



CODESRIA

12th General Assembly
Governing the African Public Sphere

12e Assemblée générale
Administrer l'espace public africain

12a Assembleia Geral
Governar o Espaço Público Africano

ةي عمجل ةي مومعلا ةي ناثلا رشع
حكم الفضاء العام الإفريقي

The Internet as Public Sphere: Fighting dictatorship from one's comfort zone? A Zimbabwean Case Study, 1999-2008

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07-11/12/2008
Yaoundé, Cameroun

1. Introduction

The concept of the public sphere has undergone transformation since its popularization by the writings of Jurgen Habermas in the 1960s. The form and modus operandi of the public sphere are often shaped by the prevailing media of communication in a given society. However, contemporary social relations are largely devoid of a basic level of interactive place, which in the past was the matrix of democratizing politics. The modern public sphere is based on radios, television and information published in newspapers, books and magazines and the Internet. The concept of cyber-democracy emphasizes the ability of the interactive nature of websites to boost participation in politics, democratisation and civil affairs.

In view of the above, the paper examines the practical utility of the Internet as an alternative public sphere using Zimbabwe as a case study. It argues that the appearance of the Movement for Democratic Change (MDC) on Zimbabwe's political landscape in 1999 and the publication of the now banned *Daily News* and *Daily News on Sunday* provided Zimbabweans with alternative public spheres and counter-publics to articulate their protests against the deteriorating economic and political situation in the country. However, legislations like the *Access to Information and Protection of Privacy Act* (AIPPA) have enabled government to exert a stranglehold over various forms of media, media houses and the free flow on information. Since 1999, government has been trying to articulate and sustain a 'grand' and 'dominant' narrative resulting in the shrinking of the democratic space. This has subsequently forced Zimbabweans, among others, to resort to the Internet to articulate their political views without fear of reprisals from an increasingly authoritarian state.

Contemporary technologies such as emails, electronic mailing lists, peer-to-peer networks, collaborative software, wikis, internet forums and blogs are potential solutions to countries like Zimbabwe where there is limited press freedom and freedom of expression and association. The Internet is a place for interaction, debate and discussion by Zimbabweans in and out of the country as it is impossible for government to shape the interrelationships of people on line. Consequently, the Internet offers the possibility for the development of the electronic commons, virtual democracy, the global village, the public sphere, the electronic agora and virtual communities.

However, the paper recognizes the limitations of the Internet as public sphere. The potential of technology to revolutionize political participation and civil life is disputable. Discussion on the political impact of the Internet has also focused on issues like access, technological determinism, encryption, commodification, intellectual property, identity and vandalism. In addition, cyber democracy tends to be elitist and an alternative voice to the educated urban citizens. Nonetheless, the paper argues that the Internet has great potential for civil society development and democracy in Zimbabwe.

2.0. Theoretical Perspectives

2.1. The Public Sphere

The issue of the public sphere is at the cockpit of any reconceptualisation of democracy. The concept has undergone a number of vicissitudes since its popularisation by the writings of Jurgen Habermas. Pieter Boeder posits that discussion about the public sphere has increasingly become pertinent and problematic.¹ Despite postmodernist and poststructuralist critiques, and the changes heralded by the emergence of computer-associated communication and the ‘information super-highway’, the concept of the public sphere remain useful in discussions on media, civil society and democratization. In view of the above, this section of the paper provides a synopsis and critique of Habermas’ concept of the public sphere in a bid to situate the subsequent analyses in lieu of the theoretical underpinnings informing the paper.

Habermas’ ideas on the public sphere were first published in German in 1962. His statement had relatively little impact on the Anglo-American debate until the publication of its English translation in 1989.² According to D. Kellner, Habermas’ publication, *The structural transformation of the public sphere*, is a rich and influential book that has had major impact in a variety of disciplines. It has also received immense criticism and stimulated discussion on democracy, civil society and social change. Kellner adds that “concern with the public sphere and the necessary conditions for a genuine democracy can be seen as a central theme of Habermas’ work that deserves respect and critical scrutiny”³.

The public sphere can generally be described as an area in social life where “people can get together and freely discuss and identify societal problems, and through that discussion influence political action”⁴. Hauser defines the public sphere as “a discursive space in which individuals and groups congregate to discuss matters of mutual interest and where possible, to reach a common judgment”⁵. It is the realm of socio-political life in which public opinion is formed. The study of the public sphere oscillates around the notion of participatory democracy and how public opinion is objectified into political action.

One of the basic facets of the public sphere theory is that “political action is steered by the public sphere, and that the only legitimate governments are those that listen to the public sphere”⁶. Hauser also notes that “democratic governance rests on the capacity of and opportunity for citizens to engage in enlightened debate”⁷. According to Habermas’ theory, political participation constitutes the core of a democratic society and an essential element in individual development.

Habermas’ model of the bourgeois public sphere was informed by developments in Britain, France and Germany in the late 18th and 19th centuries. After discussing the “idea of the bourgeois public sphere, public opinion and publicity, Habermas analyses the social structures, political functions, and concept and ideology of the public sphere, before depicting the social-structural transformation of the public sphere, changes in its public functions, and shifts in the concept of public opinion”⁸. According to Habermas, the public sphere was established in various locations including coffee shops and salons, where various people could gather and discuss issues of mutual interests. He further illustrated how the public sphere was cultivated through the media (newspapers and letters) and how the public was able to influence society and politics. Habermas’ later works show how the public sphere declined as a result of consumer culture and the influence of mass media, or the “change of the public from a reasoning to a consuming one”⁹. Consequently, media became a tool for political actors and a medium for advertising instead of an arena where the public get political ideas. The development of the capitalist economy arguably led to an uneven distribution of wealth widening economic polarity, subsequently limiting access to the public sphere, which resultantly became dominated by the mass media.

