	<i>References Throughout the Texts</i>
A Democratic South Africa	1	1	Acceptance of Eco-Social Development	2	2
Apartheid	1	5	Avoiding Conflict	1	1
Ban on Weapons	2	3	Building Democracy	1	1
Channels of Communication	1	1	Checks and Balances	1	1
Co-Operation	6	16	Co-Operation and Development	1	1
Co-operation and Negotiation	1	1	Co-Operation in Domestic Sphere	1	1
Code and Conduct	1	1	Commission for the Prevention of Public Violence	1	1
Commitment	2	2	Common Ground	1	1
Condemnation of Killings	1	1	Condemn Political Violence	1	1
Consultation and Co-operation	1	1	Credible Criminal Judicial System	1	1

¹⁶ The column “Name” of the table illustrates the name I have given to each node. The column “Files” represents the number of documents each node was coded across. If the number is one, it means that a particular node was only found in one document. However, if the number is six, it means that node was coded across six separate documents. Finally, the column “References” refers to the frequency – the number of times – that a node was coded across all documents. For example, the node “Democracy” had 13 mentions of democracy across all documents. The number of emergent nodes, 137, was arbitrary based on the data that emerged from all twelve documents

			(Peace and Prosperity)		
Curtail Violence	1	1	Damage of Violence	1	1
Debate and Negotiations	1	1	Definition of Political Offense	1	5
Democracy	5	13	Democratic	1	1
Democratic Change	1	1	Democratic Constitution	1	1
Democratic Values	1	1	Develop a Common Approach	1	1
Dialogue and Discussions	1	1	Discussion	2	2
Discussion and Debated in the Context of Negotiations	1	1	Disregard Ideological Motivations	1	3
Diversity	1	1	Economic Growth	1	1
Eliminating Violence	2	2	End Political Violence	2	2
Equality of Groups	1	1	Eradication of Violence	1	1
Escalation of Violence	1	1	Establish Democracy	1	3
Exposition Political Violence	1	1	Fear of Being Killed	1	1
Fight Against Violence	1	6	Focus on Negotiations	1	1
For All	1	2	Free Political Activity	1	2
Free Political Participation	1	1	Fundamental Rights	1	1
Human and Economic Development	1	1	Immunity For ANC Members	2	2
Indemnity	1	2	Investigate and Expose Reason for Violence	1	1
Killings of Women and Children	1	1	Law	1	3

Lekgotla	1	1	Lifting of Prohibitions on Organizations	1	1
Manipulation	4	9	Mechanisms of Prevention and Communication	2	2
Mediating Violence Through Negotiation	1	1	Mediators	1	1
Media Censorship Abolishes	1	1	Moving Away from Violence	1	2
Multi-Party Negotiations	1	1	Nation Peace Committee (To Negotiate)	1	1
National Peace Committee (Negotiate)	1	1	National Peace Secretariat, Regional and Local Dispute Resolution Committees	1	1
National Reconciliation	1	1	Negotiating Counsel	1	5
Negotiating Forum	1	1	Negotiating Peacefully	1	1
Negotiation and Reconciliation	1	1	Negotiation and Renewal	1	1
Negotiation Obstacles Taken into Account	1	1	Negotiation Forum	1	2
Negotiations	3	9	Negotiations on a New Constitution	1	1
Non-Partisan	1	1	Not Racial Conflict	1	1
Nothing About Race	1	1	Opportunity	2	3
Pardon for Political Offense	1	3	Participation and Discussion	1	1
Peace	1	1	Peace and Harmony	1	1