It should, however, be noted that Habermas' theory is conceptual rather than physical.¹⁰ The public sphere transcends physical appearance like the coffee house, as an abstract forum for dialogue and ideology.¹¹ In addition, the notion of the public sphere is not static but subject to change. Postmodernists and poststructuralists have also criticized Habermas' theory and have questioned the emancipatory potential of the public sphere's model of consensus through rationale debate. They critique Habermas' Enlightenment ideal of the autonomous rational subject as a universal foundation for democracy. Poststructuralists also reject reason as an instrument of oppression. According to Boeder, "central in Habermas' thinking is the notion that the quality of society depends on our capacity to communicate, to debate and discuss"¹². This assertion makes Habermas' theory elitist.

Habermas idealized his earlier bourgeois public sphere as "a space of rational discussion and consensus" has been criticised for limiting participation and excluding other social groups. Kellner argues that it is doubtful if democratic politics were ever fueled by norms of rational debate "to the extent stylized in Habermas' concept of the bourgeois public sphere"¹³. Nancy Fraser revisits Habermas' historical description of the public sphere and confronts it with recent revisionist historiography. She refers to scholars like Joan Landers, Mary Ryan and Geoff Eley in her assertion that the bourgeois public sphere was in fact constituted by a "number of significant exclusions"¹⁴. Habermas' conceptualization of the public sphere was gender blind. Fraser posits that the bourgeois public sphere discriminated against women and the lower strata of society or sub-alterns. She argues that a hegemonic tendency of the male bourgeois public sphere dominated at the cost of alternative publics including gender, social status, ethnicity and property ownership, averting other groups from articulating their own particular concerns.¹⁵

Critics have therefore argued for counter publics to Habermas' public sphere. Fraser observes that "it is commonplace nowadays to speak of transnational spheres. In academic milieux we increasingly hear references to diasporic public spheres, regional public spheres and even an emerging global public sphere"¹⁶. However, marginalized groups are often excluded from the universal public sphere. Fraser, thus, posits that marginalized groups formed their own public spheres and termed this concept a "subaltern counter public" or counterpublics.¹⁷ Benhabib notes that in Habermas' idea of the public sphere, the distinction between public and private issues

separates issues that normally affect women into the private realm and out of the discussion in the public sphere. He urges feminists to counter the popular public discourse in their own counterpublics.¹⁸ In addition, critics observe that Habermas' theory bracketed inequalities in ways that tended to gloss or mask domination. Additionally, the idea of a common concern is problematic as there are no naturally given boundaries between private and public concerns.

Another critique of Habermas' theory is by Gerard Hauser who proposed that public spheres were formed around the dialogue surrounding issues rather than the identity of the population that is engaging in the discourse.¹⁹ Publics were, arguably, formed by active members of society around issues. Consequently, Hauser argues for a rhetorical public sphere. Nonetheless, Kellner notes that;

despite the limitations of his analysis, Habermas is right that in the era of the democratic revolutions a public sphere emerged in which for the first time...ordinary citizens could participate in political discussion and debate, organize, and struggle against unjust authority while militating for social change and that this sphere was institutionalized, however imperfectly, in later developments of Western societies.²⁰

2.2. The Internet as Public Sphere

2.2.1 Definition of Terms

2.2.1.1. *Blog*: A blog is a website which can be maintained by an individual or corporate, with regular entries of commentary, descriptions of events, videos (vlog), photographs (photoblog) or sketches (sketchblog). Blogosphere refers to a collective community of blogs. Blogs are socially networked and inter-connected. Discussions in the blogosphere have been used by the media to measure public opinion. In addition, blogs have become increasingly important for reaching out and forming or shaping public opinion. Although they are much difficult to control than broadcast and print media, authoritarian regimes often seek to suppress blogs and to punish those who maintain them.

2.2.1.2. *Collaborative Software*: Is also known as groupware or working group support systems. It is a type of software designed to assist people involved in a common task to achieve their goals and objectives. It forms the mainstay of computer-supported co-operative work. Software like email, calendaring, web publishing, video conferencing, online chat, text chat, instant messaging, data conferencing, internet forums and wiki belong to this category. Collaborative software facilitates conversational, transactional and collaborative interaction.

2.2.1.3. *Internet*: The Internet is a global system of interconnected computer networks that interchange data by packet switching using the standardized Internet Protocol Suite, Transmission Control Protocol (TCP) or Internet Protocol (IP). It is a network that consists of millions of private and public, academic, business, and government networks of local to global scope that are linked by copper wires, fiber-optic cables, wireless connections, and other technologies.²¹ The Internet carries various information resources and services including electronic mail, online chat, file transfer and file sharing, the interlinked hypertext documents and other resources of the World Wide Web (www).

However, while the Internet is hardware and software that provides connectivity between computers, the www is one among a wide range of services communicated through the Internet. It is a collection of interconnected documents and other resources linked by hyperlinks and URLs.

2.2.1.4. *Wiki*: A wiki is a page or collection of web pages designed to facilitate anyone, with the exception of blocked or banned users, who access it to contribute or modify content. Wikis are often used to create collaborative websites and community websites. The Wikipedia is an example of a wiki.

The “oppositional broadcast media and the new media technologies such as the Internet are...serving as a new basis for a participatory democratic communication process”²². In fact, Habermas is accused of having failed to perceive how new social movements and oppositional groups and individuals use communication media to educate and organize thereby expanding democratic politics. In addition, Kellner notes that “the development of new global public spheres with the Internet and new multimedia technology require further development of the concept of

the public sphere...and reflection on the emerging importance of new technologies within democracy”²³. In contemporary society, the public sphere has been extended to mean a site of information, discussion, contestation, political struggle and organization that encompass the media and the cyber space.

According to Kellner;

The internet is a contested terrain, used by Left, Right and Center to promote their own agendas and interests. The political battles of the future may well be fought in the streets, factories, parliaments and other sites of past conflict, but today is already mediated by media, computer and information technologies and will increasingly be so in the future.²⁴

Electronic media offers a unique channel of publishing and communicating, which is fundamental for democracy. Information technology is an industry just like any other business and as such is primarily economic in orientation. Telecommunications can be used as a means of influencing people’s thoughts and perceptions. The Internet is, therefore, a powerful political tool. Critics also fear commodification or the way communications media have pre-empted public discussion by supposedly turning media content into commodities. In fact, consumerism poses a threat to the public sphere.

Traditional notions of privacy are challenged by the transparency of digital information and the potential of interactive networks for gathering information, for panoptic surveillance, for control and misinformation of the citizens, a process which could possibly undermine or eliminate discourse within the public sphere.²⁵ In addition, web-media is technically free of limitations associated with other media such as the press, radio or television. The Internet offers the possibility of greater freedom of speech and association as publishers, magazine or newspaper editors’ radio or television producers, teachers and the state are to a large extent unable to control the information and messages circulating on the Internet. However, there is concern over the reliability and authenticity of some of the information on the Internet, especially with regard to unsigned documents that can not be attributed to particular sources. Nonetheless, the Internet is one of the effective ways of subverting censorship by an authoritarian regime. Internet users can

communicate on issues of mutual interests. In addition, virtual communities are de-territorialised and independent of geographical location or barriers. The Internet offers the chance for the 'globalisation' of local particularities. Digital cameras that are linked to the World Wide Web (WWW), Web-cams and Web-televisions enable people to follow events unfolding in any part of the world. Cyber space can be argued to be more inclusive than any other media. It is a more 'democratic' medium of communication as it transcends national, physical, institutional and other such barriers. Individuals, groups and communities can by-pass teachers, doctors, lawyers or politicians in accessing information on political, medical, scientific or legal issues.

Ferber, Foltz and Pugliese also add that the Internet provides information needed by the public to enable them to participate in their own governing.²⁶ However, its potential to transform democracy and revolutionise politics, participation and civic life is debatable. Nonetheless, scholars are increasingly referring to digital democracy, cyber democracy, egovernment, which refers to the use of digital technology, especially the Internet, in the management and delivery of public services.²⁷

Discussion on the political impact of the Internet has focused on a number of issues including access, technological determinism, encryption, commodification, intellectual property, the public sphere, decentralization, gender and ethnicity, among other issues.²⁸ The Internet has emerged as a powerful political tool. The United States of America has been accused of using encryption in its rhetoric to justify its 'war on terror' which has violated civil liberties of its citizens. Poster thus notes that "if the prospects of democracy on the Internet are viewed in terms of encryption, then the security of the existing national government becomes the limit of the matter; what is secure for the nation-state is taken to mean true security for everyone, a highly dubious proposition".²⁹

Kole also adds that although the Internet has great potential for civil society development, democracy and women empowerment, marginalized groups often have limited access to this new public sphere.³⁰ Rural communities often lack communication infrastructure and electricity. Many Internet Service Providers (ISPs) lack back-up equipment to cope with transmission problems. The cost and lack of telecommunication infrastructure in rural areas should also be taken into account. Rural communities in African countries have to grapple with other more

challenging issues like disease, poverty, illiteracy and lack of influence in decision making, which excludes the underprivileged especially women. Consequently, the Internet becomes a luxury for such communities. In addition, the technological determinism of cyber democracy erroneously assumes that the technologically illiterate sections of society are less politically knowledgeable.

3. 0. Internet as Public Sphere: A Zimbabwean Context

3.1. The Access to Information and Protection of Privacy Act (AIPPA)

The utility of the Internet as an alternative public sphere for Zimbabweans can be better appreciated if situated within the context of the sustained assault on independent media by the Zimbabwe government since the formation of the MDC in 1999. The MDC was arguably the first serious challenge to ZANU PF's hold on power since the attainment of independence from Britain in 1980. The appearance of the MDC on Zimbabwe's political landscape, and the publication of the independent *Daily News* and *Daily News on Sunday* by the Associated Newspapers of Zimbabwe (ANZ) provided Zimbabweans with alternative public spheres to articulate their protests against the deteriorating economic and political situation in the country.

The Zimbabwean media has since 1999, played three crucial roles in public sphere in lieu of the Zimbabwean crisis. The private media has challenged the official version of the crisis, which essentially reduced it to a bilateral dispute between Harare and London over the land question and its internationalization sucking in Washington, the European Union (EU), white Commonwealth and other African and local adjuncts of the 'regime change agenda'. The state has also incessantly blamed imperialist interventions in Zimbabwe's internal affairs, the supposedly diabolic and 'illegal sanctions' on Harare by the Washington and EU, as well as droughts for the country's unprecedented socio-economic and political imbroglio. On the contrary, the local independent media has given expression to counter-hegemonic narratives. It has also kept the country's citizens and the international community aware of the rampant state-sponsored human rights violations especially during the 2000, 2002, 2005 and 2008 parliamentary and presidential elections.

However, the above role by the independent media has ignited reprisals from government through legal and extra-legal responses. These included the enactment of repressive media laws like AIPPA, the bombing of the *Daily News* printing press a few days after government had declared that the paper posed a threat to national security, the arrest of journalists, and the banning of the *Daily News* and other critical independent newspapers. Nonetheless, the independent media has forged coalitions with civic groups to champion the cause of press freedom in Zimbabwe and has mobilized the international community to protest against the country's harsh media laws. Lastly, journalists and media houses have increasingly resorted to cyberspace as an alternative arena for political dialogue for Zimbabweans in and out of the country.