Peace and Prosperity	2	2	Peace and Stability	1	1
Peace Bodies	1	1	Peaceful Constitutional Change	1	1
Peaceful Means	4	5	Peaceful Negotiations	3	3
Peaceful Resolution	1	1	Peaceful Solutions	1	1
Peacekeeping	1	1	Plan of Action	1	1
Police Board	1	1	Police Code of Conduct	1	1
Police Force Necessary	1	1	Policing Through Negotiation	1	1
Prepared to Enter Discussion	1	1	Prevent Violence at the Grassroots	1	1
Prevention of Public Violence and Intimidation Act	1	1	Priority of Negotiations	1	1
Process of Negotiation	5	10	Prohibition of ANC Rescinded	1	1
Protection	1	5	Put Aside Politics	1	1
Race	5	8	Racism	1	1
Recognition	2	3	Reconciliation	1	1
Reconstruction	2	2	Release of Political Prisoners	7	11
Remove Obstacles	1	1	Removing Prohibitions on Publications	1	1
Representation of all People	2	4	Resolution of Violence	1	1
Resolving Violence Through Negotiating	1	1	Restrictions on Organizations	1	1
Resumption of Negotiations	1	1	Socio-Economic Development	1	1
Security Forces	1	1	Stability	1	1
Sub-committees for Socio-	1	1	Substantive	1	1

Economic Reconstruction					
Negotiations	3	9	Successful Negotiations	1	1
Supporting Negotiations	1	2	Suspending All Armed Actions	1	1
Threat	2	4	Trust	1	1
Unacceptable Violence	2	3	Undivided South Africa	1	2
Violence	2	5	Violent Conflict	1	1
Wishes to Talk	1	2	Working Together	1	1

Total Number of Nodes: 137

Appendix B.

Coding – Combining Emerging Categories

<i>Node Name</i> ¹⁷	<i>References Throughout the Texts</i>
Apartheid	5
Co-Operation <ul style="list-style-type: none"> ▪ Co-Operation and Development ▪ Co-Operation and Negotiation ▪ Co-Operation in Domestic Sphere ▪ Common Ground ▪ Consultation and Co-Operation ▪ Disregard Ideological Motivations ▪ Mechanism of Prevention ▪ National Peace Secretariat ▪ Put Aside Politics ▪ Undivided South Africa ▪ Working Together 	29
Debate in Negotiations	1
Democracy <ul style="list-style-type: none"> ▪ A Democratic South Africa ▪ Building Democracy ▪ Checks and Balances ▪ Code and Conduct ▪ Democratic ▪ Democratic Change ▪ Democratic Constitution ▪ Democratic Values ▪ Establish Democracy ▪ Law ▪ Mediators ▪ Peaceful Constitutional Change ▪ Protection ▪ Removing Prohibitions on Publications 	35
Dialogue and Discussions <ul style="list-style-type: none"> ▪ Channels of Communication ▪ Discussion 	11

¹⁷ For the codes combined, the number in the “Reference” column was also combined to represent the overall frequency number for the parent-node alone. The “File” column was eliminated as it no longer served any purpose and would have skewed the data. For example, the number of references for the node *Co-Operation* is twenty-nine, and the combined number of files that *Co-Operation* was mentioned in, would have been seventeen. My project only utilizes twelve primary documents, meaning that the combined number of files would have been double-counted and irrelevant to the project.

<ul style="list-style-type: none"> ▪ Free Political Participation ▪ Lekgotla ▪ Mechanisms of Communication ▪ Participation and Discussion ▪ Prepared to Enter Discussion ▪ Wishes to Talk 	
Discussion and Debate in the Context of Negotiations	1
Diversity	1
Economic Growth <ul style="list-style-type: none"> ▪ Acceptance of Eco-Social Development ▪ Develop a Common Approach ▪ Human and Economic Development ▪ Socio-Economic Development ▪ Sub-committees for Socio-Economic Development 	7
Political Violence <ul style="list-style-type: none"> ▪ Avoiding Conflict ▪ Ban on Weapons ▪ Commission for the Prevention of Violence ▪ Commitment ▪ Condemnation of Killings ▪ Condemn Political Violence ▪ Curtail Violence ▪ Eliminating Violence ▪ Eradication of Violence ▪ Escalation of Violence ▪ Exposition of Violence ▪ Fear of Being Killed ▪ Fight Against Violence ▪ Investigate and Expose Reasons for Violence ▪ Killings of Women and Children ▪ Mediating Violence Through Negotiation ▪ Moving Away from Violence ▪ Non-Partisan ▪ Police Force Necessary ▪ Police Board ▪ Police Code of Conduct ▪ Security Forces ▪ Prevent Violence at the Grassroots ▪ Prevention and Public Violence and Intimidation Act ▪ Resolution of Violence ▪ Stability ▪ Suspending All Armed Actions ▪ Unacceptable Violence ▪ Violence ▪ Violent Conflict 	45