The enactment of the AIPPA in 2002 and the *Public Order and Security Act* (POSA) restricted the holding of political meetings and rallies by the political opposition, crippled press freedom and gagged independent media. The closure of space for alternative information;

Has dramatically hindered democratic advancement, particularly in rural areas. The existence of POSA means that to hold simple discussions under a tree, for example, is an illegal act...The closure of the *Daily News*, the only independent daily source of events and opinions, has been a major blow to urban populations.³¹

In addition, POSA made illegal the holding of a meeting of more than one person without informing the police, which unfortunately has increasingly become partisan, four days in advance. Anyone making a public statement that undermines the authority of the president or the police or statements that may engender hostility towards the above is under POSA subject to a two year jail term. The Act and its amendments also criminalize the distribution of political posters, pamphlets or other such material in public places and private homes without permission from the police. A breach of this law attracts a jail sentence of up to five years.³² Consequently, POSA has stifled public political engagement, debate and dialogue both in the urban and rural areas necessitating the need for counter-publics.

The idea of having repressive and draconian media laws like AIPPA is linked to the appearance of Professor Jonathan Moyo on Zimbabwe's political scene. Moyo, a former rabid critic of the ZANU PF government, was appointed to the Constitutional Commission in 1999 whose draft

constitution was refuted in a national referendum. It was during this period that Moyo realized the significance of the private media in shaping public opinion and assisting the country's citizens in making informed political decisions. After his appointment into Cabinet in July 2000, as Minister of Information and Publicity, Moyo started talking about the need of having a media law since there was no specific act regulating the media in Zimbabwe during this period. Consequently, at the end of 2001 the AIPPA Bill was debated in Parliament, and the legal committee led by the late veteran nationalist and lawyer Eddison Zvobgo, ruled that most provisions of the Bill were unconstitutional.³³ However, ZANU PF used its Parliamentary majority and the Bill was passed and signed into law by President Mugabe in February 2002, just before the contested March 2002 presidential election.

The AIPPA ostensibly sought to provide members of the public with a right of access to records and information held by public bodies accountable by giving the public a right to request correction of misrepresented personal information; to prevent the unauthorized collection, use or disclosure of personal information by the public bodies; to protect personal privacy; to provide for the regulation of the mass media; to establish a Media and Information Commission (MIC) and to provide for matters connected therewith or incidental to the foregoing.³⁴ A ZANU PF apologist and organic intellectual, and lecturer at the Harare Polytechnic, Tafataona Mahoso was appointed chairman of the MIC. Mahoso has since been succeeded by another ZANU PF apologist Chinondiyachii Mararike as the MIC chairperson.

In terms of application in relation to other laws, AIPPA:

shall apply to matters relating to access to information, protection of privacy and the mass media and shall be constructed as being in addition to and not in substitution for any other law which is in conflict or inconsistent with this Act: if any other law relating to access to information, protection of privacy and the mass media is in conflict or inconsistent with this Act, this Act shall prevail.³⁵

According to the Act, every person shall have a right of access to any record, including a record containing personal information, which is in the custody or under the control of a public body if the information can be extracted from a record that contains excluded information. An applicant

may have access to the part of the record that is not excluded information. In addition, nothing contained in the Act confers any rights to information or to a record to the following;

- A person who is not a Zimbabwean citizen or is not regarded as permanently resident in Zimbabwe by virtue of the Immigration Act [Chapter 4:02] or is not the holder of a temporary employment or residence permit or students permit issued in terms of that Act;
- Any mass media service which is not registered in terms of this act, or to a broadcaster who is not registered in terms of the Broadcasting services Act [Chapter 12: 06], and
- Any foreign state or agency thereof.³⁶

An applicant who requires access to a record that is in the control of a public body can make a request in writing to the public body giving adequate and precise details to enable the public body to locate the information so required.

Protected information under AIPPA includes the following;

- Deliberations of Cabinet and local government bodies,
- Advice relating to policy
- Information subject to client-attorney privilege,
- Information whose disclosure will be harmful to law enforcement process and national security,
- Information relating to inter-governmental relations or negotiations,
- Information relating to the financial or economic interests of public body or the state,
- Research information,
- Information relating to conservation of heritage sites,
- Information relating to personal safety,
- Information otherwise available to the public,
- Information relating to business interests of a third party, and
- Information relating to personal privacy.³⁷

According to the Crisis in Zimbabwe Coalition, “at the heart of AIPPA is the desire by the state to stifle and ban privately owned newspapers that are critical of ZANU PF. Since its enactment three newspapers have been banned”³⁸; the *Daily News*, the *Daily News on Sunday* and the *Tribune*. The first two papers were banned in 2003 through a court order while the *Tribune* was

closed in May 2004. Other banned newspapers include the *Weekly Times*. The ANZ newspapers were accused of failing to register with the state-run MIC as required by the AIPPA. The ANZ papers, which had been critical to the ZANU PF government since 1999, refused to register on the basis that it regarded AIPPA as unconstitutional.³⁹ The ANZ has been fighting legal battles with the state but its papers remain banned. In January 2004, a judge who had lifted the ban on the *Daily News* and the *Daily News on Sunday* resigned citing state accusations that he had prejudged the case in favour of the ANZ.⁴⁰ Government appealed and the police barred the ANZ staff from entering their offices. Other judges later made court rulings in favour of the ANZ but the rulings were challenged or ignored by the government and the issue is still to be finalized.

The MIC continues to drag its feet with regard to the determination of an application submitted to the media regulatory body in March 2008 by the *Daly News* “raising fears that the paper’s quest for registration is being hobbled by political rather than legal considerations”⁴¹. The ANZ lodged its application with the MIC after a High Court ruling in April 2008 indicated that failure to deal with the application expeditiously was a violation the ANZ’s rights. Meanwhile, the MIC claims that it is assessing the evidence submitted after which it would make “an appropriate ruling in accordance with the law”⁴². A verdict is however yet to be pronounced.

In addition, the president of the Zimbabwe Union of Journalists (ZUJ), Matthew Takaona, in August 2008 observed that “it is clear that the *Daily News* case is political and has very little to do with the laws governing the country’s media. The tragedy is that Zimbabwe has been turned into a media desert”⁴³. The MIC’s handling of its portfolio is questionable. Since its formation, it has resulted in the total erosion of public confidence in its ability to advance the freedom of the media. It has been banning newspapers instead of promoting access to information by the citizens. Takaona echoed sentiments about the independent media that had been raised by Brian Raftopoulos, who in 2001 posited that;

Continuing its onslaught against civil society, the state sought to close off the spaces for the privately owned media to operate. Through restrictive legislation, threats, newspaper burning, the bombing of the alternative press, and the deportation of critical foreign correspondents, the Zimbabwean state followed, dishonourably, in the footsteps of its Rhodesian predecessor, and removed any doubts that it was still concerned about the legitimacy of its citizenry.⁴⁴

The main reason behind the banning of the *Daily News* was that it apparently challenged the 'grand' and 'dominant narrative' that ZANU PF government was articulating through the state owned newspapers, radio stations and newspapers. The *Daily News* offered an alternative and competing narrative to Zimbabweans. It was thus regarded as subversive and an adjunct of the MDC. Together with the MDC, the independent media in Zimbabwe has been characterised by government as part Western puppets and part of a sinister regime change agenda. In fact, in August 2003, the ANZ sued the Zimbabwe Newspapers (Zimpapers), the publishers of the *Herald* and other state controlled papers, Jonathan Moyo and a mysterious *Herald* columnist who was thought to be Jonathan Moyo himself, Nathaniel Manheru, for alleging that the ANZ chairman, Strive Masiwa, was using the *Daily News* and *Daily News on Sunday* to advance his personal interests in Zimbabwean opposition politics.⁴⁵

Currently, state run newspapers include the *Herald*, the *Chronicle*, the *New Farmer Magazine*, *Trends Magazine*, the *Sunday Mail*, the *Sunday Times*, *The Voice* (a ZANU PF paper). Since the closure of Joy TV in the 1990s, the country has one television station, ZTV. There are 5 national radio stations and no private radio station. However, the state controlled ZTV, radio stations and newspapers have largely been used by the ZANU PF government as part its propaganda machines and as weapons of 'mass deception and misinformation'. The political opposition has been denied space in state controlled media and has resorted to independent newspapers, online publications, foreign radio stations like VOA's Studio 7 and regional and Western media to articulate and disseminate political messages. Regionally, South African newspapers like *The Sowetan*, *Mail and Guardian*, *Sunday Times* and *The Zimbabwean* have become alternative public spheres for Zimbabweans at home and in the Diaspora. The ZUJ president lamented that as a result of the lack of independent radio and television stations as well as the closure of newspapers, "most Zimbabweans now rely on foreign newspapers particularly those from South Africa, thereby turning the country into a total colony of foreign media"⁴⁶. Currently, independent newspapers that are being published in Zimbabwe include *The Standard*, *The Independent* and the *Financial Gazette*, all of which are published in Harare.

The enactment of AIPPA and the attendant arrest of journalists was arguably “fundamentally designed to encroach on the citizens’ freedom of expression”⁴⁷. When the *Weekly Times*’ operating license was cancelled, the MIC chairman, Tafataona Mahoso, said the paper had misled the MIC when seeking to set up the paper. Mahoso accused the *Weekly Times* publishers, Mthwakazi Publishing House, of misleading the MIC by not stating its true intention in setting the paper.⁴⁸ According to Mahoso, the publishing company had told the MIC that the *Weekly Times* aimed to “inform, educate spearhead development in the country and uphold the rules of fairness, impartial reporting, honesty and integrity”. The MIC claimed that the paper had not made any attempt at impartial reporting in what it described as its “running political commentary through and through”⁴⁹.

One of the *Weekly Times*’ leading stories was an interview with Mugabe’s arch-critic and former Archbishop, Pius Ncube. In the interview, Ncube accused Mugabe of remaining unrepentant following the army’s (5th Brigade) alleged massacre of mostly civilians in Matebeleland and Midlands provinces during the early 1980s dissident insurgency. The massacres are commonly referred to as ‘*Gukurahundi*’. It is not clear if the Mthwakazi Publishing House was linked to the Mthwakazi Project of the early 2000s, when civic and activists in Matebeleland and the Diaspora were calling for the establishment of the secessionist Mthwakazi Republic in Matebeleland and the Midlands provinces of Zimbabwe.

From the discussion above, it can be argued that AIPPA poses a serious danger to press freedom and democratic principles. It violates the Zimbabwean Constitution, the Universal Declaration of Human Rights and the African Charter on Human and People’s Rights. The draconian act limits access to information, consolidates the protection of public officials from public scrutiny and promotes a culture of impunity. The MIC is also a draconian arm of the ZANU PF government whose apparent political role is to stifle independent political discussion and press freedom. However, it should also be made explicitly pellucid that both the state-controlled and independent media have failed to transcend the bifurcated terrain of the discourse about the Zimbabwean crisis. In general, media reports since 1999 have assumed a polemic outlook endorsing or legitimizing an authoritarian regime or either ZANU PF or the MDC. Along the same vein, Raftopoulos observes that;

In the journalistic world the Zimbabwean crisis has been constructed through the dichotomy of either a radical nationalist redistributive project carried out as historical redress in the face of neo-liberal orthodoxy or a breakdown of the norms of liberal governance through the machinations of an authoritarian political figure.⁵⁰