Equality of Groups ▪ For All	3
Free Political Activity	2
Fundamental Rights	1
Immunity for ANC Members	2
Indemnity	2
Lifting Prohibitions on Organizations	1
Media Censorship Abolishes	1
National Reconciliation	1
Negotiations ▪ Focus on Negotiations ▪ Manipulation ▪ Multi-Party Negotiations ▪ Nation Peace Committee (To Negotiate) ▪ National Peace Committee (Negotiate) ▪ Negotiating Council ▪ Negotiating Forum ▪ Negotiating Peacefully ▪ Negotiation and Reconciliation ▪ Negotiation and Renewal ▪ Negotiation Obstacles Taken into Account ▪ Negotiation Forum ▪ Negotiations on a New Constitution ▪ Peaceful Negotiations ▪ Priority of Negotiations ▪ Process of Negotiation ▪ Reconciliation ▪ Remove Obstacles ▪ Resumption of Negotiations ▪ Substantive Negotiations ▪ Successful Negotiations ▪ Supporting Negotiations ▪ Threat	60
Opportunity	3
Peace ▪ Credible Criminal Judicial System ▪ Peace and Harmony ▪ Peace and Prosperity ▪ Peace and Stability ▪ Peace Bodies ▪ Peaceful Means ▪ Peaceful Resolutions ▪ Peacekeeping	15
Plan of Action	1
Policing Through Negotiation	1
Prohibition of ANC Rescinded	1

Race	11
<ul style="list-style-type: none"> ▪ Not Racial Conflict ▪ Nothing About Race ▪ Racism 	
Recognition	3
Reconstruction	2
<ul style="list-style-type: none"> ▪ Reconstruction Through Negotiation 	
Release of Political Prisoners	19
<ul style="list-style-type: none"> ▪ Definition of Political Offense ▪ Pardon for Political Offense 	
Representation of All People	4
Resolving Violence Through Negotiation	1
Restrictions of Organizations	1
Trust	1

Appendix C.

Coding – Constructing Deliberative Conditions

<i>Name</i>	<i>References</i>
Apartheid	5
Negotiations <ul style="list-style-type: none"> ▪ Debate in Negotiation ▪ Discussion and Debate in the Context of Negotiations ▪ Focus on Negotiations ▪ Manipulation ▪ Multi-Party Negotiations ▪ Nation Peace Committee (To Negotiate) ▪ National Peace Committee (Negotiate) ▪ Negotiating Council ▪ Negotiating Forum ▪ Negotiating Peacefully ▪ Negotiation and Reconciliation ▪ Negotiation and Renewal ▪ Negotiation Obstacles Taken into Account ▪ Negotiation Forum ▪ Negotiations on a New Constitution ▪ Peaceful Negotiations ▪ Priority of Negotiations ▪ Process of Negotiation ▪ Reconciliation ▪ Remove Obstacles ▪ Resumption of Negotiations ▪ Substantive Negotiations ▪ Successful Negotiations ▪ Supporting Negotiations ▪ Threat ▪ Policing Through Negotiation ▪ Reconstruction <ul style="list-style-type: none"> ▪ Reconstruction Through Negotiation ▪ Resolving Violence Through Negotiating 	66
Deliberation <ul style="list-style-type: none"> ▪ Dialogue and Discussions <ul style="list-style-type: none"> ▪ Channels of Communication ▪ Discussion ▪ Free Political Participation ▪ Lekgotla ▪ Mechanisms of Communication ▪ Participation and Discussion ▪ Prepared to Enter Discussion ▪ Wishes to Talk 	115