3.2. A New and Alternative Public Sphere: Fighting dictatorship from one's comfort zone?

The Internet has emerged as an alternative public sphere for Zimbabweans within and outside the country. As already noted, government has since 1999 been trying to exert a stranglehold over various forms of media, media houses and the free flow of information. It has been trying to articulate and sustain a 'grand' and 'dominant' narrative through inter alia, the teaching of National Strategic Studies in colleges and the National Youth Service. The use and abuse of history by the ZANU PF government is discussed by Ranger in his paper on "*Nationalist Historiography, patriotic History and the History of the Nation State: the Struggle over the Past in Zimbabwe*"⁵¹. Other state funded projects aimed at advancing government's 'grand narrative' included the **Oral History Project; "Capturing a Fading National Memory"** that was launched in Tsholotsho by Jonathan Moyo on 15 May 2004. Television programmes aimed at fostering and advancing government agenda included "*Nhaka Yedu*" (Our Heritage), "*National Ethos*", and "*Melting Pot*". The state has been making use of organic intellectuals from local universities and colleges as hosts of such programmes, guests or "political analysts" who defend and advance the ZANU PF government's policies with regard to issues like land, sovereignty, democracy and elections on national television. The array of these 'guests', hosts or 'experts' include historians, social scientists and political scientists who parrot ZANU PF's nationalist, anti-imperialist, and anti-Blair-Bush-Brown political rhetoric in typical "singing for your supper" fashion.

Another interesting development over the past few years has been Mugabe's computerization programme. Mugabe has been donating computers to urban and rural schools ahead of parliamentary and presidential elections. However, most rural schools have limited access to telecommunication infrastructure and electricity. As a result, most of the computers are just lying idle, while others are reported to have been stolen. If they are connected to the Internet, such computers might help provide an alternative public sphere for students and communities in which the recipients of these donations are situated. It remains to be seen how ZANU PF intends to use

these computers for political gain apart from the apparent attempt to buy votes. However, the programme will have to contend with problems of access, back-up services, theft and shortage of electricity among other issues.

Overall, the above developments resulted in the shrinking of the democratic space forcing citizens to resort to other counterpublics where they can have access to multiple, competing narratives and discourses. Zimbabweans have resorted to cyberspace in order to share and articulate their political views without fear of reprisals by the state, which has increasingly become authoritarian. In fact, contemporary technologies like electronic mailing lists, peer-to-peer networks, collaborative software, wikis, Internet forums, blogs and emails are increasingly becoming important sites for political intercourse as it is impossible for government to shape the inter-relationships of people online. A large corpus of online publications focusing on the Zimbabwe situation has sprouted since 1999. These include the *zimbabwesituation*, *Zimonline*, *talkzimbabwe*, *zimdaily*, *newzimbabwe* and *zvakwana.org*.⁵² Consequently, the Internet is offering the possibility for the development of electronic commons, virtual democracy, the global village, the public sphere, an electronic agora and virtual communities.

In addition to the Internet, some Zimbabweans in both urban and some rural areas have resorted to satellite television as a counterpublic to the pro-ZANU PF ZTV. Popular among low income citizens are Wiztech 222, 223 and 225 Free to Air decoders. However, during the run-up to the 27 June 2008 presidential run-off poll, ZANU PF militias and some liberation war veterans, both bogus and genuine, were reported to have ordered the removal of satellite dishes in some parts of rural Matebeleland as this enabled them to watch the supposedly anti-Mugabe channels like *CNN*, *Sky News*, *BBC* and *Aljazeera*. Added to other counter-publics mentioned above, some of Harare's "night entertainment areas" like the **Book Café** have increasingly assumed political significance. Through music, drama and discussion, people are able to share and articulate political opinions. However, artists including musicians and poets have in the past complained of being harassed or being issued with threats by state security agents including the CIO. Music by some artists critical of the political establishment has also been banned on national television and radio.

Graffiti, especially on public buildings and public toilets have also become increasingly important as spaces for articulating political opinion. Other counterpublics include jokes, email messages and political satire. Kwenda writes;

Everyday I wake up to a cellphone full of text messages poking fun at Zimbabwean political leaders or the bad shape of the Zimbabwean economy. Zimbabwe is a nation of naturally opinioned, humorous people who use laughter to help cope with critical situations-personal, political or economic. These days speaking one's mind let alone debating the country's political problems in public can be a grave mistake. But while Zimbabweans have learned to live with a raft of speech, it does not mean we are not talking.⁵³

Cell Phone text messages "have become a forum for people to vent, mock and say things that they would not say or do openly"⁵⁴. They are used to exchange political messages with friends and relatives in town, rural areas and the Diaspora. After the 27 June 2008 run-off poll, popular text messages included the one that read, "The run-off is over, now its time to run-away to the Diaspora". During the run-up to the 29 March 2008 presidential poll pitting Mugabe, Morgan Tsvangirai, Simba Makoni and Towungana, a popular sms read, "Simba to the State House, Mugabe to the farm and Tsvangirai to school", meaning Makoni should be president, Mugabe should retire and the 'uneducated' MDC leader should go to school first and think of becoming president later. Another popular text message read, "I am looking for a truck to hire. I have a very rich client who is paying in US\$ and supplies his own fuel. The man is relocating to Zvimba from State House". Zvimba is Mugabe's rural village.

In addition, when talks for a power-sharing deal between the two MDC formations and ZANU PF commenced, the following text message in the form of a weather report was doing the rounds;

The weather will be partly MDC, partly ZANU PF, by midday a total eclipse will engulf ZANU PF and there will be a thunderstorm ...a tsunami will follow and cyclone ZANU PF will persist for five years causing major disruptions in cities and untold suffering.⁵⁵

Jokes have been used to convey political opinions or to ridicule the political leadership. One such joke is about an elderly woman who confronted an armed policeman saying “why do you carry those guns if you can not eliminate the *one man* who is causing all these hardships? You men are useless. The whole police force is full of useless cowards. How can all of you fail to eliminate only *one man*?” The police officer arrested the lady and took her to the police station where the lady presented the same challenge to the Officer- in- Charge. When the latter asked the lady if she knew the gravity of calling for the elimination of President Mugabe the lady retorted “who does not know that Tony Blair is the *one man* responsible for all our suffering?” Another story is about a man who, while traveling to Harare’s city centre from Mbare high density suburb, loudly remarked “*Mugabe is a dog!*” An overzealous security officer arrested the man and took him to Harare Central Police Station. The arresting officer asked the man to repeat his statement in front of the Officer- in- Charge. In response, the man is reported to have said, “My son, I said *Mugabe is a dog. Mugabe is a dog and Tsvangirai is the hare*. The hare will definitely be caught this time around!” It is therefore apparent that Zimbabweans have been using a plethora of counterpublics to articulate the political views.

However, like the print and electronic media, the Internet and Cell Phones are elitist counterpublics with an urban bias. Radio remains the only relatively cheaper and accessible public sphere in rural areas, although Cell Phones have recently made significant inroads. Although the Zimbabwe Broadcasting Holding has over the past increased its network coverage to most rural areas, government has refused to open up the airwaves to private commercial players who can provide an alternative voice. Consequently, media density in Zimbabwe remains in favour of urban areas.

3.3. A Cyber War on Online Publications?

The Zimbabwe government has been making sustained efforts to censor cyberspace and online publications deemed hostile to government. This culminated in the enactment of the *Interception of Communications Act* (ICA) in August 2007. The Act seeks to legalize the “interception and monitoring of communications in the course of their transmission through a telecommunications, postal or any other related service or system in Zimbabwe”⁵⁶. The Act also provides for the establishment of a monitoring centre and the granting of an interception warrant to the Director

General of the CIO, the Commissioner General of Police or the Commissioner General of the Zimbabwe Revenue Authority by the Minister of Transport and Communications. In addition, the Act requires ISPs to install systems which are technically capable of interception at all times. It is a draconian piece of legislation that violates the privacy of the citizens. However, government does not appear to have the capacity to fully implement the Act in terms of the technological expertise and staffing to monitor telephone calls, emails, letters and cell phone text messages.

The ICA was preceded was preceded by incessant and sustained but fruitless government threats to bug cyberspace. For example, in July 2004, media reports indicated that government was planning to acquire “high-tech” equipment from China⁵⁷, a country also known for repressive media laws and authoritarianism. The Chinese technology would supposedly, enable the state to interfere with the flow of any information it considered subversive and to monitor operations of ‘hostile’ online publications. However, again this would be difficult to implement and would require the co-operation of ISPs. Also, given the country’s unprecedented economic crisis, coupled by super-hyper-inflation and a chronic foreign currency shortage, government does not have the financial capacity to sustain this “cyber war’ against online publications and Internet users.

Nonetheless, the ZANU PF government’s mistrust of independent news and different opinion is well documented. The party’s highest decision making body, the Politburo, has reportedly blacklisted 41 online publications that were deemed to be part of the regime change agenda.⁵⁸ The Politburo meeting had been presented with samples of downloads form some of these online publications. One of the downloads, which had been extracted from *Zimupdate Forums*, showed a reader on the forum giving seven reasons why he thought Mugabe did not want to step down;

- He is afraid of being hanged like Saddam Hussein of Iraq;
- Fear of being extradited like Charles Taylor of Liberia;
- He is afraid that his party would disintegrate;
- He is intoxicated with power; and
- He does not trust anyone in ZANU PF who can succeed him.

These developments were taking place at a time when government was struggling to counter what it referred to as negative publicity and demonisation of President Mugabe by the

international community and Western media. Government has been making efforts to jam *SW Radio Africa* and *VOA Studio 7*. It has also set up a short-wave propaganda radio station, *Voice of Zimbabwe (VOZ)* based in Gweru. The project, however, appears to have suffered a still birth amid reports of self-jamming as a result of gagging equipment installed to block broadcasts by 'pirate radio stations'.

The ZANU PF Secretary for Science and Technology, Olivia Muchena, has also underlined government' mistrust of online publications and Internet users. While presenting a report on the role and importance of information and communication technologies (ICTs), on 26 July 2007, Muchena claimed that ZANU PF had no choice but embrace ICTs for it to remain politically relevant adding that;

Comrades, we are all aware that ZANU PF is at war from within and outside our borders. Contrary to the gun battles we are accustomed to, we now have cyber-warfares fought from one's comfort zone, be it bedroom, office, swimming pool, etc but with deadly effects.⁵⁹

Muchena further posited that ZANU PF should identify the brains behind the hostile websites, their target market, their influence and impact on Zimbabwe and ZANU PF's image. She added that the websites, Internet and Cell Phones had become weapons used to fight ZANU PF and that ICTs were now vogue platforms for high-tech espionage hardware, software and infrastructure that peddles "virulent propaganda to de-legitimise our just struggle against Anglo-Saxons".

Conclusion

In view of the discussion above, a number of conclusions can be made. The concept of the public sphere has undergone a number of transformations since the 1960s when it was popularized by the writings of Jurgen Habermas. Despite the wide criticism that the concept has attracted, especially from feminist scholars, postmodernists, poststructuralists and post-revisionists, the theory remains pertinent to discussion on democratic participation, democratization, governance and civil society. In addition, the basic level of interactive place has shifted from the coffee house to include mass media, newspapers, television and computer based information system and the information super-highway. The Internet has subsequently emerged as an important

counterpublic for citizens under authoritarian governments where there is limited access to the media and no freedom of association and of the press.

However, the Internet and cyber democracy are associated with a plethora of challenges including technological determinism, access, encryption, commodification, intellectual property rights, among others. In most African countries, the Internet remains elitist and a luxury for communities facing chronic poverty, war and disease. Nonetheless, despite the apparent limitations, the Internet has been an important counterpublic for Zimbabweans in the context of repressive media laws like AIPPA. It has also been a forum for political discussion and engagement between Zimbabweans at home and in the Diaspora without fear of reprisals from the increasingly authoritarian ZANU PF government. Other counterpublics have also emerged in the form of political satire, jokes, cartoons, rumour, cellphone text messages and graffiti. These will remain crucial arenas for political debate until the political situation in Zimbabwe improves.