<ul style="list-style-type: none"> ▪ Diversity ▪ Empowerment* <ul style="list-style-type: none"> ▪ Democracy <ul style="list-style-type: none"> ▪ A Democratic South Africa ▪ Building Democracy ▪ Checks and Balances ▪ Code and Conduct ▪ Democratic ▪ Democratic Change ▪ Democratic Constitution ▪ Democratic Values ▪ Establish Democracy ▪ Law ▪ Mediators ▪ Peaceful Constitutional Change ▪ Protection ▪ Removing Prohibitions on Publications ▪ Equality* <ul style="list-style-type: none"> ▪ Co-Operation <ul style="list-style-type: none"> ▪ Co-Operation and Development ▪ Co-Operation and Negotiation ▪ Co-Operation in Domestic Sphere ▪ Common Ground ▪ Consultation and Co-Operation ▪ Disregard Ideological Motivations ▪ Mechanism of Prevention ▪ National Peace Secretariat ▪ Put Aside Politics ▪ Undivided South Africa ▪ Working Together ▪ Inclusion* <ul style="list-style-type: none"> ▪ Equality For All ▪ Freedom <ul style="list-style-type: none"> ▪ Free Political Activity ▪ Fundamental Rights ▪ Lifting of Prohibitions on Organizations ▪ Media Censorship Abolishes ▪ Prohibition of ANC Rescinded ▪ Release of Political Prisoners ▪ Definition of Political Offense ▪ Pardon for Political Offense ▪ Restrictions on Organizations ▪ Opportunity ▪ Recognition ▪ Representation of all People ▪ National Reconciliation 	
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<ul style="list-style-type: none"> ▪ Trust 	
Economic Growth <ul style="list-style-type: none"> ▪ Acceptance of Eco-Socio Development ▪ Develop a Common Approach ▪ Human Development ▪ Socio-Economic Development ▪ Sub-committee for Socio-Economic Reconstruction 	7
Fear of Political Violence <ul style="list-style-type: none"> ▪ Avoiding Conflict ▪ Ban on Weapons ▪ Commission for the Prevention of Violence ▪ Commitment ▪ Condemnation of Killings ▪ Condemn Political Violence ▪ Curtail Violence ▪ Eliminating Violence ▪ Eradication of Violence ▪ Escalation of Violence ▪ Exposition of Violence ▪ Fear of Being Killed ▪ Fight Against Violence ▪ Investigate and Expose Reasons for Violence ▪ Killings of Women and Children ▪ Mediating Violence Through Negotiation ▪ Moving Away from Violence ▪ Non-Partisan ▪ Police Force Necessary ▪ Police Board ▪ Police Code of Conduct ▪ Security Forces ▪ Prevent Violence at the Grassroots ▪ Prevention and Public Violence and Intimidation Act ▪ Resolution of Violence ▪ Stability ▪ Suspending All Armed Actions ▪ Unacceptable Violence ▪ Violence ▪ Violent Conflict 	45
Immunity for ANC Members	2
Indemnity	2
Plan of Action	1
Peace <ul style="list-style-type: none"> ▪ Credible Criminal Judicial System ▪ Peace and Harmony ▪ Peace and Prosperity ▪ Peace and Stability 	15

<ul style="list-style-type: none"> ▪ Peace Bodies ▪ Peaceful Means ▪ Peaceful Resolutions ▪ Peacekeeping 	
<p>Race</p> <ul style="list-style-type: none"> ▪ Not racial Conflict ▪ Nothing about Race ▪ Racism 	11