The above exposition has also noted that despite its notable practical utility, the Internet, like other forms of electronic and print media remains essentially elitist and biased toward urban populations with access to electricity and communication infrastructure. In view of this, the Internet as an alternative counter-public becomes an unaffordable luxury for rural and peri-urban communities ravaged by chronic poverty, starvation and diseases including HIV/AIDS.

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³ D. Kellner, "Habermas, the public sphere and democracy: A critical intervention", <http://www.gseis.ucla.edu/faculty/kellner/paper/habermasa.html> (19/06/08).

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⁵ "Public Sphere", http://en.wikipedia.org/wiki/Public_sphere (19/06/08).

⁶ G. Hauser "Vernacular dialogue and the rhetoricality of public opinion", *Communication Monographs*, 65 (92), 1998, 86

⁷ "Public Sphere", Hauser, "Vernacular dialogue", 83.

⁸ Kellner, "Habermas, the public sphere and democracy", 4

⁹ *Ibid.*

¹⁰ S. Benhabib, "Models of Public Space", *Habermas and Public Sphere*, Cambridge: MIT, 88. "Public Sphere"

¹¹ Boeder, "Habermas' heritage", 1

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¹³ Kellner, "Habermas, the public sphere and democracy"

¹⁴ M. Poster, "Cyberdemocracy: Internet and the Public Sphere",

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¹⁶ Poster, “Cyberdemocracy”, “Public Sphere”

¹⁷ N. Fraser, “transnationalising the public sphere”, http://www.republicart.net/disc/publicum/fraser01_en.html (09/06/08). N. Fraser, “Rethinking the public sphere: A contribution to the critique of actually existing democracy”, *Habermas and the Public Sphere*, Cambridge: MIT Press, 1990.

¹⁸ Benhabib, “Models of public sphere”, 89-90

¹⁹ Hauser, “Vernacular dialogue”, 86-90.

²⁰ Kellner, “Habermas, the public sphere and democracy”, 9-10

²¹ <http://en.wikipedia.org/wiki/internet> (13/10/08)

²² *Ibid.*

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ Boeder, “Habermas’ heritage”

²⁶ P. Ferber, F. Foltz and R. Pugliese, “Cyberdemocracy Vs Egovernment: The degree of interactivity on state legislative websites”, Meeting of the American Political Science Association, Institute of technology, Chicago, 1-5 September 2004., 3-5

²⁷ *Ibid.*

²⁸ E. S. Kole, “Cyberdemocracy: A condition, not an outcome. Turning the Internet into a tool for civil society development, democracy and women’s empowerment”, <http://www.xs4all.nl/~ekole/public/cyberdem.html> (24/06/08)

²⁹ Poster, “Cyberdemocracy”.

³⁰ Kole, Cyberdemocracy”

³¹ K. Alexander, “The Future of Democratic Politics in Zimbabwe”, *Swiss agency for Development and Cooperation*, 2006, 10

³² *Ibid.*, GoZ *Public Order and Security Act*

³³ Crisis in Zimbabwe Coalition, *An analysis of the Access to Information and Protection of Privacy Act*, 2004.

³⁴ Government of Zimbabwe, *Access to Information and the Protection of Privacy Act*, 2002

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ Crisis in Zimbabwe Coalition.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ Clemence Manyuke, “No Joy for ANZ”, *The Financial Gazette*, August 15-20 2008, 3.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ B. Raftopoulos, “The new constitution: What next?”, *Agenda. Special Edition*, Vol 4, No 1, 2001, 1.

⁴⁵ *The Herald*, 14 June 2003.

⁴⁶ Manyuke, “No joy for ANZ”.

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⁴⁸ “New Zimbabwe newspaper faces ban”, <http://www.afrol.com> (30/07/08). A. Meldrum, “Zimbabwe arrests banned journalists”, <http://www.guardian.co.uk/world/2003/sep/27/zimbabwe.andrewmeldrum> (30/07/08).

⁴⁹ *Ibid.* See T. Zhangazha, “AIPPA fosters corrupt environment”,

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⁵⁰ Raftopoulos, “The Zimbabwean crisis and challenges for the Left”, Public Lecture, University of KwaZulu-Natal, 23 June 2005.

⁵¹ Britain Zimbabwe Society, “What history for which Zimbabwe?”, Report on the Britain Zimbabwe Society research Days, 12-13 June 2004.

⁵² See Annex I

⁵³ S. Kwenda, “Let your fingers do the talking”, *Mail & Guardian*, 08-18 August 2008, 27

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁵ GoZ, *The Interception of Communications Act*, 2007. MISA-Zimbabwe Press Statement, 03/08/04

⁵⁵ Zimonline 30 July 2004

⁵⁵ "ZANU PF Plans cyber war against online publications" http://www.zimbabwesituation.com/aug10b_2007.html (08/10/08).

⁵⁵ *Ibid.*

Annex I: List of Blacklisted Websites

www.zvakwana.org

www.newzimbabwe.com

www.zwnews.com

www.zimvigil.co.uk

www.zimbabwesituation.com

www.allzimbabwe.com

www.crisisgroup.org

www.zimbabwe.8m.com

www.zimbabwedemocracytrust.com

www.zimonline.co.za

www.changezimbabwe.com

www.thezimbabwetimes.com

www.wozazimbabwe.org

www.zimupdate.com

www.zimpundit.blogspot.com

www.thegreatzimbabwe.com

www.zimdaily.com

www.thezimbabwean.co.uk

www.gozimbabwe.com

www.zimobserver.com

www.zimbvabwepost.com

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www.africantears.netfirms.com

www.hrforumzim.com

www.amnesty.ca

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